

Marsha Temlock, has Masters Degrees in Organizational Psychology and English Literature. She has worked for more than twenty years in social and psychological services. She also writes a weekly column for the New Canaan News-Review and is a feature writer for Weston magazine and Chicago Suburban Woman. Most importantly, Temlock helped her two adult children successfully cope with difficult divorces. Marsha and her husband divide their time between Westport, Connecticut and New York City.

Single Parents Taking on the Ex-Laws

The decision to get divorced, and facing the prospect of being a single parent, is a bit like preparing for the upcoming Olympics in Beijing. You must not only be psychologically and physically fit to withstand the competition, you may have to deal with the “pollution” that often includes adversarial family members.

Recently, I talked to a young woman about her horrendous experience taking on an interfering mother-in-law who inserted herself into her divorce agreement.

Elaine explained: “My ex and I were seeking joint custody of our five-year-old when Bill’s mother named herself an “interested third party” and demanded grandparent visitation privileges. Flora is a bitter, vindictive person. I knew she would be playing mind games with our daughter when I wasn’t around, and I was afraid Bill would step back and let his mother take control. The upshot is my ex reneged on our original agreement and we wound up in court. Fortunately, the judge decided not to split custody down the middle because of Flora’s behavior during the trial. My ex got 20 percent and I got 80 percent custody. Bill’s mother has appealed the decision four times. You can’t imagine the expense and wear and tear this is causing!”

As in this case, historically federal child welfare rulings favor parental over grandparent rights. Even when there is evidence that a parent has been absent from a child’s life (in jail, chronically ill or deemed incompetent) or in situations when the grandparent has been the primary caregiver, typically parental rights haven taken precedence.

It is understandable that loving grandparents who are shut out of their grandchildren’s will experience a lot of pain and frustration and, in desperation, turn to a family law attorney to petition their case before the court. Under state law (and these vary greatly), the courts will try to act in the best interests of the child. They will consider the petition of grandparent when there is some kind of disruption of the intact family and investigate the prior grandparent-child relationship before making a judgment. Oftentimes, it is up to the grandparents to prove that severing the relationship would be harmful to the child, but even then, parents can argue their right to restrict visitation with grandparents.

In my book “Your Child’s Divorce: What to Expect ... What You Can Do” that is a guide for grandparents as I take them through each stage of their child’s divorce, I make the point that, up until now grandparent visitation remains a privilege not a constitutional right. I advise grandparents to avoid the legal route if at all possible.

Sadly, Bill’s mother only added fuel to the marital fire and ruined any possibility for post-divorce family harmony. Not knowing the background, it is difficult to say what precipitated this bloody duel, but there are other options.

If you find yourself in a similar predicament, be proactive to avoid legal entanglements. For starters, make a list of people who will intercede in your behalf, and write some positive statements that will demonstrate to your ex-in-law(s) your interest in maintaining a good relationship post-divorce even if this means eating crow. With fortitude and foresightedness, you can be an Olympic champion. Good luck.