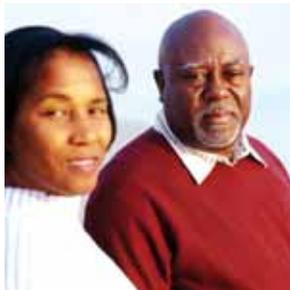


Grandparent Information Center

GRANDPARENT VISITATION



Frequently Asked Questions

Being a grandparent can be one of life's greatest joys. Sadly, some families have disagreements that make it hard for grandparents and grandchildren to spend time together. Sometimes parents won't let grandparents see their grandchildren at all.

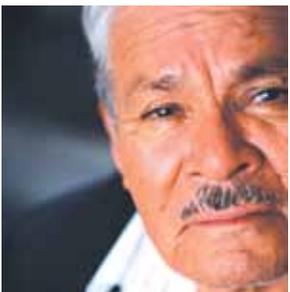
What are my options when my children won't let me see my grandchildren?

Many grandparents and parents can work out their problems on their own. Sometimes other family members can work out the problem. Another option is to find a *mediator*. A mediator is a professional who is trained to help people work out their disagreements. Hiring a mediator is often less expensive and less stressful than going to court. To find a mediator in your area, log on to www.mediate.com or call 541-345-1629.



What if I can't work this out with my family and I decide to go to court?

Grandparents do not have an automatic legal right to visit with their grandchildren. When grandparents can't resolve their conflicts through a family discussion or mediation, they may decide to ask a court for *legal visitation*. Visitation is when a court grants someone the right to visit regularly with a child. Going to court can be expensive, hard on a family, and you can never be sure what the judge will decide, so it is good to try other options before going to court.



What are grandparent visitation laws?

There are grandparent visitation laws in every state (except the District of Columbia), but these only give grandparents *in certain situations* the right to ask the court to visit with their grandchildren. The judge decides whether or not to allow the visits in each individual case.

When can grandparents ask a court for visitation?

Each state's law defines the limited situations in which grandparents can even go to court for visitation. In many states, for example, grandparents may only ask the court for visitation if one of the parents has died or if the parents are divorced. In some states, grandparents are not allowed to ask the court for visitation if the children's parents are married and both parents oppose the visits.

How do I ask the court for visitation?

Each state law has different rules for when and how a grandparent can ask a court for visitation. A grandparent usually starts the process by filing a form with the court. The form tells the judge why the grandparents think they should be allowed to visit with their grandchildren. A judge then schedules a meeting to hear the grandparents', parents', and sometimes the child's, sides of the story.

How does the judge decide whether or not to allow visitation?

The judge decides what is best for the child. The decision is made differently in every state and by every judge. Judges may consider how much time the grandparent and grandchild have spent together in the past, potential harm to the children if they don't allow the visits, and the child's wishes.

What can I expect if a court gives me visitation?

If the judge approves legal visitation, the grandparents and the parents of the children will get a signed paper that explains in detail when and where the visits will take place. This signed document is called a visitation order. The law requires that grandparents and parents do everything this order says.

Where do I find legal advice?

AARP and the AARP Foundation do not provide legal representation or advice to grandparents in individual cases. You will need to talk to a lawyer in your state who specializes in family law. The best way to find a lawyer is to ask trusted friends or neighbors. Most towns also have a professional group of lawyers called a bar association that has a list of local family lawyers.

What if I can't afford a lawyer?

Legal fees can be expensive. If you are worried about the costs, the following resources may help you find affordable or free legal services.

- **AARP Legal Services Network:** AARP members may be able to find referrals for low-cost legal services from lawyers in AARP's Legal Services Network. For more information, call 1-866-330-0753 or log on to www.aarp.org/lsn.

- **American Bar Association:** The ABA has a national directory of free or *pro bono* legal programs available by calling 312-988-5759 or logging on www.abanet.org/legalservices/probono/contact.html.
- **Elderlaw Hotlines:** More than 25 states now have telephone hotlines that provide legal advice and referrals to individuals age sixty and over. For a list of toll-free legal hotlines, visit www.aoa.gov/eldfam/Elder_Rights/Legal_Assistance/Legal_Hotline.asp or call the Eldercare Locator at 1-800-677-1116.
- **Local Law Schools:** Call the local law school in your area to if it provides free or low-cost legal services as part of a clinical program that teaches law students under the supervision of an experienced lawyer.

Where can I find more information about grandparent visitation?

The following resources provide additional information:

- **GIC Website and Grandparent Support Database:** offers a list of local visitation support groups across the country where you can talk with other grandparents going through the same thing. Additional information and articles on grandparent visitation are also available at www.aarp.org/grandparents or by calling 1-888-687-2277 (1-800-OUR-AARP).
- **American Bar Association:** has a list of the visitation laws in each state at www.abanet.org/family/familylaw/tables.html or by calling 1-312-285-2221.

The AARP Foundation is AARP's affiliated charity. Foundation programs provide security, protection and empowerment for older persons in need. Low-income older workers receive the job training and placement they need to re-join the workforce. Free tax preparation is provided for low- and moderate-income individuals, with special attention to those 60 and older. The Foundation's litigation staff protects the legal rights of older Americans in critical health, long-term care, consumer and employment situations. Additional programs provide information, education and services to ensure that people over 50 lead lives of independence, dignity and purpose. Foundation programs are funded by grants, tax-deductible contributions and AARP.