

What Rights Do I Have to Visit with My Grandchildren?

As a grandparent, do I have the right to visit my grandchild?

Grandparents only have the right to ask for visitation. They do not have a guaranteed right to visit and see their grandchildren. If you currently have a visitation court order, you have the right to have that order enforced.

How do I get to visit my grandchildren?

Every family is different and you know your family best when it comes to deciding how to resolve any family problems. It is recommended to first try to work out visits with the child's parents. Talk to the parents and tell them you miss your grandchild. You may also try to have a neutral person, such as a mediator, help you with this. Each Family Court in New York City has a mediation program.

If you can't agree or think that you can't talk about the problem with each other, then go to court and file papers for visitation.

What do I have to show the court in order to have visits with my grandchildren?

You must first show that you have what "standing." Standing gives you the right to ask for visitation with your grandchild. If one of the parents is deceased, then you have standing to ask for visits without having to show anything else. If both parents are living, you must show that you either have a positive existing relationship with your grandchild but are not allowed to see your grandchild or that the parents have not allowed you to have a relationship with your grandchild but that you have tried to have one.

Once you show you have a relationship or that you haven't been allowed to have one, you must then show it is in the "best interests" of the child to visit with you.

What does "best interests" mean?

There is no one way to define this. The court will look at what you've done to be part of your grandchild's life. Did you call, visit, and spend time with your grandchild? Do you know what your grandchild likes? Do you help your grandchild with school or try to help him or her learn? Did your grandchild enjoy time with you?

Do the parents have to be divorced or no longer together for me to go to court to seek visitation with my grandchildren?

No. A court can order visitation even when parents are together with the children if the parents won't let the grandparents visit the grandchild.

How do I show I have a relationship with my grandchild if the parents won't let me spend time with my grandchild?

You must show that you've made enough of an effort to try to have a relationship with your grandchild. The court may look at several things to find out whether or not you've done this. You can do this by sending them birthday cards or gifts. You can write them letters. You can call them and try to let them know that you love them. Do your best to say good things about the parents, even if you are not getting along. Do not make your grandchildren feel like they have to choose between their parents or grandparents. The court wants to see that the child won't be harmed by visiting with you.

What if the parents are strongly opposed to my seeing my grandchildren?

This is not enough. The court will consider what the parents want and will look at why the parents don't want you to visit with the child. The court may look at what has happened between you and the parents. Each case is different and you should speak to an attorney if you are unsure about your case.

How Can I Get Free Legal Help to Visit My Grandchild?

If you are a grandparent needing help to get visitation with your grandchild, you can contact MFY's Pro Bono Kinship Caregiver Law Project for advice and possible free legal representation. You can speak with an attorney on Mondays and Wednesdays between 10 a.m. and 4 p.m. by calling 212-417-3850.

Other sources of assistance include www.lawhelp.org, a website that includes information on free legal services providers, Legal Information for Families Today (LIFT) at 212-343-1122 or by visiting www.liftonline.org or the New York State Kinship Navigator which offers a variety of resources to kinship caregivers at 877-4KinInfo (877-454-6463) or visit www.nysnavigator.org.