



Community Legal Information Association of Prince Edward Island, Inc.

Young Single Parents Kit Grandparents' Role

The arrival of a new baby can sometimes be stressful for parents and for grandparents. Feelings may be mixed and conflict may develop. Two young parents and two sets of grandparents under stress can provide opportunities for disagreements and misunderstandings. It is very important to remember that all of these many people may be involved in the child's life for many years. If at all possible, it is in everyone's best interest to work on the issues in a way that doesn't make the situation worse and keeps everyone's attention focused on what is best for the children.

Grandparents' rights are not specifically written into law in Canada except in Quebec. The laws of Prince Edward Island give **any person** the right to apply to Court for custody or for access and visiting rights - this includes grandparents. You can make an application at any time in the child's life. When family circumstances change, arrangements concerning custody, access and visitation may be changed as well. You must have a good reason and you will need the services of a lawyer to apply for this. The application will go through a court process and a judge will decide what is in the best interests of the child.

If your child becomes a parent while still living at home, is under 18 years of age and is dependent, you have a legal obligation to provide for him or her. But because your child is now a parent, he or she has the right to make decisions about your grandchild that you may or may not agree with.

You may have little contact with your grandchild because he or she does not live with your child. Although your child has an equal right to custody and access, you do not have that right – unless you go to court to try to get those rights. You could try to negotiate an agreement for time with your grandchild, perhaps with the help of a mediator.

Mediation is a process that can be used to develop your own solutions to problems. It requires cooperation and compromise, but if it works, you have used a method of problem solving that can be used again and again. If your agreement breaks down later, you can go back to mediation to make changes so it will work better. If you can use mediation rather than the court process, there are benefits for you, your child and your grandchild - you will be surrounded by less conflict, you may save some important relationships, and you may acquire some useful skills that can be tried in other areas of your life.

Family Court Counsellors will mediate custody, access and visitation issues free of charge and can be reached at 368-6928. There are also private mediators who charge a fee. For a list of mediators, call CLIA at 892-0853 or 1-800-240-9798.

If mediation is not successful and you decide to use the court system, you will need the services of a lawyer experienced in family law. If you don't know a lawyer, you can call the Lawyer Referral Service at 892-0853 or 1-800-240-9798. A 30 minute appointment with a lawyer through this service costs \$10.00 plus tax.

This pamphlet contains general information about the law. It is not a complete statement of the law in this area and is not a substitute for legal advice. To receive legal advice, you need to speak to a lawyer.

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CLIA provides Islanders with understandable and useful information about the law and the justice system in PEI.

For more information, call CLIA at 892-0853 or 1-800-240-9798

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