

When marriages break down, it is often a source of great distress to grandparents that they find themselves having less and less time with grandchildren. Historically case law has tended to consider contact in favour of absent parents, leaving grandparents feeling neglected and powerless: but the courts now recognise the huge role grandparents have and the contribution they make.

Grandparents are playing an increasingly important role in family life, offering love, support, advice and experience.

The relationship between a child and their grandparent is unique and contributes to a mutual sense of wellbeing and belonging within the family. Furthermore, grandparents now provide a significant amount of childcare support and as a result are spending more time with their grandchildren than ever before.



Who We Are

About Us

Heather Weavill and Steven Barratt at Alison Fielden & Co in Cirencester (01285 653261) are both resolution accredited Family Law Specialist Solicitors. They both have many years experience of representing parties in family breakdowns.

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**A Grandparent's right
The Relationship between
a child and their
grandparent is unique
and special**

Are you worried about losing contact?

The courts now recognise the huge role grandparents have and the contribution they make.

Over the past few years the profile of grandparents has been raised tremendously with many national organisations highlighting the asset that grandparents are to the family: and the courts have come to recognise that grandparents are an essential part of a child's life.



Try not to take sides

The breakdown of a marriage or long term partnership can be upsetting for all concerned. If you are worried about losing contact with your grandchildren, the first step is to approach either the mother or father and explain that you do not wish to take sides in the divorce but would like reassurance that you will be able to continue having regular time with the children.

If approached with sensitivity, many parents will respond to this reasonable request, but if this fails family mediation is an effective way in which to resolve contact issues and keep legal costs to a

What are your rights?

If the direct approach or attending mediation is unsuccessful, family courts do recognise and will promote the invaluable role that grandparents have to play in their grandchildren's lives.

Although grandparents do not have an automatic right to spend time with their grandchildren, the courts have come to recognise that grandparents are an essential part of a child's life and it is very rare that the court would refuse a grandparent contact unless there is evidence of abuse or violence.

Can you apply to the courts for an Order?

Only people with parental responsibility, for example parents, step-parents, guardian or a person with whom the child has lived for at least 3 years can make an application for a Child Arrangements Order.

Grandparents can, however, apply for permission (leave) to apply for an Order and the courts will consider the following:

- The applicant's connection with the child
- The nature of the application for contact
- Whether the application might be potentially harmful to the child's well-being in any way.



If you are successful, you can apply for a Child Arrangements Order through the court. If one, or both parents raise objections you are likely to have to attend a full hearing in which both parties can put forward their evidence. It is essential that you are receiving **good legal advice** at this stage because you will need to persuade the court that you have a meaningful and ongoing relationship with your grandchildren which significantly benefits their lives.

The court will always consider all the child's circumstances and must only make an order where they consider it better for the child than making no order at all. For example, they might have to weigh up whether your continuing involvement with the child might have a negative impact on the rest of the family relationships: again it is only in extreme circumstance that a court will refuse contact.

A **Child Arrangements Order** will stipulate the arrangements agreed upon including direct forms of communication such as face-to-face visiting rights; and in-direct forms such as letters, video, text, email and telephone calls etc.

The Order requires that the person with whom the child lives allows the child to stay or visit with the person named in the order, or for that person and the child to otherwise spend time with each other.