

BowTieLawyer

12/05/2012 · 12:52 PM | EDIT

Grandparents, Not Just for Babysitting (Grandparent's Visitation in Mississippi)

For as long as people have had children there have been grandchildren. Where there are grandchildren there are Grandparents. Where there are free babysitters!



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Mississippi has a statute, MCA 93-16-3, that specifically provides for Grandparent's Visitation. Grandparent's Visitation is different from just being in the child's life. Specifically, Grandparent Visitation is for when the mother or father of the child dies, to insure continues to have access to the child or when the Grandparent and their child have a falling out and the Grandparent has a viable relationship with the grandchild's life, and also in divorce and/or Termination of Parental Rights (TPR) situations.

The law provides a viable relationship may be proven by showing that the grandparent has supported the grandchild in whole or in part prior to the filing of the petition, or the grandparent had frequent visitation for one year prior to the filing of the petition.

The case of *Martin v. Coop*, 693 So.2d 912, 913 (Miss. 1997), list the factors the Court considers when determining the amount of Grandparent's Visitation:

- Potential disruption in the child's life;
- Suitability of the grandparents' home;
- The child's age;
- The age, physical and mental health of the grandparents;
- The emotional ties between grandparents and the child;
- The grandparents' moral fitness;
- Physical distance from the parents' home;
- Any undermining of the parents' discipline;
- The grandparents' employment responsibilities;
- The grandparents' willingness not to interfere with the parents' rearing of the child.

Usually grandparent visitation is not the equivalent of parental visitation. Meaning grandparents will not get every other weekend under most circumstances.

A Grandparent Visitation suit can also result in the Grandparents paying their own attorney fees PLUS those of the mother/father as provided by law.

Grandparents have rights in Mississippi to see their grandchildren.

**Grandparent Visitation is different from a grandparent seeking custody, which is a different standard and a blog for another day.

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