**Can I Get Visitation with My Grandchildren?**

Divorce and other family issues do not just affect parents and their children; they have the potential to negatively affect grandparents, too. As such, grandparents in Illinois may have questions about how a custody arrangement may affect them, and what their rights are if one or both parents does not want the grandparent to see the grandchild. For grandparents in Illinois, getting visitation rights with grandchildren is possible, but only under very limited circumstances.

**Filing a Petition for Visitation**

The best thing for a child, parents and grandparents alike is for all parties to agree about grandparent visitation. However, sometimes, for whatever reason, one or both parents may deny a grandparent the right to see their grandchild. When this is the case, a grandparent may file a petition for visitation. However, it is important to note that the state of Illinois is decidedly [pro-parent/anti-grandparent](https://www.isba.org/committees/women/newsletter/2007/11/grandparentsvisitationrightsarestil) in visitation decisions, and a petition for visitation may only be filed by a grandparent when there has been an “unreasonable denial of visitation by a parent and the denial has caused the child undue mental, physical, or emotional harm” ([750 ILCS 5/602.9](http://www.ilga.gov/legislation/ilcs/documents/075000050K602.9.htm)). In order to meet this standard, the petitioner (grandparent) will need to present different evidence types, as it is the petitioner who carries the burden of proof to establish that the parents’ actions have caused or will cause harm to the child. In addition to proving harm, the court may also consider such factors such as:

* The child’s preferences, depending upon the child’s age and maturity level;
* The mental and physical health of parties involved;
* The reasons and good faith of the party who is denying visitation between the child and grandparent;
* The relationship that exists between the child and grandparent;
* Existing conflicts between adults (grandparent(s) and parent(s)) and how those conflicts can be minimized to have minimal effect on the child; and
* Other factors the court finds relevant.

Grandparents may also seek visitation when one parent is unreasonably denying visitation and the other parent:

* Is deceased or has been missing for at least 90 days;
* Is incompetent; or
* Is incarcerated for at least 90 days.

Visitation may also be sought when parents are divorced or separated and one parent does not agree with the decision to deny the grandparent visitation.

**Help Seeking Visitation Rights with Your Grandchild**

If you are a grandparent, spending time with your grandchild may be one of your greatest pleasures in life, and being denied this opportunity can be heartbreaking. While the state of Illinois has made it difficult for grandparents to seek visitation with their grandchild when parents are opposed to it, a successful petition for visitation may be possible.

At the law offices of Fay, Farrow & Associates, P.C., our [experienced grandparents’ rights and child visitation attorneys](http://www.faylawfirm.com/) can help you understand the law, how to file a petition for visitation, and the burden of proof. To learn more, please contact us today online or by phone by calling 630-961-0060.