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Family Ties

Category: Grandparents Rights

Just imagine for a moment what it would be like to become a parent again, when most people your age are considering retirement. It's a reality for grandparents like Marilyn Stevens, President of the Grandparents Raising Grandchildren Association, whose own daughter left her infant child with Marilyn to babysit. That was over ten years ago. She's remained with Marilyn ever since. I recently spoke with both Marilyn and Rev. Melita Thornhill, Grandparents Advocate, about the subject of grandparent's rights.

According to Marilyn and Melita, there is an ever increasing trend by grandparents to seek custody and access orders for their grandchildren. They both agree that changes to the B.C. Family Relations Act, which specifically requires the court to consider grandparents (and others) when making custody and access orders, has dramatically improved opportunities for grandparents. It's a vast and profound difference from the time, ten years ago, when Marilyn obtained custody of her granddaughter.

But its a change not altogether welcomed by some newly formed parents groups who claim that the changes reflect the continuing erosion of parental rights. They argue that fit and responsible parents should be able to make whatever parenting decisions they wish, which would include limiting or restricting the children's association with their grandparents. They claim that grandparents often decide to become involved because of a desire to either correct past parenting mistakes of their own or because of issues of power and control.

In Melita's opinion, she believes that any decision by the parents must also be viewed in light of the best interest of the child. It is not the interests of either the parent or the grandparent but that of the child which should influence decisions of grandparent custody and access. Responding to the argument that the law makes it easier for unfit grandparents to associate with their grandchildren, she acknowledges that not all grandparents (or parents) are suitable candidates

to exercise custody or access. But she also points out that people can change for the better at any time throughout their life, and past poor parenting performance is not necessarily an indicator of future grand parenting success.

Both agree that the vast majority of grandparent involvement in the court process is prompted by issues of substance abuse or neglect of their grandchildren by the parents. In an ideal world, says Marilyn, the grandparent would step in, take custody of the child, assist the parent in the recovery and healing process, then return the child to the parent. But this is rarely possible since parents often remain unwilling or unable to resume the role of parent.

Lastly, both Marilyn and Melita agree that the adversarial court process is not the best forum to make decisions affecting children, parents and grandparents. They believe, as I do, that the process of family law mediation offers the most productive and long lasting resolution for everyone.

If you, or someone you know, would like to know more, call the Canadian Grandparents Rights Association at (604)589-8242. 