Grandparents Rights

Grandparents' rights to seeing their grandchildren

Over the past few years, parents, whether separated or not, are becoming ever more reliant on their own parents in the care of their children. Indeed, the rise in living costs together with the typical high cost in regular nursery day care often means that parents turn to grandparents for childcare support. As such, in many families, grandparents play a key role in the care and upbringing of their grandchildren. However, the separation of parents can have a wide effect on the extended family including grandparents which is often, unfortunately, a less talked about ramification.

Seeing your grandchildren

Currently, family law in England and Wales does not provide grandparents an automatic right to see their grandchildren. It is also not possible for grandparents to attain parental responsibility through applying for a Parental Responsibility Order. That being said, the parents do have legal rights to choose who their children see which may not always be a favourable position for the grandparents following a separation.

In the circumstances, it is always beneficial for grandparents to maintain an amicable relationship with their own child and other parent to have suitable contact with their grandchildren. However, as previously highlighted, this may not always be the case and grandparents are often left in the dark as to their rights to see their grandchildren.

Whilst grandparents may not have an automatic right to see their grandchildren, the family courts do recognise the invaluable role of a grandparent. Grandparents will therefore be relieved to hear that they can apply for permission from the court to apply for a court order that would afford them contact with their grandchildren. However, court proceedings shall be seen as a last resort and alternative methods should be explored.

Mediation

In the first instance, grandparents should look to potentially resolve any dispute with the parent(s) of their grandchildren through mediation. Indeed, before lodging an application, anyone seeking an order from the family court is required to have contacted a mediator about attending a Mediation Assessment and Information Meeting, unless there is an exemption. The mediator will then assess whether mediation will be suitable for your dispute.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge

In the event that alternative dispute resolution is unsuccessful, grandparents are able to seek an order from the court.

Court Order

As aforementioned, grandparents may get access to their grandchildren by way of a court order however must apply for leave (permission) from the court to do so in the first instance. In very rare cases are grandparents refused permission from the court to make an application.

Upon considering a grandparent's application for permission, each case will of course turn on its own facts and the court will take the following into consideration:

- The grandparents' relationship with the grandchildren;
- The nature of the application for contact; and
- Whether contact with the grandparents would be potentially harmful to the grandchildren's well-being.

Thereafter, once granted permission to apply, the grandparent may apply for a Child Arrangements Order to gain access to their grandchildren. In the event of any objection from either or both of the parents, then a full hearing is likely to be listed in which all parties will put forward their evidence. It may be the case that the matter is not resolved at the first hearing and the court may require a further hearing and in some cases it may proceed to a final hearing if an agreement is not able to be reached.

The court will then apply the same principles as above when determining an application for a Child Arrangements Order. In doing so, the court will also apply the 'no order' principle whereby the court will not make the order if they are not of the view that it would further the welfare of that child.

If you are a grandparent and have any questions or concerns as to seeing your grandchildren, perhaps following your child's separation from the other parent, please contact our specialist family lawyers on 01202 786161 or email online.enquiries@LA-Law.com.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge