**Meta title**: Getting custody back from grandparents | Child Law Specialists | Kabir Family Law

**Meta description**: Children can often be placed with Grandparents if parents’ ability to care for children affects child welfare. If you want to know about getting custody of your child back from grandparents, then contact us to find out more

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# Getting custody back from grandparents

Getting custody back from grandparents often arise where children are placed with the grandparents when the parents are not able to adequately look after the child or care for the child. This can include times where the parents are not stable and provide temporary custody of the child to the grandparents. Grandparents can also receive custody where the parents are not in a position to provide adequate housing to children which could result in harm to them. In some cases, grandparents are also provided custody where there is a risk of harm to the child due to the parents being abusive or involved in drug, substance or alcohol abuse. This usually occurs under divorce and grandparents rights.

## Understanding divorce and grandparents rights

Grandparents often offer invaluable experience to grandchildren and play an important role in the lives of grandchildren. Following the divorce of their children, grandparents may be the last people to be considered when dealing with divorce grandparents rights in relation to [child custody](https://www.kabirfamilylaw.co.uk/child-custody-specialists/) or [child contact](https://www.kabirfamilylaw.co.uk/how-do-i-get-a-child-contact-order/).

Despite this grandparents do not have any rights to stay in contact with their grandchildren in the event of divorce. If the parents are not agreeable to the grandparents contact or custody with the children, then grandparents would need to make an application to the court to obtain any rights over their grandchildren.

Can grandparents get parental responsibility?

Despite being blood relatives, grandparents do not have automatic [parental responsibility](https://www.kabirfamilylaw.co.uk/how-to-apply-for-parental-responsibility/) over their grandchildren. Grandparents therefore have to go down the route of obtaining parental responsibility orders or through a court [residence order](https://www.kabirfamilylaw.co.uk/can-a-residence-order-be-overturned/) which confirms the child is to live with them. Grandparents can obtain a parental responsibility order by either getting a written agreement for all the parental responsibility holders or by making an application to the court.

If you are a grandparent who is looking to obtain parental responsibility, then you can contact one of our child law specialists who would be happy to help. Alternatively, you could seek legal advice by searching for grandparents rights lawyers near me. Before seeking legal advice, you need to ensure the practice you chose is able to deal with your matter with their experience and whether they are the right fit for you and your case.

What can do if I do not agree to grandparent’s visitation?

As grandparents are not entitled to automatic parental responsibility or contact with their grandchildren, a parent can deny grandparents visitation rights. Parents should consider parents rights against grandparents visitation. In such a case a grandparent may look to proceed through the family court to obtain a child contact order. If an order is granted in favour of the grandparent then a parent may not be able to prevent a grandparent visitation as doing so will amount to a breach of order which could lead to grandparents [enforcing](https://www.kabirfamilylaw.co.uk/what-is-a-child-arrangement-order/) the child arrangement order.

Can you reverse a guardianship?

Grandparents may also be able to obtain a guardianship over their grandchildren. Guardianship agreements can be reversed or revoked in certain situations. The child, the guardian or any third party can make an application to the court to have the guardianship reversed. Guardianship agreements can only be reversed by the court who have the power to terminate the agreement. The court will only reverse the agreement where doing so is in the best interests of the child.

When considering reversing a guardianship a third party such as the parent may make an application to the court. This usually applies when the guardian may not be able to fulfil the caretaking needs of the child. Neglect and abuse are common reasons when the court may approve the reversal of a guardianship.

A Guardian may also seek approval too from the court to reverse the guardianship agreement if they are no longer able or willing to perform the duties involved with caretaking of the child. In some situations, grandparents may develop illnesses or other issues such as special needs which prevent them from adequately maintaining a child. In instances such as these, the courts have the power to [remove the child from the grandparents care](https://www.kabirfamilylaw.co.uk/grandchild-with-special-needs-removed-grandparents-care/).

How do I get custody of my child without a lawyer?

Quite often parents can be successful in winning custody back from grandparents without a lawyer. As a family, parents can communicate directly with the grandparents and sit down to try and amicably discuss custody. Families also have the option of considering mediation in which an independent mediator will listen to the issues and concerns from both the parents and the grandparents and will attempt to reconcile any differences to try and reach an agreement. This can be done without our specialist [family lawyers in York](https://www.kabirfamilylaw.co.uk/offices/kabir-family-law-york/), but if an agreement cannot be reached then parents may need to consult a lawyer in getting back custody from grandparents.

## Winning custody back from grandparents without going to court

A family situation may change wherein the children may be removed from the parent’s care and custody is given to the grandparents. [Grandparents custody](https://www.kabirfamilylaw.co.uk/grandparents-rights/#cus8201) rights exist where parents are unable to care for their children. In such a situation grandparents may apply for [special guardianship](https://www.kabirfamilylaw.co.uk/special-guardianship-orders/) to ensure they can look after their grandchildren and obtain their divorce and grandparents rights.

You as a parent may be considering getting custody back from grandparents. Wining custody back from grandparents can be achieved without going to court. A parent can attempt to try and amicably discuss the issue with the grandparents to see if they will return custody of their grandchildren. Not all family matters need to be resolved in courts and parents can attempt to reach an agreement directly with the grandparents which can avoid the need for court proceedings and also save legal costs.

If the parent is unsuccessful in getting custody back from grandparents, they can attempt mediation in which an independent mediator will listen to both parties with a view to agreeing a decision. At Kabir Family Law we can assist you in promoting dialogue with the grandparents and can also assist with mediation. Contact us today to find out more.

Can a parent get custody back from a grandparent?

Under English Law there is a presumption that the parent of the child should retain custody of the child unless it is not in the best interests of the children. Grandparents usually acquire custody where the parents are unfit or unable to care for the child. In such a circumstance if the parents’ circumstances change they can request the grandparents to return the children to their custody.

This can be decided amicably between the parents and the grandparents. Where this cannot be achieved then a parent can return to the family court to get custody back from a grandparent. Providing they have resolved any issues which caused the grandparents to secure custody the courts will more than likely return custody of the child to the parents if it is in the best interests of the child to do so.

In some situations, grandparents may have been provided with temporary child custody which could have awarded in the court or amicably by the parents. When attempting on getting temporary custody back from grandparents parents again have the option of trying to agree amicably with the grandparents without going to court or if this cannot be agreed parents will need to make an application to the court.

## Getting custody back from grandparents after finding a new home?

A court can decide to remove a child from the parent where they are unable to provide a safe and secure housing which could possibly cause harm or result in harm to a child. In such a situation the grandparents may have been awarded with child custody.

The parent can show they have made significant changes to warrant the child custody to be returned to them by finding a new home. If this is the case the parent can discuss with the grandparents in an attempt to winning back custody from the grandparents. If they can amicably agree this then parents can obtain custody of their child without going to court.

If the parents are unable to reach an agreement with the grandparents, then they can return back to the family court. By showing they have found a new home the courts may be persuaded that it is in the best interests of the child to remain with the parents rather than the grandparents.

## Getting custody back from grandparents when the child wants to leave

Grandparents bond often gets stronger with their grandchildren when they are looking after the and are the primary carers. However, in some cases a child may not want to live with the grandparents. In such situations the parents may consider getting custody back from grandparents when the child wants to leave.

In order to resolve this situation parents may consider getting temporary custody back from grandparents. This can often allow parents and grandparents as well as the child the opportunity to see how the parents can cater for the needs of the child. This primarily can be done by parents and grandparents reaching an amicable agreement between themselves.

If however an agreement is not reached and mediation fails then a parent may have no option but to return to the family court in winning custody back from grandparents. Depending on the age of the child, the courts may take in to account the wishes of the child to leave. However, this is not the only factor to be considered. The courts will consider the welfare and best interests of the child before looking to return the child back to the parents.

Getting custody back from grandparents if the children does not want to leave

Following the transfer of custody, a child may prefer living with their grandparents. Grandparents naturally provide a great deal of support for children and are often seen as role models. A child’s wish to remain with the grandparent can be taken into account, however it is not the overriding factor. The overriding factor is the welfare and interests of the child.

Parents should try and discuss with the child the reasons for not wanting to leave the grandparents to try and assess the position if possible. However, it is the right of the child to be loved for and cared for by the parents, providing it is in the interest of the child. If the parents have resolved the initial issues which led to the child being removed from their care, then the courts will consider this along with the welfare of the child before deciding on whether the child should reunite with the parents.

Parents however can try and reach an agreement without going to court by speaking to the grandparents or getting advice and assistance from child lawyers who may be able to reach an agreement in relation to the custody of the child.

-- Q&A SECTION --

Can I get custody without going to court?

Getting child custody without going to court is possible. If an agreement can be reached amicably or through mediation, then the parties will not be needed to go through a family court. Child law specialists can often assist with such issues. If one party is not agreeable, then child law specialists can attempt to formally write to the other party with regards to the custody issues. This could promote positive discussion which could lead to settling child custody issues of getting child custody back from grandparents without going to court.

Do I need a child lawyer for a custody case?

As most child law and family matters can be resolved amicably a child lawyer is not always needed for a custody case. Many people however prefer to consult a child lawyer once an agreement has been reached. This could be to formalise an agreement to which grandparents and parents are entering into.

However, parents and grandparents may not be in an amicable relationship or on speaking terms then a child lawyer would be needed. Child lawyers can send formal correspondence to grandparents to try an promote and active discussion or can act as mediators. Alternatively, if an agreement cannot be reached then family lawyers will be able to assist you in preparing and making applications to the family court to assist you in getting custody back from grandparents.

## Contact us today to discuss winning custody back from grandparents

If you are a parent who wishes to obtain custody of your children back from the grandparents then we can help. Contact us today on 0330 094 5880 to discuss your options or [let us call you back](https://www.kabirfamilylaw/contact-us/). We are also able to help grandparents who are deprived of any contact with their grandchildren due to the exercise of parents rights against grandparents visitation.