

A New Mexico law¹ gives grandparents a limited right to ask the court for visitation. A grandparent may use the law only if:

- A divorce, legal separation, or determination of parenthood case has been opened; or,
- One or both of the child's parents are deceased; or,
- The child lived with the grandparent for a *period of at least three months* while the child was *under six years old*, and someone removed the child from the grandparent's home; or
- The child lived with the grandparent for a *period of at least six months* while the child was *six years of age or older*, and someone removed the child from the grandparent's home; or
- The child is the subject of an adoption proceeding.

A grandparent whose situation falls into one of the above categories may petition the court for visitation rights. The court may refer the matter to

mediation. The court will allow visitation *only if it in the best interest of the child*, and shall consider the following factors in reaching its decision:

- Any factors relevant to the best interests of the child;
- The relationship of the grandparent and the child;
- The relationship of the grandparent and the child's parents;
- Established visitation arrangements;
- The effect of the grandparent's visitation on the child;
- If the grandparent has any convictions for abuse or neglect;
- If the grandparent served as full-time caretaker of the child

If a court grants grandparents visitation rights, the child's custodian must provide the grandparent with notice of any move within or outside of New Mexico and provide the new address and phone number of the child.

Even if the court does not order in-person visitation, it may order reasonable contact between the grandparent and grandchild, such as by telephone or mail.

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¹ Grandparent's Visitation Privileges Act, §40-9-1 through 40-9-4 NMSA 1978.



GRANDPARENT VISITATION



Grandparents serve an important role in the lives of grandchildren. Most parents encourage grandparent involvement. However, sometimes a parent blocks visitation by a grandparent. Although U.S. law strongly supports the right of parents to raise their children without interference, in very limited circumstances the law overrides parental decisions.