

Grandparent Visitation: What are my Rights?

Services

Family Law

- Child Custody & Visitation

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Grandparents in Massachusetts do not have an automatic legal right to see their grandchildren. Many times, Grandparents visit with their grandchildren with permission and coordination from the Parents. But what happens when the Parents don't allow Grandparents to visit?

Grandparents do have an option to gain visitation rights with their grandchildren through the court. There are a few situations where Grandparents may ask the court to be granted visitation rights to grandchildren:

- If the child's parents are divorced
- If the child's parents are married but living apart, while under a temporary order from the court of separate support
- If one or both child's parents are deceased
- If the child was born out of wedlock if paternity has been established by the court and the parents are not living together.

Grandparents will have to file an affidavit with their Petition. This is a statement, written and signed by the Grandparents under pains and penalty of perjury, that should describe the relationship between grandparents and the grandchildren. It should also describe how Grandparent visitation will be in the best interest of the grandchildren. Grandparents must also describe in their affidavit how it will be harmful to the grandchildren's health, safety, or welfare if they cannot see the Grandparents. Grandparents must have such a substantial relationship with the children to succeed in a Petition for Grandparent visitation.

After receiving the Petition, the court will schedule a hearing. If the Petition is granted at the hearing, the Court has the authority to grant reasonable Grandparent Visitation rights.

If you have any questions regarding Grandparent visitation rights or you are a parent seeking to prevent a petition for grandparent visitation from being granted, please feel free to contact Cohen Cleary, P.C. at [\(508\) 880-6677](tel:5088806677) to speak with one of our experienced [attorneys](#) about how we can assist with your matter.