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Protecting the rights of grandparents

By Tracy Beaumont

Often when we speak with grandparents, they are in a position where they have been denied contact with their grandchildren. This is not only devastating for them, but they are often uncertain as to their legal rights. In England and Wales, grandparents do not have an automatic legal right to see their grandchildren.

When access is limited or refused, it can be one of the most painful situations a grandparent can face, but court-ordered contact is possible, provided it is in the child's best interest.

Try mediation

Before any application reaches court, grandparents must attend a Mediation Information and Assessment Meeting.

An independent mediator will assess whether the dispute can be resolved without going to court.

This route tends to be quicker and cheaper, while also putting far less strain on the family than court proceedings.

If mediation is not suitable for a variety of reasons or breaks down, a certificate is issued confirming this, which is needed before a court application can proceed.

Asking the court's permission

Grandparents usually need the court's permission before applying for a Child Arrangements Order to be able to see their grandchildren.

The court will look at the grandparent's relationship with the child and the reasons behind the application, weighing this against any risk of disrupting the child's life.

Evidence of an ongoing bond, whether that's regular visits or practical support, can make a real difference.

Where the relationship is clearly established, permission is often granted via an order, but the court must always put the child's best interests first.

This order will lay out how contact should work, from face-to-face visits to phone calls, and once granted it is legally binding.

Breaching it may lead to further action through the court, so it is important to understand its influence on family life.

How can we help?

For grandparents, each stage of trying to gain time with their grandchild brings its own challenges.

Our family law solicitors support you through all of it, with the compassion and expertise that these matters require.



For further advice, please contact Tracy in our Family Department on 01904 528361 or at txb@hethertons.co.uk
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