

Alternatively, if you do decide to file an application for **access** or **custody** with the court, your file will be forwarded to FJS. FJS will work with you to try to mediate a settlement before the court process begins.

#### How do I contact FJS?

There are 11 offices province-wide.

#### Avalon Region:

St. John's: 709-729-1183

Carbonear: 709-945-3137

#### Central Region:

Clarenville: 709-466-4036

Marystown: 709-891-4138

Gander: 709-256-1205

Grand Falls-Windsor: 709-292-1194

Lewisporte: 709-535-3212

#### Western Region:

Corner Brook: 709-634-4174

Stephenville: 709-643-8396

#### Labrador Region:

Labrador City: 709-944-3209

Happy Valley-Goose Bay: 709-896-7904

#### Do I need a lawyer to deal with a family law dispute?

Family law is a complex area of the law and a lawyer's advice is highly recommended.

Even if you do not go to court you may still want a lawyer to advise you of your rights and to review any agreement with you before you sign.



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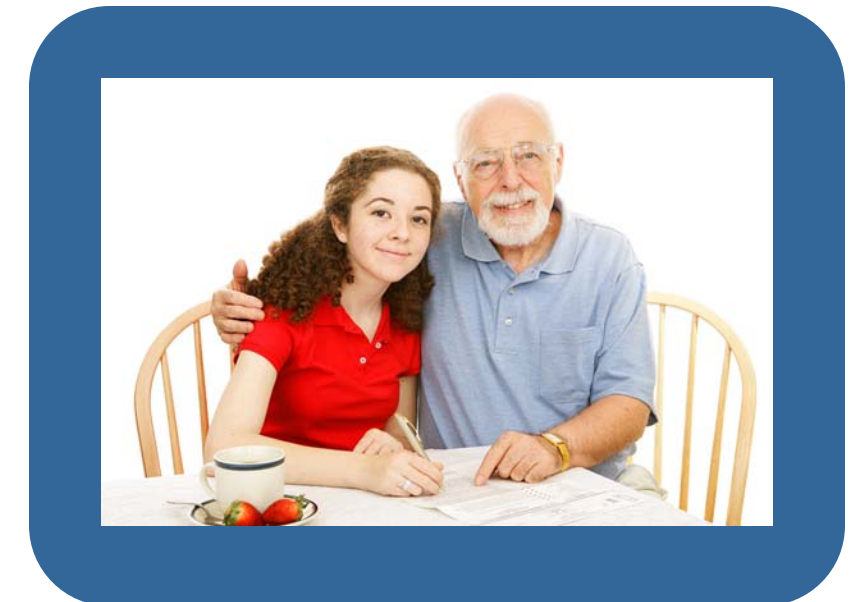
### Public Legal Information Association of Newfoundland and Labrador

Suite 227, 31 Peet Street, Tara Place  
St. John's, NL, A1B 3W8  
Phone: 709-722-2643  
Toll Free: 1-888-660-7788  
Fax: 709-722-0054  
Email: [info@publiclegalinfo.com](mailto:info@publiclegalinfo.com)  
Website: [www.publiclegalinfo.com](http://www.publiclegalinfo.com)

**Public Legal  
Information**  
Association of NL

**Seniors  
and  
the Law**

In Newfoundland and Labrador



**Grandparents & Grandchildren  
Custody and Access**

*Dedicated to Educating Newfoundlanders  
and Labradorians about the Law*

**DISCLAIMER:**

This brochure contains general information only, and is not intended as legal advice. In order to discuss your particular situation, we suggest you consult with a lawyer.

**What the words Mean**

**Access:** The right to visit a child and to be informed about the child's health, education, and welfare.

**Custody:** The legal right to have responsibility for, and make decisions about a child.

**I am being denied the right to spend time with my grandchildren! Do I have any right to take the matter to court?**

Yes, the *Children's Law Act* of Newfoundland & Labrador specifies that grandparents have a legal right to apply to court for **access** to their grandchildren.

**What is considered by the judge when deciding whether I can have access to my grandchild?**

The judge's decision will be based on what is in the "best interests" of the child. Grandparents can be a source of love and guidance to their grandchildren. Courts have recognized that maintaining relationships with extended family is often in a child's best interests.

The judge will consider many other factors when deciding whether it is in a grandchild's best interest to

spend time with a grandparent. Factors might include the emotional ties between the grandchild and the grandparent, the ability of the grandparent to provide guidance and support, the permanence and stability of the child's environment and the preferences of the child. The court will consider other factors which are relevant to the issue of what is in the child's best interest. The court will also consider whether the individual applying for **access** may pose a danger to the child.

**My grandchild wants to live with me on a permanent basis. Do I have the right to apply for custody of my grandchild?**

Custody refers to the legal right to have responsibility for and make decisions about a child. The *Children's Law Act* of Newfoundland & Labrador specifies that grandparents have a legal right to apply to court for **custody** of their grandchildren.

**What will the court consider if I apply for custody?**

A decision about **custody**, like a decision about **access**, is made based on the best interests of the child.

The court will consider numerous factors to determine what is in the best interests of the child including the grandparent's ability to parent the child and to provide a long term home.

In **custody** cases, maintaining a consistent environment for the child is often a primary concern. Grandparents are most often granted **custody** where the grandparent has been the primary caregiver to a child, or where a grandpar-



ent has been a significant presence in the child's life and the primary caregiver is no longer able to have **custody** of the child.

**Do I need to go to court?**

Not necessarily. It may be possible to resolve a conflict over custody or access without going to court. Going to court can be financially and emotionally draining. It may make family conflict worse and can create a stressful environment for the entire family, including children.

Other options include negotiation or mediation. If you and the parents of your grandchild can come to an agreement, this can be finalized in writing and filed with the court.

**What is mediation?**

In mediation an independent person will work with the parties to try to come to an agreement. If mediation is unsuccessful you can then go to court to resolve the issues.

**Is there anywhere that offers free mediation services for family law?**

Family Justice Services (FJS) provides free mediation services in **custody** and **access** disputes. If you have not filed a court application, this service can be accessed by filing out a Request for Service Form which you can receive by contacting a FJS office. The form must be completed and signed by both parties to the dispute.