

Do Grandparents have Rights in PA?

Under the old Common Law rules, grandparents had no right to visitation with their grandchildren if the parents of that child objected to it. Today, however, all states have third-party visitation statutes that allow grandparents, and sometimes others, to petition for visitation (partial custody, shared custody, or supervised physical custody) in certain circumstances.

For example, grandparents and great-grandparents may file for partial physical custody (physical custody less than the majority of the time) or supervised physical custody (monitored custodial time) in Pennsylvania (1) if the parent of the child is deceased; (2) if the relationship began with the consent of one of the child's parents or under a court order and the parents have commenced custody proceedings and do not agree as the grandparents or great-grandparents having custody; or (3) if the child has lived with the grandparent or great-grandparent for at least 12 consecutive months.

Additionally, grandparents may also be able to file for any other form of physical or legal custody if (1) the relationship with the child began with the consent of one of the child's parents or under a court order, and (2) the child is dependent, substantially at risk, or has lived with the grandparent or great-grandparent for at least 12 consecutive months and is removed from the home by the parents.

If a grandparent satisfies these requirements, he or she may be able to file for *any* form of physical or legal custody. So what does this include? First, the grandparent would have standing to file for sole or shared legal custody, which is the (exclusive or shared) right to make major decisions on behalf of the child. This would include things like medical decisions, educational choices, and the like.

The grandparent would also be entitled to file for any form of physical custody of their grandchild. Physical custody is what you typically think of when you think about custody. Pennsylvania offers sole physical custody, primary physical custody, shared physical custody, and partial physical custody. Sole physical custody is the right to exclusive physical custody. Shared physical custody is the shared right to assume physical custody, with each having significant periods of custody with the child. Primary physical custody refers to the right to physical custody the majority of the time. If you are a grandparent seeking primary physical custody, it should be noted that Pennsylvania has a presumption in favor of the parent in these circumstances. However, this presumption can be rebutted by clear and convincing evidence. Additionally, if the other party is also a nonparent, there will be no presumption in favor of either party.

When someone adopts a child, the child is essentially pulled from the first family tree and inserted into another. Thus, the grandparent or great-parent will lose his or her right to seek custody upon the child being adopted by a third-party. Additionally, if a grandparent or great-grandparent was already granted custody rights, those rights will automatically be terminated upon the child's adoption.

(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit www.Pittsburgh-Divorce-

[Lawyer.com](#) or contact **Notaro & Associates, PC** at **412-281-1988** for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)