

Question:

My ex-husband and I have been apart for 3 years and have recently finalized our divorce. We have 3 children together and share custody. Recently, it has been verified that my 3rd child is not his. We are currently resolving that and there are no issues as far that is concerned (he is willing to give me sole custody with visitation for him). However, his mother and stepfather are angered by this and trying to step in on our business. They tried to butt their way into our mediation for the child in question by filing a motion to amend custody (they want custody of all three children). The mediation center has told them that they are not welcome to the mediation. Because of this mess, they have now filed for custody of all three children(one being non-biological) because they want control. My ex and I are on great terms and have a custody agreement in place already. He has them for the school year and I have them every other weekend and during the summer (per our agreement in mediation). I absolutely agree that even though my ex is not my daughter's father, that he should still have rights to her since he has raised her for 6 years. My question is.....do the grandparents have any rights to take them from us? In my heart I know have the constitutional right to raise our children?

Answer:

I am not licensed in Virginia. Custody laws will vary so it is important to consult an attorney licensed in your state. Some states do have laws allowing grandparents to ask for visitation rights. However, this does not give them automatic standing to ask for custody. In most states a third party can ask to intervene and petition for custody. This is usually only granted when the natural parents are unwilling or unable to care for their children. This does not appear to be the case here. It is very difficult for a non-parent to receive custody of children. Your rights as parents far exceed theirs as grandparents. However, anytime custody is at issue it should be taken seriously. I strongly recommend that you consult an attorney in your state.