

My child is getting divorced – how can I make sure I still see my grandchildren?

The best advice is to try not to get drawn into the marriage breakdown and don't take sides. If you are seen to be very involved in the breakdown of the relationship, particularly if you are openly critical of your former son or daughter-in-law, it is much harder to maintain an amicable relationship with them and this can make them less agreeable when it comes to arranging regular contact.

Try to accept that marriages end for a variety of reasons and few of them are ever clear cut. Accept that the best thing for the children is to not be drawn into the middle of a battle and try to offer them a safe and neutral space where they can come without fear of hearing one parent be criticised. Ultimately, the best relationship you will have with your grandchildren will be one that is supported and promoted by the children's parents.

Do grandparents have rights to see their grandchildren?

In some circumstances, it is not possible to remain amicable with your grandchildren's parents; this could be if one parent has died, your child does not or cannot have their own relationship with their children or you do not have a relationship with your own child anymore. In those circumstances, it may be possible and appropriate for you to apply to the Court for an Order to spend time with the children.

Grandparents do not have 'rights' to see their grandchildren, however the Court is tasked with deciding applications based on what is in the best interests of the child. If you are able to establish that a regular relationship with you would be in your grandchildren's best interests, a Court can make a Child Arrangement Order in your favour. As someone who is not a parent nor in possession of Parental Responsibility for the child, you will first have to apply to Court for permission to make an application. In determining this preliminary application, the Court will want to be satisfied that the nature and quality of the relationship to date and the likely relationship in the future is such as to warrant an application being put before the Court.

What is a Special Guardianship Order and how can I get one?

A Special Guardianship Order (SGO) is an Order made by the Court that is part way between a Child Arrangement Order and an Adoption Order. In making a Special Guardianship Order, a Court is intending that the arrangement will last for the remainder of the child's minority, unless a significant change of circumstances for the child or the child's parent can be shown.

Parents retain their Parental Responsibility for the child, even after the making of the SGO, and the child remains the legal child of the birth parents (unlike adoption). However, an SGO confers an 'enhanced Parental Responsibility' on the Special Guardians meaning that they can make all day-to-day decisions about the child (such as which school to attend and what medical treatment to receive) without the agreement of the other holders of Parental Responsibility. The only thing Special Guardians cannot do without the consent of the other holders of PR is move out of England and Wales or change the child's name.

I don't think my grandchildren are safe – can I make an application to Court for them to live with me?

Yes, subject to getting permission of the Court via a preliminary application, you can apply for a child to live with you under a Child Arrangement Order. However, if your concern is the safety of the children, then unless this is not disputed, you will need to produce evidence of the safeguarding concerns.

It is likely in these circumstances that Social Services have been involved with the children and you should liaise with all professionals involved with the children to see if your concerns for the safety of the children are shared. If there is professional support for your application, such as the support of a Social Worker, it is more likely that your preliminary application for permission to make a full application and the full application itself will be successful.