

When a divorce happens, it also adversely impacts grandparents

Divorce can obviously be difficult on everyone in a family, but often forgotten in those situations are the lasting effects divorce also has on grandparents, especially when the grandparents rights of visitation are in jeopardy.

Michigan law states that the best interest of children is legally left to their parents. Ideally that would be worked out between the parents to include time with grandparents. When it isn't, grandparents can petition the courts to gain visitation rights as well, but it can be a tough route to go.

"It's definitely different today than it was five to six years ago," said Alpena Attorney Bill Pfeifer.

With amendments made in 2004 to the custody statute regarding grandparenting time, the burden of proof is no longer on the shoulders of parents. Before then, parents were required to prove that by spending time with grandparents, their child would face some sort of physical or emotional harm.

After finding this unconstitutional, the Michigan Supreme Court revised the law and gave the responsibility to grandparents. They must prove harm will not come to the child by spending time with them but rather that the child will be harmed in restricting visitation.

"There's a presumption that a parent's decision to deny grandparent time does not create risk of harm to the child," said Alpena Attorney Dylan Wallace. "In order to get some grandparent time, grandparents have to rebut that presumption and prove that not having time with the grandchildren would

substantially harm or substantially risk harm to the grandchildren."

Pfeifer said the statute gives parents the responsibility of ensuring their child's best interest, and if both parents agree that their child should not spend time with grandparents, the court will not consider a rivaling opinion of any other party.

"The statute says parents of children should have the right to establish who those children see in spite of everything else, even with well intentioned grandparents," Pfeifer said. "Unless you can show that there's some harm, the parents' decision to not let (you) see (grandchildren) trumps any right that you may have a grandparent."

But the best interest of the child can be lost in the heat of a divorce or custody battle, said Alpena Attorney Lora Greene.

"Say a grandparent goes as far as litigating an issue. Even if they win, they're potentially creating even more anger and hurt feelings in the relationship that becomes harder to mend... (Sometimes) when people divorce, they act emotionally not logically...but start acting more logically later on," she said.

Without court allowance of grandparent time, the norm is upset, Wallace said.

"The larger impact is that they don't have the face time with the relatives that you would under a traditional family setting," he said.

In addition, a child's own schedule can become compromised with increased visita-

tion requirements.

"Either (parents) have joint custody or one parent has primary which means there is already a schedule a child has to follow to see his or her parents every other weekend or on weekdays. That gets pretty confusing for everybody let alone the child. They don't have a schedule of their own," Greene said.

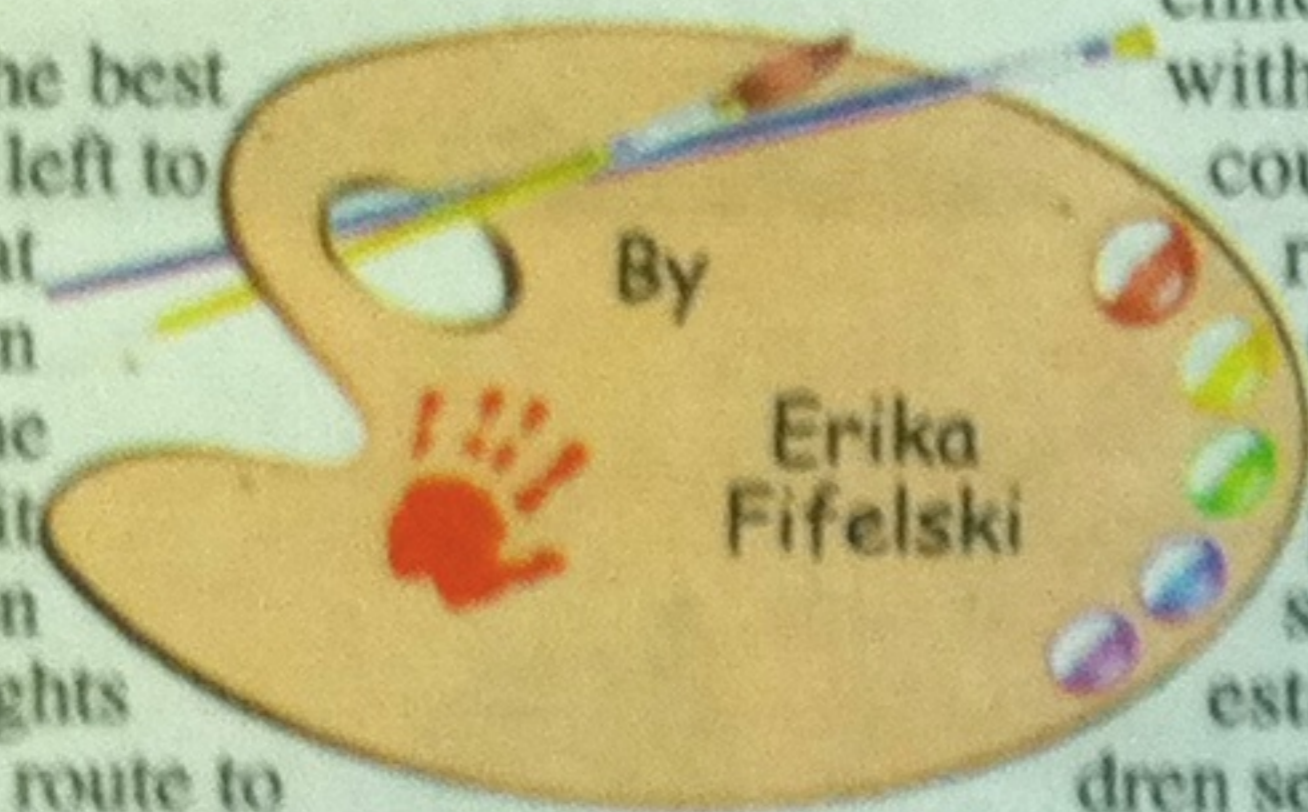
Ultimately, parents and grandparents alike should think of the child first when deciding what would be in his or her best interest, Greene said.

"Most parents, even if they are going through a divorce and don't care for their spouse or spouse's parent, typically see beyond that and see what is better for the children," she said.

Greene and Pfeifer both advise families in these situations to try to resolve the matters outside the courtroom, whether through family discussions, family counseling or mediation.

"My suggestion is always try to resolve disputes before they get out of control and before they end up in court," Greene said. "A lot of it is just working through those issues and trying to maintain the status quo for those kids."

Grandparents can be a stabilizing force for children in the midst of a divorce, and



Pfeifer said there is help for grandparents who seek to spend more time with their grandchildren.

"I think for all children grandparents can play a very important and vital role in their life and so if a grandparent feels like they're not getting enough time with their grandchildren, I suggest they seek resolution through parents, and ultimately there is assistance through the court if need be," Pfeifer said.

This website turns classrooms upside down

Normally this column is devoted to young children. This week is different. If you are a parent or grandparent with chil-

They follow the movie explanation until they understand it and practice some

spend more time giving one-to-one instruction and understanding can be

guages. Palo Alto, California schools, site of the pilot project, found that sup-