



My grandchild is accommodated by the local authority but my daughter has told them that I am not to see him/her. What can I do?

If your grandchild is being accommodated the local authority does not have parental responsibility. If they do not do what the mother wishes she may remove the child from the foster home which may not be in his/her best interests. You should arrange a meeting with the responsible social worker as soon as possible to discuss the situation, and you should try to persuade your daughter to change her mind. If she will not do so you can ask social services if they will set up mediation between you and her. If all else fails you can apply to the court for leave to make a Contact Order application under section 10 of the Children Act 1989.



If I cannot see my grandchild can I write to him/her?

Ideally, of course, contact should be face to face so that you and your grandchild can enjoy each other's company, and in principle this is the most beneficial form of contact for a child. However, if family relationships do not allow this, you may write to your grandchild and send him/her greetings card and small presents for birthdays, Easter and Christmas or other

appropriate occasions. Whether they are passed on to the child will be in the hands of the parents, of course. This is known as 'indirect contact', and though not as valuable as direct contact, it will let the child know you love and think about him/her and it will help to keep your memory alive for the child. For older children indirect contact by way of 'phone calls' may be possible. Audio or video tapes are alternatives if you possess the necessary equipment. If you have a computer it may also be possible to have contact by e-mail. It will put the child in a difficult position with the parents if any form of indirect contact is made without their knowledge. Making the child keep secrets is not a sound basis for any relationship. It is much better to keep everything open and above-board. If it is necessary to seek a Court Order, the court may be prepared to order indirect contact when it does not consider that direct contact would be in the best interests of the child.

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Grandparents' Association

Moot House, The Stow, Harlow, Essex CM20 3AG

Office Tel-Fax: 01279 428040

Advice and Information Line: 01279 444964

Email: info@grandparents-association.org.uk

Web: www.grandparents-association.org.uk

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The Grandparents' Association wish to thank The Law Society Charity for funding this series of Fact Sheets.



Working for children

The Grandparents' Association
Company Limited by Guarantee
Registered in England: 5204434
Registered Charity No. 802850

What is contact?

Contact means what it says – any form of contact face-to-face, for an hour or several days (direct contact), or by letter, phone, greetings cards or exchange of photos (indirect contact).



When does the court get involved?

The court only becomes involved when the adults cannot reach agreement about contact. It is important from a child's point of view that when relationships between adults break down, the child's relationships with the adults are maintained. Most families manage this informally, but when hostility between parents occurs contact can be difficult, and those difficulties may spill over into other relationships, such as with the grandparents. In those circumstances the parent who has the day to day care of the child might refuse to let the child have contact with the grandparents. Sometimes a conflict between parents and grandparents can also lead to the child being denied contact with the grandparents. It is part of a parent's exercise of parental responsibility to decide whom the child may see, and if they deny you the opportunity to see or speak to your grandchild, this can be very hard on you. The parents may take this decision because they honestly believe that it is in the best interests of the child – or to punish you for some wrong they feel you have done them.



What can I do to get contact?

If you believe that the person denying you contact is wrong and that the child wants to see you and is distressed that he or she is no longer seeing you, you will want to do all that you can to restore contact. The best solution is to talk to the parents and explain why you think it is important for the child to have contact with you. If they will not change their minds, or will not talk to you, suggest they consider mediation. If all else fails and you have no other alternative, and you still believe that contact with you is in the child's best interests, you can apply to the court for leave (permission) to apply for a Court Order for contact (see below).

What is a contact order?

A Contact Order as defined in section 8 of the Children Act 1989 is an order requiring the person with whom the child lives to allow the child to visit or stay with the person named in the order, or for that person and the child otherwise to have contact with each other. A Contact Order may also say that no contact is to take place.



How do I get a Contact Order?

If there are other family proceedings in progress (eg divorce) you can ask the court for leave to be joined as a party (ie take part in the proceedings) and apply for a Contact Order. If you and the parents have fallen out, there will not usually be any proceedings and you simply have to ask for leave to make an application for contact. You can only make an application for contact if the court gives you permission. In contact proceedings the child's welfare is the paramount consideration for the court. The court has to consider all the child's circumstances and have regard to a checklist of matters that includes the child's wishes and feelings and any risk of harm there may be to the child.



What if I get an Order but the parents still prevent me from seeing my grandchild?

Most people obey a Court Order, but some will be so opposed that they will defy it. The court can impose a fine or even, in an extreme case, imprison someone for disobeying an order. It will be reluctant to do this to a person who is caring for the child since the child would suffer or be deprived of his or her primary carer. Nevertheless, there have been cases where the court has enforced contact by punishing the person for disobeying its order by imprisonment.