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## **Grandparent Have Limited Rights to Visitation in New Mexico**

Disharmony in the family can be disruptive to everyone involved, particularly when a grandparent is denied visitation by the parent of a grandchild. Denying contact can come through many means, including disagreements in parenting philosophies. When this happens, grandparents have little recourse in cases where the child's immediate family is still intact. Grandparent time-sharing and visitation rights are pretty limited.

In situations where a family is in the midst of paternity, divorce or separation proceedings, the New Mexico Grandparent Visitation Privileges Act provides a way for grandparents to petition the court for visitation rights. Rights are often limited to cases where a grandchild under the age of 6 has lived with a grandparent for at least 3 months or a grandchild over the age of 6 has lived with a grandparent for at least 6 months. Grandparents may also petition the court in some instances when the child has been adopted or if one or both of the child's parents have died.

Nevertheless, this statute is narrowly drafted to protect the fundamental rights of parents to raise their children without outside intrusion. If the child's immediate family is still together, grandparents cannot interfere. This is true even when a grandparent disagrees with a parent's methods, relationships, morals, discipline or any other aspect of parenting.

In fact, parents have no legal responsibility to allow visitation between their children and grandparents. However difficult it may be, grandparents cannot force themselves uninvited into the lives of their grandchildren.

It would be in the best interest of everyone involved to remain agreeable, even in the midst of differing viewpoints. Yet, when tensions occur between parents and grandparents, children often suffer the consequences which may include a loss of contact with extended family. Grandparents should keep this in mind in their relations with the parents and grandchildren.

### **DISCLAIMER**

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