

## What are grandparent rights?

Grandparent rights, also known as third party rights, legally allow for great grandparents or grandparents to see, or have visitation, their grandchild(ren) when it is in the best interest of the child(ren).

## Who can file for grandparent visitation?

You may file for visitation when:

- You are the natural, adoptive, or great grandparent, and
- The grandchild has lived in Arizona for at least 6 months.

Also, one of the following must be true:

- A parent has been dead or legally missing for at least 3 months, **or**
- The grandchild was born out of wedlock and the birth parents are not married, **or**
- Birth parents are divorced for at least 3 months.



## Arizona State Law

[A.R.S. § 25-409 - Third Party Rights](#)  
Arizona Revised Statute, Title 25, Section 409 can be found on the Arizona State Legislature website - <https://www.azleg.gov/>

## Forms for Filing

- Petition for Grandparent Visitation
- Summons (only if the parents did not have a divorce or custody case)
- Family Department Cover Sheet
- Order to Appear

## On the Petition for Grandparent Visitation, you will be asked to explain:

- Why it is in the best interest of the child(ren) for you to have visitation?
- How often you would like to see the child(ren)?
- How transportation will be provided?
- What are your plans for weekends?
- What are your plans for summer or breaks?
- What are your plans for holidays and birthdays?
- What are your plans for telephone calls?

## Where to File

In Arizona, filings are done at the Superior Court in the county where the grandchild(ren) live.



## Court Considerations

Before making a decision the judge considers both sides and tries to figure out what is in the best interest of the child. Some things a judge may factor in are:

1. What your current and past relationship with the grandchild(ren)?
2. Why is visitation being requested?
3. Why is visitation being denied by the birth parent(s)?
4. How much time is being requested?
5. What impact with visitation have on the child(ren)?
6. Will visitation benefit the child(ren)?

