



MISSOURI  
714 Locust Street  
St. Louis, MO 63101-1699  
TEL: 314 621.2939  
FAX: 314 621.6844  
[www.lashlybaer.com](http://www.lashlybaer.com)

ILLINOIS  
20 East Main Street  
Belleville, IL 62220-1602  
TEL: 618 233.5587  
By Appointment Only

## GRANDPARENTS' RIGHTS

When parents divorce or one parent dies, grandparents are often concerned about how such events will affect their relationship with their grandchildren. Missouri legislators and the courts have recognized these concerns and have provided some remedies for grandparents. In Missouri, the law allows for grandparents to petition the court for reasonable visitation with their grandchildren in certain circumstances. The Petition for these rights is extremely time-sensitive and such rights need to be requested of the court in short fashion. In the case where the parents are divorcing, grandparents need to intervene in the dissolution action solely on the issue of visitation rights. In determining whether to grant such visitation, the Courts take into account what is in the best interests of the children.

Grandparent visitation is determined on a case-by-case basis. There are several factors considered by the court in awarding grandparent visitation including: the child's best interest, whether the grandparents had a consistent relationship with the child in prior years, whether the grandparent was the primary caregiver for the child, and the frequency and flexibility of the visitation requested. The court will examine all of the factors in each case to determine whether grandparent visitation is necessary as well as determining the appropriate amount of the grandparent's visitation.

While a grandparent does have the right to seek visitation, such visitation is not without limitations. Missouri courts have consistently ruled that grandparent visitation should not be excessive but be occasional, temporary visitation. For example, while a parent may be awarded visitation every other weekend, such visitation is considered too excessive for a grandparent, even if one parent is incarcerated. Visitation with a grandparent is allowed only when a court determines that visitation with the child is in the child's best interest and does not endanger the child's physical or emotional development.

When a child is adopted or parental rights are terminated, a grandparent may become concerned about their visitation with the child. If a grandparent had previously been awarded visitation with a child, an adoption or termination of parental rights does not automatically terminate that grandparent's visitation. As with a parent, if a grandparent had previously been granted visitation, termination of those visitation rights must be done so pursuant to a court order.

For more information, please contact your Lashly & Baer attorney, or [Allison S. Lee](#) or [Jennifer A. Tyus](#) at (314) 621-2939.