



legal chat

with Solicitor

MARK TOBIN

GRANDPARENTS & FAMILY LAW

When couples separate it is always an emotional time and if they have children more so and in the event of a dispute it is the Family Law Act that deals with how things will be handled. At the outset the law makes it clear that the main issue is what is in the best interest of the child, not what a mother or father might want themselves. The law is also strong on the rights of the children to know and be cared for by both the parents as well as other people significant to them, particularly with their welfare and development and that can include the grandparents and others. In most situations it is hoped that separating couples can come to an amicable agreement about the children, that is with all aspects of their lives, where they live, the time they spend with their parents and many other issues and the grandparents can be included in these plans. In most cases the arrangements are informal but in certain circumstances more formal arrangements need to be put in to place which usually start off with negotiated written agreements called Parenting Plans. Unfortunately, in some cases Court Orders are needed to ensure the arrangement. Grandparents are specifically recognised in the Family Law Act although this does not mean they have an automatic right to spend time with the grandchildren, it depends on the circumstances. If necessary, the Court can decide what is in the best interest of the children and for grandparents that

may mean the time they spend with them, or what communication there is with them and even if they should live with the grandparents. A child's best interest could be served by them spending time with and having a meaningful and continuing relationship with the grandparents and other relatives. There are many factors considered which can include not disrupting the current situation and involvement with grandparents, the parent's willingness to help such situations, the practicalities of it as well as the views of the child depending on their age and maturity. Also, the child's lifestyle and background with traditions and particular cultures are important. **Johnston Tobin Solicitors can assist you with all your Family Law issues, give us a call if you would like more information.**



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