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Children Have a Right to a Relationship With Grandparents

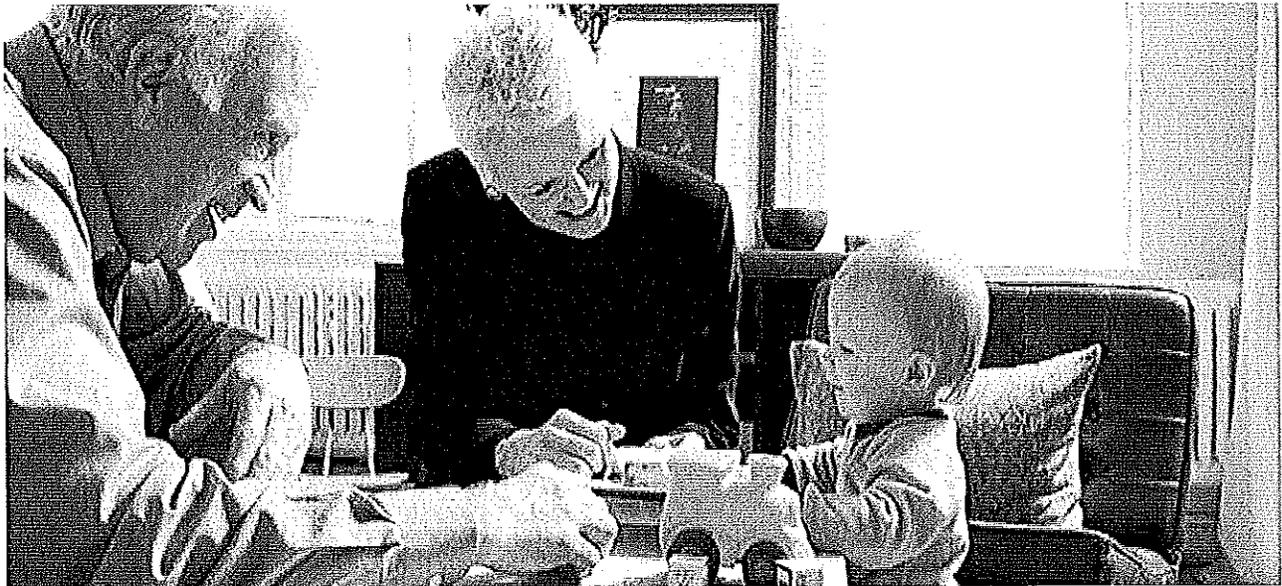


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Sometimes, a child's parents and grandparents don't get along. In some cases, the relationship is so bad that the parents forbid children from seeing their grandparents. What rights do grandchildren have in situations like this?

Grandparents Are Important to Grandchildren

Imagine a situation where the relationship between the parents and grandparents has been a difficult one for years. Despite this, they make an effort to get along. The grandparents are always thrilled to babysit their grandchildren. They adore each other. But the last argument was very serious. For several months now, the parents have prevented the grandparents from having contact with their grandchildren.

The Legal Rights of Grandparents and Grandchildren

The law says that parents cannot stop grandchildren from having a relationship with their grandparents, unless there is a serious reason.

If it is difficult or impossible for grandparents to see their grandchildren because the parents are not allowing it, then the grandparents can file a request in the Superior Court of Quebec and ask for visiting rights.

Visiting rights allow an adult who does not have custody of the children to spend time with them.

Grandparents' Visiting Rights

Grandparents who want visiting rights so they can spend time with their grandchildren can ask a judge to let them see each other as often as they did before the problem arose.

However, even if they get visiting rights, grandparents will not be allowed to spend more time with the children than the parent who did not get custody after a breakup.

No matter what the situation, the judge will put the best interests of the grandchildren first, as opposed to the interests of the parents or grandparents.

The judge will also take into account the reason why the grandparents are asking for visiting rights. The law says that the purpose of these visiting rights is to give grandchildren a chance to get to know their grandparents and develop a strong bond with them.

A judge could also decide that it is in the best interests of the children to limit contact with their grandparents. For example, contact could be limited to the following:

- telephone conversations
- letters
- family get-togethers

A judge also has the power to **stop all contact** between grandparents and grandchildren.

Refusal to Give Grandparents Visiting Rights for a Serious Reason

A judge can refuse to give the grandparents visiting rights if the parents show there is a serious reason for refusing access to the children.

An argument between the parents and grandparents is not considered a serious enough reason to prevent access.

However, any situation that is against the grandchildren's best interests can be a serious reason.

Here are some examples of when preventing access might be in the children's best interests:

- The relationship between the parents and grandparents has turned into a legal battle.
- The grandparents are a bad influence on the grandchildren.
- The grandparents are trying to take over from the parents and are constantly stepping on the parents' rights to make decisions about the children. (In other words, they are interfering with the parents' parental authority.)
- The grandparents are physically or verbally abusive toward their grandchildren.
- The grandchildren do not want to see the grandparents.

Protecting Grandchildren From Their Parents

Grandparents do not always agree with parents' choices about how the children are being raised, but they must respect the decisions of parents.

There is an exception to this rule: when the parents are putting their children's safety and development at risk.

Sometimes parents are not able to care for their children, either temporarily or permanently. This might happen if the parents have a drug or alcohol addiction or mental health problem.

If the parents are not able to care for their children, a court can award custody to someone else. In this type of case, the grandparents can try to get custody.

Important !

This article explains in a general way the law that applies in Quebec. This article is not a legal opinion or legal advice. To find out the specific rules for your situation, consult a lawyer or notary.