**What are Grandparent Rights in Illinois?**

Grandparents are an important part of a family, and love their grandchildren as they love their own children. They provide affection, love, attention, and advice to their grandchildren that contributes to raising them to be good, responsible adults. However, if parents get divorced or the relationship between parents and grandparents is severed for any reason whatsoever, grandparents are given limited legal rights to visitation in Illinois.

Certain circumstances arise when a child cannot live with one or both parents and courts turn to non-parents, such as grandparents, to grant parenting time and allocation of parental responsibilities (former visitation rights and child custody). Illinois laws make it difficult for grandparents to get to keep their grandchildren, as they must meet certain requirements.

**Grandparent Rights under Illinois Law**

According to the [IMDMA](http://www.ilga.gov/legislation/BillStatus.asp?DocTypeID=HB&DocNum=1414&GAID=13&SessionID=88&LegID=86113), a grandparent is allowed to request for reasonable visitation rights if the parent has given an unreasonable denial of visitation, but the grandparent has managed to keep a beneficial relationship with their grandchild for about a year or more. However, this condition applies on the period after the parent has severed relationship with the grandparents.

The severance of the relationship by the parent or parents should be unreasonable, and should not be due to possibility of harm, danger, or abuse to the child. Moreover, conditions of a significant beneficial relationship must be met, which include:

* The child lived with the grandparent with or without the parent for at least 6 consecutive months in a period of 12 months
* The primary caretaker of the child was the petitioning grandparent during the 6-month period
* The grandparent must have stayed in-contact with the child regularly during the 12-month period

**Factors Affecting Grandparent Rights for Visitation**

The courts take into consideration several factors when determining whether to approve or disapprove the request of a grandparent for visitation, including:

* The best interests of the child
* The physical and mental wellbeing of the grandchild and petitioning grandparent
* The wishes of the grandchild
* The length and quality of relationship of the grandchild with the petitioning grandparent
* The good faith of the petitioning grandparent in seeking visitation
* If the parent is denying visitation, the underlying reasons for the denial
* The amount of visitation being requested by the petitioning grandparent and whether it will have any effect on the daily life of the grandchild
* Lastly, whether the visitation schedule for grandparents can be made in a way to avoid conflicts between grandparents and parents, keeping the child away from such type of negativity

**Other Applicable Situations for Grandparents Visitation Rights**

There are several other situations when grandparents can step up and claim their visitation rights or even try to be awarded custody of their grandchild. The child must be at least a year old, and one of the following situations must be true:

* One or both parents have been incarcerated in prison or jail for at least 3 months
* One or both parents have been declared incompetent or fit to take responsibility of the child
* The parents are unmarried and live separately
* One or both parents are either deceased or have been missing for 3 months

For more information on grandparents rights or to get legal assistance for a case pertaining to this area of law, you should [contact](http://casement.net/contact/) Casement Group, P.C. today at (847) 888-9300 to discuss your needs with an [experienced and reliable attorney](http://www.casement.net/).