

January 11, 2011

Extended Family Members Have Few Rights Over Children

Extended Family

Many New Mexico families have daily ties to more than just the parents and children. Grandparents, aunts, uncles and cousins may be an integral part of a family structure and they can provide everything from simple babysitting to emotional and financial support.

Therefore, when parents divorce or become engaged in a child custody dispute, it can affect more than just the parents and their children and may extend to the relationships of between the children and the extended family.

As a result of these close ties, an extended family member may feel that they have a right to be involved in child custody decisions. They may even feel that they should have significant input into how the children are reared. However, the law grants few rights to extended family. This includes the grandparents.

The law in New Mexico only grants absolute custody and time-sharing rights to parents. On rare occasions, grandparents may have the right to petition the court for visitation. Though not child custody per se, in cases where the child has lived with an extended family member for at least ninety days, the extended family member may be allowed to seek guardianship over the child. In those cases where the Children Youth and Families Department becomes involved in child custody, they may allow an extended family member to act as a guardian.

However, these situations are the exception, not the rule. Any extended family member concerned about a child who is involved in a custody dispute should consult a [New Mexico family law attorney](#) in order to determine whether they have any rights to custody.

Even if the law does not provide a direct avenue for custody, the parties may be able to negotiate an agreement for visitation that can protect the extended family member's relationship with the child and an experienced family law attorney can help to facilitate such an agreement.

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