

## **EDITORIAL TO USA TODAY IN SUPPORT OF GRANDPARENTS VISITATION LAWS**

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By Richard S. Victor

Grandparent advocates, believe that the United States Supreme Court never intended laws in each state to require strict prerequisites, such as that there would have to be “harm” to a child, before a grandparent would be entitled to see their grandchild, following the death or divorce of the child’s parents, or if the child was born out of wedlock, in order to meet any constitutional challenge by a parent to a state law that did not have such strict or high burden.

Presently 48 states allow for grandparents to request visitation. Laws that are restrictive by making a grandparent have to prove that “harm” will occur to a child, creates laws that add unnecessary burdens, for grandparents and for the courts. It also forces people to spend their resources to fight each other in a bitter legal contest, with psychologists testifying about “harm” that may occur, rather than to use those same resources to help reunite an otherwise dysfunctional family with family therapists to help the family of a child to learn to talk and communicate with each other. This unnecessary burden has caused visitation requests to become expensive, as well as more time consuming for the parties and the courts than actually

necessary. It has caused many children that have suffered loss and dysfunction, as well as acrimony, more emotional disenfranchisement with the loss of their extended family, following the death or divorce of their parent(s). It has made it impossible for many grandparents and grandchildren, who have been amputated by the death or divorce of the child's parent, from ever seeing each other again, because of a unilateral and sometimes irresponsible decision made by a custodial or surviving parent. Parents, although well intended, who make emotional decisions to deny a child the chance to know their Grandparents, has an effect that will last a lifetime. The fact that there are laws does not necessarily mean that there will be lawsuits.

The reality in these cases is because grandparent visitation laws exist; allows the ability to force families in dysfunction to come to the table and talk. These cases bring out the emotional realities that occur in the lives of adults. But what is sometimes forgotten is that children become the innocent victims of the illogical behavior of the adults. In cases of death, divorce, and children born out of wedlock, parents are no longer related to the same people as their children. If we honor family and the need for family in the lives of children, how should we define "family.?" Should we look at the family through the eyes of the adult or through the eyes of the child?

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