

Grandparents' Visitation Rights in a Divorce

Grandparents May Have Visitation Rights to a Grandchild

Grandparents may petition the court for reasonable rights of visitation of a minor child as long as access by the grandparent to the child has not been restricted for any reason so far. In making its determination about grandparent visitation, the court considers the following:

- whether visitation is in the best interest of the child,
- whether the visitation will interfere with any parent-child relationship or with a parent's authority over the child,
- the nature of the relationship between the child and grandparent, including the frequency of contact, whether and how long the child ever lived with the grandparent and whether the child's physical or emotional health would be endangered by visitation or lack of visitation,
- the nature of the relationship between the grandparent and the child's parent, including whether friction exists and how that friction would affect the child,
- the circumstances that caused the absence of a nuclear family, such as death, divorce, relinquishment of parental rights,
- recommendations regarding visitation by guardian ad litem,
- preferences expressed by the child.

In New Hampshire, there are several circumstances in which courts may award grandparents visitation rights:

- if the parents have filed for divorce,
- if the parents are divorced,
- if one or both of the parents is deceased,
- if one of the parents has had his/her parental rights terminated,
- if the child has been born out of wedlock, if the child has been legitimated,
- adoption of the child terminates all grandparents' rights.

Generally, the natural parents will have a presumptive right to custody. Only in cases where the parents are found to be unfit, or there are exceptional circumstances, will third parties be granted custody. At any time after a divorce, grandparents may petition the court for visitation rights.

Read the New Hampshire law about [Grandparents' Visitation Rights](#).

Try Also Reading...

- [Filing for Divorce in New Hampshire](#)
- [Basics of NH Divorce Law](#)

Date: August 2014

Author: LEGAL ADVICE & REFERRAL CENTER