Syndicate Legal Advisory Services

Grandparent Rights

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SYNDICATE LEGAL ADVISORY SERVICES

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The state courts are always trying to act in the best interest of a child, and in doing so will only allow grandparents visitation rights under certain situations. In situations where the parents remain together and both choose not to allow the grandparents visitation, the court will side with the parents believing it is in the best interest of the child. That being said, there are plenty of other conditions which may allow grandparents more rights.

For example, in the State of California, grandparents may pursue visitation rights with their grandchildren under any of the following circumstances (many of which may be applicable in other states):

- The parents are separated or divorced
- One parent has been incarcerated or involuntarily institutionalized
- One parent's whereabouts have been unknown for at least one month
- One parent sides with the grandparents in their request for visitation
- The child does not live with either parent
- The child has been adopted by a stepparent

Grandparents may ask for visitation rights for as long as these conditions exist. Once it has been established that one or more of the criteria for grandparents' rights have been met, the court will examine other factors to ascertain the best interest of the child. In order to do so, the court will look at the contact between the grandparents and grandchild to see if there exists an established relationship. If the child is 14 years old or older, in many states, the judge will also ask the opinion of the child. The court will also look at the child's health and safety, as well as any history of domestic abuse, or drug or alcohol abuse by any person seeking custody or visitation, including parents and grandparents.

If you are a grandparent seeking to effect "Grandparent Rights," your Syndicate Subscription Legal Plan is able to assist you with those efforts.

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