

# Grandparents Visitation Rights After Divorce

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When two people get divorced, few people ask how it will affect the grandparents in the scenario. However, **divorce stretches out to everyone in the family**, and not everyone agrees on what is best for everyone moving forward after the split. Learn more about how the courts handle it in the US and in Utah specifically from the experts at [Wall Legal Solutions](#).

## Grandparent Visitation Rights After Divorce

The laws vary for [divorce](#) based on the state you live in, with the courts trained to see the situation for what it is. Emotions could decisions during divorce, and family members can be punished for the perceived sins of the non-custodial parent. **However, when one parent decides that the child shouldn't be able to visit the other parent's parents, you don't have to accept this decision.** The most famous case is [Troxel v. Granville](#), where the Supreme Court addressed grandparent visitation rights. They ruled that a judge has to consider the situation before giving his ruling. Meaning, **if you were an involved grandparent prior to the divorce, it is not in the child's best interest to have that presence and source of support cut out of their lives entirely.** Unless the parents can provide reasons that legitimately show that the child will be at risk, the courts will generally mandate that grandparents have the rights to visitation. However, the question of how much or how long is a complicated one.

## Utah Grandparent Visitation Laws

If you live in the state of Utah, it's worth noting that judges have select criteria to consider before they make their ruling. If the wife was wronged by the husband, she cannot simply say that she's trying to sever all ties to him and therefore cannot see or talk to his parents. **Instead, judges will start looking into how fit the grandparents are (mentally and physically) to care for the child.** The judge will consider who the [custodial parent](#) is, and how that decision was made, such as whether or not the person is a widow or if the other spouse lives outside the state.

**Judges may not be as likely to approve grandparent visitation if the grandparent hasn't already been involved in the child's life prior to the separation or dissolution of the marriage.** However, [mother's](#) and [father's](#) rights are always considered above the grandparents. One case in Utah involved grandparents who were granted very limited visitation after failing to prove that it would harm the child if he or she was unable to see them. In another Utah case, grandparents were denied custody even though their son (the father) was not really a part of the child's life prior to the mother's death.

There has to be major evidence of [abuse or neglect](#) rather than a short absence where the child was still being looked after. **If you're looking to gain full custody, you may be able to do so if you can prove that you are already acting as sole provider and parent, and that the biological parent is abusive, or otherwise unable to care for their child financially, emotionally, or mentally.** The bond between you and the child must already be strong, and you must not be receiving any type of financial compensation for caring for them.

## Legal Representation from Wall Legal Solutions

Because grandparents have their work cut out for them to prove their worth, they need **excellent lawyers who know the system inside and out.** If you're convinced your care is in the best interests of the child, then [contact Wall Legal Solutions](#) to help you make your case. Our firm can handle any matter when it comes to [family law](#), including divorce, [wills and trusts](#) and parental rights. Give us a call today for a free consultation at 801-441-2388.