

## Grandparent Visitation Disputes: Multigenerational Approaches to Family Mediation

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*This article examines the implications of the author's research on grandparent-grandchild access difficulties and contact loss for family mediation. The rapid growth in recent years of the "grandparent rights" self-help movement in North America suggests that a significant proportion of grandparents is at risk of losing contact with grandchildren. Existing legal and therapeutic resources are perceived as inadequate for addressing this problem. Two distinct multigenerational approaches to family mediation are considered, and guidelines are suggested for the involvement of grandparents in the family mediation process.*

This article reports the results of an exploratory study of the phenomenon of grandparent-grandchild contact loss—the disengagement of grandparents from their grandchildren's lives—in both divorce and nondivorce situations and examines the implications of the findings for family mediation. The key findings of the study are outlined, with an exploration of factors and events contributing to initial visitation difficulties and eventual contact loss, the impact of these events on grandparents, and salient social and legal issues with respect to the grandparent-grandchild relationship. Mediation is seen as having considerable potential in the resolution of grandparent-grandchild access difficulties. The argument is developed that mediators need to examine their views regarding the salience of the grandparent-grandchild relationship, expand their definition of the family system to include the grandparent generation, and consider the significance of grandparents as important resources during family transition. Two approaches to practice are proposed in this regard: a

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multigenerational model of divorce mediation and a framework for mediating grandparent-grandchild visitation disputes.

Whereas children's loss of contact with a salient attachment figure has become a focus of considerable methodological inquiry, with particular attention paid to the disengagement of noncustodial parents from their children's lives subsequent to divorce (Wallerstein and Kelly, 1980; Furstenberg, Nord, Paterson, and Zill, 1983; Kruk, 1993), the discontinuity of grandparent-grandchild relationships has been largely overlooked. The recent proliferation in North America of "grandparent rights" organizations concerned with grandchild access difficulties suggests that the disengaged grandparent phenomenon may be more widespread than previously believed. Members of these organizations see themselves as only "the tip of the iceberg," and a voice for a much larger population of grandparents facing a loss of contact with their grandchildren. The study reported here focused on five such organizations in Canada as a beginning point in delineating salient dimensions of the phenomenon of grandparent disengagement. It is assumed here that a beginning exploration of this issue necessitates a focus on grandparents' self-reports of their experiences, and a perception of their testimony as valid in its own right. Members of grandparent rights groups may be seen as key informants in this regard.

### **Salience of Grandparent-Grandchild Relationships**

As adults now live longer and remain healthy for a longer period of time, they are more likely to become grandparents and maintain that role for a prolonged period. More than 75 percent of older persons are grandparents (Troll, 1980) and, based on current life expectancies, many will be grandparents for twenty to thirty years (Ingulli, 1985).

The reciprocal significance of the grandparent-grandchild relationship has become a popular subject of social science investigation from a number of theoretical perspectives. Family systems theory has fostered a greater appreciation for the complexity of intergenerational relationships, and family practitioners are increasingly including grandparents in multigenerational family therapy models (Kerr and Bowen, 1988; Freeman, 1992). Child development experts assert that grandparents have the potential for affecting the development of children in a unique and significant way (Baranowski, 1982; Kalish and Knudston, 1976). Role theory ascribes multidimensional roles for the contemporary grandparent: historian, model, mentor, nurturer, and "great-parent" (an ultimate support person in family crises and transitions) (Kornhaber and Woodward, 1981; Barranti, 1985; Kivnick, 1982). Grandparents are seen as providing a source of unconditional love and companionship to their grandchildren, acting as emotional buffers and mediators between children and their parents, and being the purveyors of family traditions, providing children with a sense of roots and family identity. Indirectly, grandparents are seen as

contributing to child development by providing respite child care for parents (Kornhaber and Woodward, 1981).

Grandparenting roles can take on added significance during periods of family crisis and transition. During and after divorce, for example, grandparents can provide reassurance, continuity, stability, and emotional support at a time when parents may not be as emotionally available to their children (Gladstone, 1989). Wilks and Melville (1990), examining the extent of grandparent involvement and its impact during parental divorce, report that more than three-quarters of children actually live in a grandparent's home during or after parental separation, and that grandparents play an important role in children's adaptation to the consequences of divorce. Neugebauer (1989, p. 156), writing from the children's perspective, concluded that "at a time when things seem uncertain, grandparents provide children with a sense of security and confirmation that some things stay the same following divorce. That is, continuity of a relationship is preserved."

Grandparent-grandchild relationships vary, depending on geographical proximity, age of the grandparents, their health status, social class, ethnocultural affiliation, and age and gender of grandchildren (Cherlin and Furstenberg, 1986; Kornhaber and Woodward, 1981). There is also a discretionary aspect to these relationships; it is not uncommon for grandparents to involve and attach themselves differentially to grandchildren, using a "selective investment" strategy that provides them with an opportunity to enact the full complement of grandparenting roles with only some or just one of their grandchildren (Cherlin and Furstenberg, 1985, 1986). However, given a heterogeneity of grandparenting roles, with grandparents maintaining different kinds of relationships with different grandchildren, for many children and their grandparents, the grandparent-grandchild attachment bond is highly salient and an important component of their self-identities and a significant factor in their everyday lives. Despite varying levels of involvement in their grandchildren's lives, grandparents' emotional *attachment* to their grandchildren generally prevails over other aspects of their lives (Kornhaber and Woodward, 1981; Kivnick, 1982).

The grandparent-grandchild relationship rests on the voluntary consent of both parents (Robertson, 1975). The nature of grandparent-grandchild relationships is largely shaped by the kinds of relationships shared by grandparents and their adult children; grandparents who have good relationships with their adult children are likely to develop stronger ties with their grandchildren (Myers and Perrin, 1992).

### Disrupted Grandparent-Grandchild Relationships

There are varied reasons for grandparent-grandchild access difficulties and contact loss. Ingulli (1985) cited the following circumstances in which problems may develop: children in intact two-parent families (where there has been a serious falling out between grandparents and the children's parents),

children in the care and custody of one parent (subsequent to death, divorce, informal or temporary separation, or stepparent adoption), and children living with neither of their biological parents (others acting in loco parentis, foster care, termination of parental rights, or termination of parental rights following an adoption). The literature is mostly focused on parental divorce as impacting grandparent-grandchild relationships. In the majority of instances, mothers become custodial parents after divorce, and as relationships between first- and second-generation cosanguines become closer during divorce (particularly in the case of mothers), postdivorce contact between maternal grandparents and grandchildren often increases. Maternal grandparents often assume a parent like role in the children's life (Wilks and Melville, 1990). On the other hand, divorce reduces contact between first- and second-generation in-laws. Fathers are typically noncustodial parents after divorce, and paternal grandparents' postdivorce contact with their grandchildren is largely dependent on the father's level of involvement. Paternal grandparents may thus be at greater risk of reduced or lost contact with their grandchildren (Spicer and Hampe, 1975; Anspach, 1976; Ahrons and Bowman, 1982).

While it has been suggested that the actual extent of contact loss between grandchildren and grandparents is modest, studies controlling for the custodial status of the divorced parents and differentiating between the contact patterns of paternal and maternal grandparents have suggested that paternal grandparents are more likely to lose contact with their grandchildren than are maternal grandparents after divorce. Anspach (1976) discovered that in 69 percent of divorce cases, paternal grandparents saw their grandchildren less often than did maternal grandparents (20 percent of all the grandparents in her study reported decreased contact and negative changes in the grandparent-grandchild relationship). Ahrons and Bowman (1982) indicated that while maternal grandparents reported either no change in the relationship or more contact and greater emotional closeness with their grandchildren after divorce, paternal grandparents were more likely to lose contact. Sprey and Matthews (1982) and Matthews and Sprey (1984) found that grandparents of custodial children see their grandchildren more often because they represent important resources and support systems to the middle generation. They also reported that custodial parents indirectly affect visiting between grandparents and grandchildren by restricting or disrupting the visits between noncustodial parents and their children. Gladstone (1987, 1989) interviewed twenty-three maternal and twenty-three paternal grandmothers and found that contact was more likely to decrease for paternal grandparents. He concluded that the most important factors associated with decreased visitation for grandparents included unresolved conflict either between the grandparent and child or between the former spouses, resulting in withheld access to the noncustodial father and thereby the paternal grandparents.

The literature has identified a number of other factors influencing the level of grandparent contact with grandchildren. Younger grandparents are more likely

to remain in contact, whereas older grandparents, particularly those in poor health, have less contact (Johnson, 1988). Grandparents who are geographically distant have less contact (Johnson, 1988; Matthews and Sprey, 1984). Gladstone (1987) concluded that factors associated with increased visitation for grandparents included residential propinquity, appeal of the grandparents' home, employment status of the adult child, and absence of the adult child-in-law (usually the father) in instances where the child-in-law had previously impeded access. Age of grandchild is also a factor: Older children are more likely to express and act on their desire for grandparent contact (Gladstone, 1987). Grandchild visitation difficulties occurring because of events and circumstances other than those identified above—intact two-parent family situations where there has been a falling out between the parents and grandparents, the death of one's adult child, stepparent adoption, and children living with neither of their biological parents—have been largely unexamined in the literature.

### **A Study of Grandparent-Grandchild Access Difficulties and Contact Loss**

An exploratory study was undertaken to examine, from the perspective of grandparents, salient aspects of grandparent-grandchild access difficulties and contact loss. Critical factors and events contributing to these phenomena constituted the main focus of the research.

**Method.** Fifty-five grandparents, all members of Canadian grandparent rights organizations (in Vancouver, Calgary, Edmonton, Toronto, and Ottawa), who had experienced grandchild visitation problems after the divorce of their adult children and other circumstances, were interviewed. The research addressed two main questions: What are the primary factors contributing to and circumstances associated with grandparent-grandchild access difficulties? What are the primary factors contributing to and circumstances associated with (1) grandparent disengagement following initial access difficulties and (2) restoration of grandchild contact following initial access difficulties?

Data were gathered with respect to demographic information and family history, the nature of grandparents' involvement with the grandparent rights organization, various aspects of the grandparent-grandchild relationship before and after visitation problems, difficulties arising subsequent to the divorce of adult children, the impact of contact loss on grandparents, and legal aspects of visitation disputes. Information was obtained from the perspective of grandparents only; adult children and grandchildren were not interviewed to corroborate this information. The degree of representativeness of the data may be questioned in light of the self-selected nature of the sample. As an exploratory endeavor, however, the research generated detailed data from a sizable group of grandparents, as a beginning attempt to understand the salient dimensions of grandparent visitation disputes.

The grandparents in the study spanned a range of income, occupational, and educational categories and represented a diversity of racial and ethnocultural

groups. The age of the participants ranged from forty to seventy-eight; the average age was fifty-eight. Seven males and forty-eight females participated in the study, reflecting the preponderance of grandmothers involved in the organizations. Thirty-four of the grandparents in the study were married, ten widowed, ten divorced, and one single. Twenty-one were still in paid employment, twenty-eight had retired, and six were unemployed.

**Key Findings.** Grandparents reported that they had assumed a multiplicity of roles in their grandchildren's lives prior to initial access difficulties. They saw themselves as sources of care and unconditional love and of play and recreational activities, as having the ability to invest attention and time in children in a way that parents often could not, as purveyors of family traditions, and as providing stability and security to their grandchildren. Above all, they stressed the special and unique nature of the grandparent-grandchild relationship. The following comments illustrate the nature of the grandparents' reports: "I think grandparents have an important role to play with grandchildren because of greater mobility, lack of stability, marriage breakdown—the grandparents are the child's roots, a sense of belonging to a larger family and a larger community. Grandparents are there when things go wrong for the child—sometimes grandchildren need that protection." "In many respects, it's a revisitation of raising your own children, but with a greater maturity and experience. You tend to have more tolerance with your grandchildren. The love between you can be very, very intense." "Grandparents have the time and a lifestyle that is much slower and can bring something into their lives that is not 'rush rush.' . . . This kind of relationship can help children quite a bit because they are exposed to a different age group and a different style of life. We can expose children to things that parents don't have the time to do. It is a special guardianship." "It's like a graduation from parenthood into the fun aspects of parenting. . . . You're the senior member and you get to reap more of the rewards. . . . When you're a parent you can't say, 'I've had enough—take these kids home.' It's a privilege thing."

All but three of the grandparents had experienced access difficulties with their grandchildren at some point in the relationships. (The three grandparents who had not experienced difficulties became members of the organization primarily to offer support to other grandparents and were excluded from most of the analysis reported here). Of the fifty-two who had experienced difficulties, forty were reported to be the result of a visitation dispute with one parent (subsequent to the divorce of adult children, a stepparent withholding access, or the death of their adult child); twelve involved a dispute with both parents.

Parental divorce was identified as the primary circumstance surrounding initial access difficulties; in twenty-nine of the fifty-two cases, grandparents first lost contact subsequent to divorce. A sizable proportion, however, did not experience access difficulties directly attributable to parental divorce. Of this latter group of twenty-three grandparents, twelve cited withheld access by both parents, six indicated that visitation difficulties arose following the death of

their adult child, and five identified stepparent adoption following remarriage. (The stepparent adoption category was distinguished from the parental divorce category because visitation problems were not attributed to the divorce per se; rather, initial difficulties arose only after stepparent adoption following the remarriage of the custodial parent.)

A number of grandparents reported that they had managed to restore contact with their grandchildren following initial difficulties: Four had in fact obtained legal custody of the grandchildren in question, sixteen had what they defined as "regular and frequent" contact, sixteen had "infrequent" contact, and nineteen had lost all contact with their grandchildren. Of the fifty-two grandparents who reported access difficulties at some point in the relationship, thirty-five were still experiencing problems, and seventeen had achieved some measure of resolution and were in contact with their grandchildren.

In divorce situations, including loss of contact following stepparent adoption, the likelihood of reestablishing contact following an initial period of access difficulties was found to be greater than in nondivorce situations (intact two-parent family denying access or death of adult child followed by denied access). Fourteen of the thirty-four grandparents in the total divorce category (including stepparent adoption) were able to restore contact. The prognosis for a restored relationship seemed to be very poor, however, if initial access difficulties resulted from both parents withholding access (in a two-parent family situation), or if access problems occurred subsequently to the death of one's adult child: Only three of the eighteen grandparents in these categories had been able to restore contact.

Sex of the adult child-in-law appeared to be a significant factor in initial grandchild access difficulties; in thirty-five of the fifty-two cases where grandparents had experienced difficulties, and in twenty-six of the twenty-nine divorce situations, the adult child-in-law was female, reflecting the preponderance of maternal custody outcomes in the divorce situations. The latter figure suggests that paternal grandparents are at particularly high risk of disrupted contact with their grandchildren after the divorce of adult children. This pattern became clear in the present sample when the current level of grandparent-grandchild contact was examined. Thirty-five grandparents in the sample had either infrequent or no contact following an initial period of access difficulties. Twenty of these were divorce situations, and in nineteen of these cases, the adult child-in-law was the custodial mother.

Grandparents were asked what they perceived to be the reasons for the access difficulties they had experienced. Forty-two of the fifty-two grandparents identified the discouragement of contact by their adult child-in-law, and thirteen identified discouragement of contact by their own adult child. The child-in-law's encouragement of contact appeared to be an important factor influencing subsequent grandparent contact or disengagement; in thirty-two of the thirty-five cases where grandparents reported infrequent or no contact with their grandchildren (that is, lack of resolution of initial access difficulties),

the child-in-law was reported to have discouraged contact, whereas in seven of ten cases where contact was not discouraged by the child-in-law, grandparents were able to restore contact.

Grandparents were also asked how visitation had been discouraged. Direct denial of access was cited by thirty-three of the forty-two grandparents indicating discouragement by the child-in-law, twenty indicated a more gradual diminution of visitation in which contact became increasingly strained, thirteen identified the relocation of the child-in-law and grandchildren or lack of knowledge of the grandchildren's whereabouts, and nine cited the constraints of restricted or supervised visits. Most grandparents indicated a number of ways in which contact was discouraged.

The data suggest that the adult child-in-law, rather than the grandparent's own adult child, was the primary determinant of the grandparent-grandchild relationship. Although there was no correlation between the level of the adult child's encouragement of contact and the subsequent grandparent-grandchild relationship, the correlation between the level of the adult child-in-law's encouragement of contact and the subsequent grandparent-grandchild relationship was highly significant. It may be that conflictual relationships between grandparents and their adult children are less likely to be sustained than are conflicts between grandparents and children-in-law.

The great majority of grandparents described experiencing a grief reaction, with all the major elements of bereavement, related directly to the absence of their grandchildren. Twenty-three of fifty-two reported new physical health difficulties, and twenty-four reported mental health problems, resulting from reduced or lost grandchild contact. The following examples illustrate these reports: "The emptiness. You're not complete. Once you have a grandchild and you can't see them, it kills you. You have an ache all the time. It's like a death." "A sense of loss—not having that closeness. I think the biggest thing is the sense of loss that just encompasses everything that one feels that should be in a relationship. . . . I'd feel more fulfilled if I could see her. I just worry." "Just not having them—I think it's the uselessness, the unfulfilled part of you that was there and is now gone. Most people need to feel like they're needed. It's feeling completely useless. I had nothing. Not feeling needed was the toughest thing, absolutely the toughest."

Grandparents were asked to comment on their experiences with legal and therapeutic resources, and to share their thoughts about needed changes in the legal and therapeutic realms. Twenty-nine had at some point consulted with a lawyer regarding their relationship with their grandchildren (fifteen of these resulted in some form of court action), fifteen had had some form of therapeutic contact, and three had consulted with a family mediator. Grandparents were most likely to consult a lawyer in situations where access difficulties surfaced subsequently to parental divorce, and rarely in other circumstances, and legal consultation was often accompanied by therapeutic contact. Those grandparents utilizing legal and therapeutic resources had a higher likelihood of



reestablishing contact with their grandchildren than those not using these resources.

There was no relationship found between restoration of contact and a perception of the legal system as an appropriate forum to address visitation problems. Grandparents generally did not consider recourse to the legal system to be a desirable means of resolving these disputes, and this group included many of those who had made use of the legal system and had achieved what they considered to be a successful outcome. The "good" end did not appear to justify the "bad" means: Only one-quarter of the grandparents surveyed felt that the legal system was an appropriate forum for resolving access disputes. They felt that the legal system largely ignored the emotional elements of the problem, viewed legal resolution as an adversarial and damaging process to all parties, and identified mediation and therapeutic resources as better alternatives.

Grandparents were asked for their views regarding the most effective means to address visitation disputes. A significant proportion, forty-one of fifty-five, focused on the need for legislative changes; and when asked directly about the efficacy of existing legislation, fifty-three indicated that the present laws should be changed to enhance grandparents' rights of access to their grandchildren. A legally guaranteed right of access was cited by forty grandparents, specific recognition of grandparent rights in the legislation was cited by nineteen, the need for uniform legislation across the country by twelve, legally mandated family mediation by five, the legal right of involvement of grandparents in divorce proceedings by five, and required consultation with grandparents by child welfare authorities prior to admission of children into care by five grandparents. Grandparents' stated aversion to utilizing legal mechanisms to obtain visitation rights to their grandchildren may appear to contradict their emphasis on needed legal changes to deal with grandparent-grandchild visitation problems. However, legislative changes furthering grandparents' rights of access to their grandchildren were in fact perceived by the grandparents as an effective deterrent to denied grandchild access, *reducing* the need for legal involvement, litigation, and adversarial proceedings.

### Implications for Family Mediation

The findings of the study reinforce the centrality and power of parents as determinants of the grandparent-grandchild relationship. What has been largely overlooked in previous accounts, however, is that the child-in-law, particularly the custodial mother in divorce situations, appears to be the primary factor in the ongoing relationship. Paternal grandparents may be at particularly high risk of losing contact with their grandchildren when the mother is the custodial parent. Prior studies often have failed to recognize the intractable nature of postdivorce conflict between many former spouses, often resulting from an adversarial process of child custody and access determination, and the spillover effect on first- and second-generation in-law relationships.

Parental divorce, however, is not the only circumstance associated with the onset of grandparent-grandchild access difficulties. Divorce-related services, including divorce mediation, are insufficient in themselves to deal with grandparent visitation disputes. This insufficiency is particularly salient in light of the fact that grandparent-grandchild contact loss in nondivorce situations is more likely to persist than in cases of parental divorce.

A dominant theme that emerged from the research was grandparents' grief response, relating directly to the actual or threatened loss of contact with their grandchildren and containing all the major elements of bereavement. This finding suggests that following a period of access difficulties, there may be powerful psychological factors at work that weaken grandparents in their negotiation of and demand for grandchild access, and that contribute to their eventual disengagement. Grandparents are unlikely to appear at an attorney's or mediator's office during the early stages of loss of contact with their grandchildren. This is not necessarily a reflection of their emotional attachment to their grandchildren or level of distress over lost contact. It is more likely to be associated with a profound and unresolved sense of loss and grief. The effects of sudden grandchild absence and cessation of the previous grandparenting role are likely to be particularly debilitating for those grandparents with previously intense attachments to their grandchildren. In response to contact loss, grandparents locate themselves at various points of the bereavement continuum: numbness, shock and denial; anger, rejection, and betrayal; hopelessness and depression; or increased motivation to restore contact and eventual resolution of the access problem.

One-third of the grandparents in the present sample were able to restore regular contact. Resolution of the grieving process may prove particularly problematic, however, for those who were previously highly involved with and attached to their grandchildren. Reactions of intense grieving were more likely to characterize these grandparents, who continued mourning and became "stuck" along the bereavement continuum. Grandparents spoke of the profound sense of loss they experienced in the early stages of loss of contact with their grandchildren, which often coincided with the separation or divorce of their adult child. They spoke of their difficulty in assimilating the reality of these events and their multiple losses.

The norm of noninterference may further limit the extent to which grandparents experiencing loss of contact are able to insist on their rights of access. Concern about interference in their children's affairs results in the considerable reluctance of many grandparents to insist on grandchild contact in the initial stages of contact loss. Concern about antagonizing parents and jeopardizing their ongoing contact with their grandchildren may serve as a "Catch 22" against grandparents: Early *action* toward ensuring access may antagonize one or both of the parents, who may then completely withhold access; on the other hand, *inaction* in the initial stages of contact loss might jeopardize future contact.

Finally, the full extent of grandparent disengagement is likely to be underreported. Most grandparents are reluctant to make use of traditional legal and therapeutic resources when experiencing access difficulties. Family mediation may thus have considerable potential for engaging grandparents and addressing their concerns.

### Family Mediation: Two Approaches

The findings above suggest that two distinct multigenerational approaches to family mediation are needed, one serving a preventative function in regard to grandparent visitation, the other a remedial approach to dealing with access difficulties: (1) When divorcing parents seek to mediate parenting disputes, it is important for mediators to inquire about existing grandparent-grandchild relationships. Where there are established positive bonds, it may be useful to consider the involvement family elders in the negotiations regarding post-divorce parenting arrangements. If there is any indication of potential future difficulties in regard to grandparent access or parental disagreement in this regard, it may be necessary to include grandparent visitation as an issue for negotiation. (2) Child visitation disputes between grandparents and parents, regardless of the circumstances surrounding broken contact, lend themselves to alternative dispute resolution processes. As legal mechanisms have been found wanting, and given grandparents' reluctance to utilize adversarial means to deal with access difficulties, family mediators may be instrumental in providing alternative means to deal with impasses as they occur.

**Multigenerational Model of Divorce Mediation.** Given that divorce is the primary circumstance associated with disrupted grandparent visitation, divorce mediators are in a unique position to anticipate and prevent such difficulties. To do so, however, they must use a more inclusive definition of the family system. New roles and relationships need to be negotiated beyond the so-called bi-nuclear postdivorce family (Ahrons, 1980), to include the extended post-divorce family, particularly the relationships between grandparent and adult child, grandparent and in-law, and grandparent and grandchild. This perspective assumes that given an opportunity for involvement in the divorce mediation process, grandparents can become important resources in the mediation process and supports to children and parents adjusting to the consequences of divorce.

A case may be made for a multigenerational approach to divorce mediation from various perspectives. Family systems theory has fostered the development of multigenerational family therapy models, recognizing the importance of intergenerational relationships during periods of stress and family reorganization. Child development theorists have identified grandparents as salient attachment figures for children, and three theorists generally agree on the importance of having children maintain these meaningful and beneficial relationships. Attachment theory suggests that where attachment bonds

are healthy and positive, an ongoing grandparent-grandchild relationship can lessen much of the negative impact of divorce on children. Grandparents may be the most important source of support to children during divorce, at a time when parents may feel emotionally overwhelmed. Grandparents can thus be seen as an important safety net for the family during the divorce transition. A multigenerational approach to divorce mediation would include grandparents in both the prenegotiation assessment and negotiation stages of work with the divorcing couple:

*Prenegotiation Assessment.* As part of the assessment of predivorce intrafamily relationships, it is critical to assess the nature of children's relationships with members of the extended family, including the level of involvement, attachment, and influence of grandparents. Where there are established positive bonds, prenegotiation may include an educative component, with the mediator assuming a proactive stance in relation to the preservation of established relationships between children and salient family members, including grandparents. The mediator may be instrumental in reframing the ongoing involvement and influence of grandparents in a positive way, emphasizing the role of grandparents during and after divorce as supports to children and parents.

It should not be assumed that postdivorce grandparent involvement will always be to the child's benefit. Grandparents who are abusive—physically, sexually, and emotionally—can have a devastating effect on children's lives. There are clear contraindications to the inclusion of grandparents and other extended family members in divorce mediation, including cases of child abuse, neglect, or exploitation; chronic alcoholism or drug addiction; and an express fear in the children of maintaining contact.

Where there are established positive bonds between grandparents and grandchildren, it may be useful to consider the involvement of family elders as support persons, resources, and consultants in some of the mediation sessions. To ensure grandparent support, and examine ways in which grandparents can ameliorate some of the negative impact of the divorce on family members, a meeting with the mediator may be helpful for both sets of grandparents.

The parents, level of comfort with ongoing grandparent contact, their respective positions in regard to future grandparent-grandchild relationships, and the extent to which they each will facilitate the preservation of these relationships need to be explored. If there is any indication of potential conflict between the parents in regard to postdivorce grandparent visitation, it may be necessary to put this on the table as an issue for negotiation. Particularly in cases where children's residence will be in one parent's household, the desirability, nature, and amount of future grandparent contact need to be examined.

*Negotiation.* The involvement of elders may be highly beneficial in the actual negotiations regarding postdivorce parenting arrangements; their presence may be an important support both to the parents and the mediator. In addition, however, because new postdivorce roles and relationships need to be

negotiated beyond the bi-nuclear family, to include extended family members and significant others in the child's life, it may be necessary to include grandparents in the negotiations. There are few social rules or traditional models guiding grandparents as they enter the uncharted territory of negotiating new postdivorce relationships with their children, former in-laws, and especially their grandchildren. Consideration of the interests of grandparents in the negotiations will be particularly important where there are established grandparent-grandchild bonds, and where the ongoing relationship may be threatened.

The grandparents may or may not be present during the negotiation sessions; if not, their interests and future level of involvement and influence in the lives of their grandchildren should nevertheless be a focus of the parents' negotiations. A clause in the parenting agreement respecting postdivorce grandparent involvement may be helpful to prevent future difficulties. If there is parental disagreement with respect to grandparent visitation, grandparents may become one of the parties in negotiations regarding grandparent access.

Family mediators have an important role to play in helping the parties anticipate future difficulties. Particularly in cases of stepparent adoption following the remarriage of a residential parent, adjustments will likely be needed. Being aware that a renegotiation of roles will be required at that time may help to avoid future impasses.

**Mediation of Grandparent Visitation Disputes.** Restoring grandchild contact after a period of access difficulties is often highly problematic. Without outside intervention in the dispute, the prognosis for future contact is often extremely poor. As legal means are often ineffective in this regard, entrenching or exacerbating existing conflicts, family mediators are increasingly called on to help resolve grandparent visitation disputes.

While some mediators are beginning to include the grandparent generation in divorce mediation, the mediation of grandparent visitation disputes should not be restricted to divorce situations. Divorce is only one of a number of circumstances surrounding grandparent-grandchild access difficulties. Non-divorce situations, including access difficulties related to conflict with both parents in an intact two-parent family and to the death of one's adult child, are almost as prevalent as divorce-related disputes and are often more difficult to resolve.

Grandparent visitation disputes are highly complex, and, as stated above, there may be serious safety concerns surrounding parental denial of access to grandparents. Further, exposing children to continuing conflict between their parents and grandparents can be highly damaging, and forcing grandparent access over the objection of a parent may undermine parental authority and autonomy. The mediation of grandparent visitation disputes thus best begins with a thorough assessment in regard to the desirability and viability of restoring grandparent contact. Nevertheless, there are many cases in which uncovering the respective interests of the parties and assisting in their negotiations, with the children's needs and interests guiding the mediation process, may result in settlement of visitation disputes and restoration of some level of

harmony among the parties. The mediation of grandparent visitation disputes in both divorce and nondivorce situations would also involve a two-stage process of prenegotiation assessment and negotiation:

*Prenegotiation Assessment.* The beginning stage of mediation would focus on the parties' readiness and suitability to negotiate the restoration of grandparent visitation. Two fundamental questions must be asked at the outset: Are the grandparents ready and prepared to make effective use of the mediation process, and are there contraindications to restoring grandparent contact?

The findings of the present study suggest that grandparents' grief response to the loss of the grandparent-grandchild relationship may affect their ability to represent their interests and negotiate effectively in mediation. The opportunity to express their grief and to cope with feelings of depression, disappointment, and loss may be necessary outside the mediation arena. The possibility of a restored relationship with their grandchildren is, however, likely to be a strong motivating factor for grandparents in mediation.

There are valid reasons that parents withhold grandparent access to grandchildren. A thorough screening and examination of parents' stated reasons for denial of access, as well as grandparents' motivations for contact, are thus critical. The nature of the previous grandparent-grandchild relationship needs to be examined, in regard not only to the frequency of contact and level of involvement but also to the nature of the attachment bonds and the influence of the grandparents in their grandchildren's lives. How beneficial was the relationship for the children, and will it be in the children's best interests to restore contact? The emotional consequences of disrupted contact for the children need to be considered as well, and children's needs and interests must guide the mediation process. The nature of the parent-grandparent relationship also needs to be explored. If conflict is likely to persist, and there is little potential of restoring some level of harmony between the parties, the disadvantages of exposing children to ongoing conflict need to be carefully weighed against any potential benefits of restored contact.

Restoration of the grandparent-grandchild relationship is most likely to be successful when three conditions are met: There is clear evidence of a preexisting close and positive relationship between grandparents and grandchildren; there is evidence that restored contact will provide ongoing benefits to the grandchildren; and there is at least the potential for restored harmony and a nonconflictual relationship between the parents and grandparents. The latter possibility is clearly enhanced when alternative dispute resolution processes are available.

*Negotiation.* A visitation schedule outlining specific access arrangements, schedules, roles, and responsibilities should be the end result of grandparent visitation mediation. For agreements to endure, and truly reflect the needs and interests of children, however, the restoration of some level of harmony among the parties is also needed to minimize exposure to conflict.

In many cases, detail and specificity regarding visitation arrangements will be initially required to avoid confusion and conflict, including details of scheduling

contact with the grandchildren and the nature of the contact. Over time, flexibility should be encouraged as the degree of trust and cooperation between the parents and grandparents increases.

Explicit guidelines for cooperation can be developed at the time the visitation plan is drafted. These may include respecting the parent's rules, avoiding direct and indirect criticism of the parent or a new partner, never placing a child in the middle of a dispute or using the child as a go-between, sticking to the visitation schedule and keeping promises (but also being flexible about accommodating the parent's request for changes), making visits as comfortable as possible for the child, and respecting the parent's privacy.

Contingency planning sets the stage for changes needed in the future. Potential obstacles and areas of conflict regarding visitation can be anticipated and examined; issues such as changing job demands, relocation, and dealing with children's changing developmental needs are subjects for discussion. Remarriage and stepfamily formation in particular can affect grandparent visitation in a significant way, as the problem of mistrust often reemerges when new members join the family. Anticipation of and preparation for such events can be important preventative measures.

Availability to the parties as they begin to operationalize the agreement and a follow-up meeting some time after the visitation plan is put in place allow the mediator to act as a troubleshooter during its implementation. As with parenting agreements, knowing that the agreement is time limited and subject to modification will help the parties agree to try a new arrangement, despite any initial anxieties.

## **Conclusion**

The salience of grandparents in their grandchildren's lives is a subject now widely discussed among social scientists. While a heterogeneity of grandparenting roles has been shown to exist, for many grandparents the grandparent-grandchild attachment bond is an important component of their self-identities and a significant factor in their everyday lives. In cases where grandparents have developed close attachments with their grandchildren that are suddenly broken, grandchild absence may eventuate a persisting grief, containing all the major elements of bereavement.

The study reported here points to a variety of circumstances and outcomes for grandparents who at some point experience access difficulties with their grandchildren. There are also certain subgroups of grandparents who have a higher risk of losing ongoing contact. Access difficulties in nondivorce situations are likely to persist; in divorce situations, paternal grandparents represent another high-risk category. While some grandparents are able to restore contact subsequent to initial access difficulties, the majority continue to disengage from their grandchildren's lives.

The implications of the study for family mediation are considerable. Grandparent visitation disputes represent an important, yet largely untapped, area for

the family mediation field. Mediation has the potential to make a significant impact on both the prevention and resolution of grandparent-grandchild access difficulties and contact loss. When grandparents are forced to seek legal means of restoring visitation with their grandchildren, conflict with parents is inevitable. This conflict will be a disruptive force in children's development. Mediation can address the interests of all parties in the dispute and keep the needs and interests of children at the forefront of negotiations.

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