



## briefs

### Parenting a Grandchild

by Beverly Pearl, Denver

Our five-year-old grandson was a neglected child. He lived with people who were more focused on drinking and taking drugs than on caring for him. On a Friday in February 2003, we received a call to come and get him or he would end up with social services. My husband and I never considered any options, other than having Pete live with us. From birth, he was attached to us and we have always been part of his life. We arrived in Santa Fe two days later after driving through a snow storm, and he was happy to see us and come with us.

The first thing I remember him saying when he walked into our place was, "How am I going to feed myself?" Our microwave is built in over our oven and it's too high for him to reach. I explained that it was now our job to feed and take care of him because that is what grandparents do. The clothes he arrived with had been brought by his cousins on the day we arrived to pick him up. The few toys he came with were also brought by them.

At the time of Pete's arrival, my husband and I

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## Grandparents Raising Grandchildren

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### Missing Link Families

by Lyn Kathlene, Ph.D., Director, Colorado Institute of Public Policy, Colorado State University

The guest editor for this issue of the **Family and Youth Institute Briefs** is Dr. Lyn Kathlene, Director of the Colorado Institute of Public Policy (CIPP) at Colorado State University. The CIPP became an institute on the Colorado State University campus in the summer of 2003 and will be working closely with the FYI. The CIPP will provide nonbiased policy information to the FYI in the areas of family and youth in the state of Colorado. As a grandparent raising her own grandchild, Dr. Kathlene is an expert from both personal experience and an academic perspective on the policies and issues surrounding grandparents raising grandchildren.

Much ado about something has been made of the decline of the family; but as is often the case, such dire portrayals oversimplify if not overstate the reality. Yes, statistics tell us household compositions have changed, but changed from when? If we set our benchmark in the 1950s, there have been dramatic compositional changes in the American family. But families do not live in isolation from greater forces, notably, the rise of a global economy. Moreover, the 1950s families situated in the

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# Multi-generational Households, Grandparent Caregivers, and the Skipped Generation

by Elizabeth Garner, County Information Service, Colorado State University, Cooperative Extension

The Census 2000 was the first year that questions regarding co-resident grandparents and grandparent caregiver was asked in the Census. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 required the Census Bureau to obtain information about grandparents who have primary responsibility for the care of their grandchildren and distinguish between households in which a grandparent was providing temporary or long-term shelter and care.

The PRWORA legislation was passed in part because researchers and public policy makers began to notice an increase in the number of grandchildren living in grandparent-maintained households throughout the United States. Policy implications of the growing number of grandchildren being raised by their grandparents are broad and range from access to public assistance, health insurance, legal services, child care, educational needs and workplace policies affecting working grandparents who are caregivers.

The percent of Colorado children living in grandparent-headed households rose from 2.6 percent in 1960 (16,700) to 5.04 percent in 2000 (55,575). Between 1970 and 1992, the greatest increase occurred in grandparent-headed households with at least one parent present. However from 1992 to 1997, the greatest increase was in grandparent-headed households where no parent was present.<sup>1</sup>

The growth in these “skipped generation” households is due in part to drug use, child abuse and neglect, incarceration of the parents and the rise in single-parent households, as well as other issues.

In 2000, 2.8 percent (66,903) of Coloradans aged 30 and over were co-resident grandparents (US: 3.6 percent), which is defined as living with grandchildren younger than 18. Of these co-resident grandparents, 42.6 percent (US: 42 percent) were also grandparent caregivers, which is defined as people who had primary responsibility for their co-resident grandchildren younger than 18. Among the grandparent caregivers, 35

percent (US: 39 percent) had cared for their grandchildren for five or more years, 94.3 percent were the householder or spouse of householder and in 34.5 percent of these households, there was no parent present.<sup>2</sup>

Cultural patterns may account for a large proportion of multigenerational households. The percentage of co-resident grandparents and those that are the primary caregivers varies sharply in the U.S. by race and Hispanic origin. The percentage of people over 30 living with their grandchildren ranged from 2 percent for non-Hispanic Whites to 10 percent for Pacific Islanders. While 8 percent each of the Black, American Indian and Alaska Native, and Hispanic populations lived with grandchildren, Hispanics were less likely to be caregivers than Blacks or American Indians and Alaska Natives – 34 percent versus 52 percent and 56 percent, respectively. Asian co-resident grandparents were the least likely to be primary caregivers (20 percent).<sup>3</sup>

Migration patterns and racial/ethnic compositions were also factors in regional and state differences in the percentage of people over 30 living with their grandchildren and potentially responsible for their care. The West had the highest percentage of co-resident grandparents (4.3 percent) and the lowest was 2.7 percent in the Midwest. The state with the highest percentage was 7 percent in Hawaii, and the lowest was 1.3 percent in North Dakota. The South had the highest percentage (48 percent) of grandparents as caregivers while the Northeast had the lowest (34 percent).

In Colorado, Adams, Costilla and Conejos counties had the highest percentage of multigenerational households (5 percent) while Jackson, Pitkin and Gunnison counties had the lowest (less than one percent). The percentage of grandparents as caregivers in multi-generational homes in Colorado ranged from zero in Jackson, Pitkin and Hinsdale Counties to over 80 percent in San Juan, Mineral and Clear Creek (although the absolute numbers are small). The counties with highest number of multigenerational

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**Multi-generational Households** continued from page 2 households and grandparent caregivers were the metro counties of Denver, Adams and El Paso.

Studies show that family structure, including information on the marital status and gender of the grandparents and the presence of parents, is essential for understanding the types of problems different families are likely to encounter. There are two main types of households: grandparent maintained and parent maintained. Within those types, other features include whether one or both of the grandparents are present and whether none, one, or both of the parents are present. The nine family types are shown in Figure 1.

Reflecting the low probability of being a grandparent between the ages of 30-39, only 5 percent of co-resident grandparents in the U.S. were in this age group. Almost one-third were aged 50-59 (32 percent). Co-resident grandparents aged 80 and over only made up 4 percent. In general, the age distribution of grandparent caregivers was younger than that of co-resident grandparents not responsible for grandchildren. Seventy-one percent of grandparent caregivers were less than 59 years old compared to 51 percent who were not caregivers<sup>4</sup>

Grandparent caregivers who are the householder are more likely to be in the workforce. Seventy-two percent of grandfathers and 56 percent of grandmothers were employed compared to 33 percent and 24 percent for grandfathers and grandmothers living in parent-maintained households. One primary reason is that grandparents in grandparent-maintained households tend to be younger and have not yet reached retirement.<sup>5</sup> They may also have to work due to financial demands of a grandchild.

Family structure is especially important when examining the economic well being of co-resident grandparents. All co-resident grandmothers are twice as likely to be poor when compared to co-resident grandfathers (21 percent versus 12 percent). Single grandmothers are especially likely to be poor. One in four grandmothers who are the householder are poor if one

parent is present. This rises to 2-in-3 if no parent is present. If the household is maintained by both parents of the grandchildren, only 5 percent of the single grandmothers are in poverty.<sup>6</sup>

Eighty-five percent of the grandchildren in grandparent-maintained households are U.S. born as are their parents compared to only 55 percent of the grandchildren living in parent-maintained households. Almost 40 percent of the grandchildren living in parent-maintained households have foreign-born parents who provide support for both the grandparents and grandchildren<sup>7</sup>.

Grandchildren in grandparent-maintained households are more likely to be poor than other children. Grandchildren in grandmother-maintained families with no parents present are the most likely to be poor. Grandchildren in grandparent-maintained households are also more likely to receive public assistance than other children, 52 percent versus 36 percent. With welfare reform time limits and family caps, new ways to make ends meet need to be found.<sup>8</sup>

Grandchildren in grandparent-maintained households are also more likely to be without health insurance than other children (29 percent versus 15 percent). One reason is that grandparents have difficulty obtaining coverage for family members other than spouses and children especially if they do not have legal custody.<sup>9</sup>

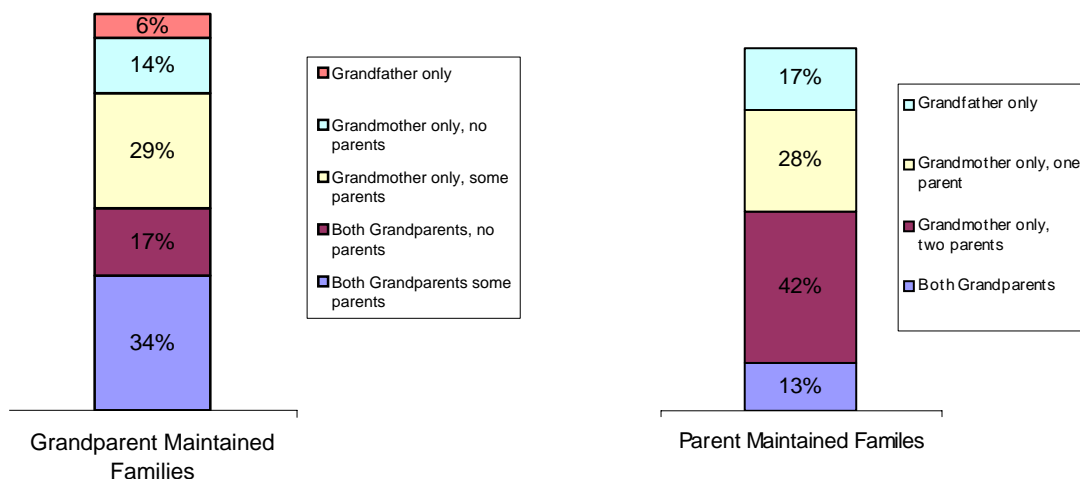
Whether or not a co-resident grandparent is the caregiver creates a clear distinction between the two primary family types. Each type is growing and each type faces different obstacles and advantages. The data indicates that although most co-resident grandparents and grandchildren are not in economic hardship, there are family structures that increase the likelihood of being in poverty, lacking healthcare and requiring assistance for educational support.

References:

<sup>1 5 6 7 8 9</sup> Coresident Grandparents and Grandchildren, Census Bureau, Current Population Report, P23-198, 1999.

<sup>2 3 4</sup> Grandparents Living with Grandchildren: 2000, Census Bureau, Census 2000 Brief, October 2003.

Figure 1: Source: Current Population Report P23-198



## Missing Link Families *continued from page 1*

post-war industrial era looked significantly different from families in the mid-1800s agrarian era. The issue is not creating the right configuration from a statistical picture, but, rather creating the social, economic and environmental components that support healthy families in a given era.

Healthy families, like unhealthy families, come in all shapes and sizes. Grandparent-headed households exist today, as in the past, and are among those family structures that play an important role in raising our children. Some of the reasons grandparents become parents today differ little from the past: unmarried young women find it economically infeasible to raise a child on their own. In some past eras, this was compounded by the social mores that stigmatized the unwed mother. Death of a parent, while more common in the past, still occurs. Incapacity of a parent, usually the mother, resulting from a chronic physical illness, such as mental instability, or drug addiction or child abuse and neglect are causes to remove, voluntarily or involuntarily, a child from the parent(s).

The difference today is not the type of reasons but rather the proportionate distribution of causes. Increasingly, substance and child abuse, neglect or abandonment bring children into the care of their grandparents. These circumstances create significant tension, if not serious legal problems for the parent(s) of the adult child who cannot raise his/her own child. The grandparents, in attempting to protect their grandchildren, risk destroying any future relationship with their own children. Moreover, many grandparents do not have legal custody of their grandchildren, leaving them with the threat of losing the grandchildren to an angered dysfunctional parent. In addition, children who come from these highly dysfunctional families tend to be high needs children,<sup>1</sup> which create an additional strain on the grandparents are likely to be struggling with their own high-needs health problems and/or the financial constraints of a fixed income due to their age.<sup>2</sup>

In this issue of the *FYI Briefs*, Elizabeth Garner provides a statistical picture of grandparent-headed households, nationally and in Colorado. Importantly, Garner notes the difference between grandparent-headed households with a parent present versus those without a parent. Research shows that even in households with a parent present, most of these grandchildren are being raised by the grandparent(s). These parents tend to be transient – moving in and out – or their presence is overstated in the Census due to fears the child will be removed from their home. The latter is especially a concern for those grandparents who do not have any formal legal standing.<sup>3</sup>

While the percentage of children living in grandparent-headed households is relatively low (approximately 6 in 100), the raw numbers feel strikingly high (3.965 million in the United States in 1995).<sup>4</sup> Yet, because these percentages and

actual numbers are based on the incidents of children at a *point in time*, it significantly understates the phenomenon *over a lifetime*. The 1989 National Survey of Families and Households (NSFH) found that 10.9 percent of grandparents reported having primary responsibility for raising a grandchild at some point in their life.<sup>5</sup> The 1993 National Longitudinal Survey (NLS) of mature women provides a breakdown of lifetime incidents by two races: 10 to 15 percent Caucasian and 40 to 50 percent African American women had grandchildren reside with them at some time over the course of a 15 year period, for an average of three years.<sup>6,7</sup> Moreover, low income grandparents are over twice as likely to become caregivers to their grandchildren.<sup>8</sup>

The policy implications these families present are profound. Missing link households, those without a middle generation, need formal services, ranging from psychosocial to community and educational supports to in-home services; as well as informal support systems to maintain healthy households.<sup>9</sup> Grandparents find themselves out of date with their grandchildren's educational needs and may even have difficulty enrolling them in school, obtaining health benefits, or Social Security benefits if they do not have legal custody or guardianship.<sup>10</sup> For grandparents who are still in the workforce, many cannot afford daycare; and for those not in the workforce respite care is financially inaccessible.<sup>11</sup> Informally, grandparents may find that their social circle narrows or disappears as their peer group's interests no longer include children, leaving them without a social support system. In their place, however, formal and ad hoc support groups are forming. In Colorado, as in other states, these support groups are mainly found in the metro areas,<sup>12</sup> leaving out the significant numbers of grandparent-headed households in rural communities.<sup>13</sup> These are but some of the challenges our missing link households face. This issue of the *FYI Briefs* attempts to bring awareness to and start a dialogue about this often invisible family structure.

### References:

- <sup>1 2 7 8 9</sup> Minkler, M., Berrick, J.D., and Needell, B. 1999. Impacts of welfare reform on California grandparents raising grandchildren: Reflections from the field. *Journal of Aging & Social Policy* vol. 10 (3): 45-62.
- <sup>3 10 11</sup> Woodworth, R.S. 1996. You're not alone...you're one in a million. *Child Welfare*, vol. 75 (5):619-635.
- <sup>4 5 6</sup> Pebley, A.R. and Rudkin, L.L. 1999. Grandparents caring for grandchildren: What do we know? *Journal of Family Issues*, vol. 20 (2): 218-242.
- <sup>12</sup> American Association of Retired People (AARP), Support groups in Colorado, [http://www.aarp.org/custom/grandparents\\_scripts/search\\_grandparents\\_data\\_state.py?city=&state=CO](http://www.aarp.org/custom/grandparents_scripts/search_grandparents_data_state.py?city=&state=CO)
- <sup>13</sup> Robinson, M.M, Kropf, N.P., Skinner, J., and Amason L. 2002. Grandparents raising their grandchildren in rural communities. 14 Annual Conference Proceedings – A System of Care for Children's Mental Health: Expanding the Research Base. 275-278.

## **Parenting a Grandchild** *continued from page 1*

were living in a two bedroom condominium and the second bedroom was set up as a den. We immediately tried to rearrange the room so Pete would feel like he had his own space. We spent the first few weeks acquiring things to help him adjust: a special bath mat that he picked out, a stool to help him reach things, linens of his choosing and a blanket in his favorite color. The den is now completely transformed into a child's bedroom. I have become very creative in finding space so each of us can have a quiet corner that we can call our own.

One of the things that shocked me the most about Pete when he came to live with us was his teeth. They were in horrible condition since he did not have a toothbrush. Pete was responsible for feeding himself, and soda and sweets were the only readily available food. Within two weeks of his arrival, I had him at my dentist. I needed to know if we had enough time to get him on Medicaid before his permanent teeth were affected. Mercifully, there was time. While we waited for the Medicaid paperwork to go through, I searched for a pediatric dentist that accepted Medicaid but still met my criteria for someone qualified to care for Pete. We struggled with Pete's diet during this time as well since most food hurt him when he ate. Yogurt and cooked vegetables were the least painful foods.

On May 8, 2003 Pete entered Children's Hospital as an outpatient to take care of his dental problems. The work was extensive. Twelve of his 20 baby teeth had cavities. Six of eight baby molars required baby root canals. One of his baby molars required a total root canal. All eight of his back molars required crowns due to the extent of decay. Three out of four of his front baby teeth required white caps. That day was one of our hardest days.

At the same time as dealing with his health issues, we had to focus on normalizing his life. Pete had never been in any educational situation so we immediately signed him up for the pre-kindergarten program at our neighborhood school. Even though it was more than halfway through the school year, the school was glad to have him, but getting him enrolled wasn't easy. First, we needed his birth certificate, and had to contact New Mexico to request one. Before we could get his birth certificate, we had to prove we had the legal right to request one. Next, we needed a copy of his immunizations, and finally, he was in the program. It took us six weeks to get it all done. For those six weeks, he was with us around the clock. We couldn't leave him with anyone because he felt that once we disappeared, we would not reappear. His school finally afforded us a two-and-a-half hour break per day. We were lucky he was starved for education. Going to school and playing with other children was something he wanted. School was the magic he needed and his acceptance of it allowed us to sign him up for four

weeks of summer day camp. It was such a treat having time to ourselves. This year, he was in a full day kindergarten program.

Dealing with social services has added another level of change to my life. I've learned quite a bit about the legal distinction between foster care and kinship care. There's a substantial difference in the amount of money people receive through the kinship care program. Family members get little or nothing for caring for a family member. I feel as if our support, effort and commitment are taken for granted. Our needs, both financial and emotional, are ignored. We face many legal and psychological questions, and we're left to deal with them ourselves. By taking in Pete, we can offer him security within the family. Hopefully that security will let him know that he has not been completely abandoned and reduce some of the questions and identity problems he may face in the future. We offer him continuity and love in a familiar setting, but are given no guidance on how to do this. A foster parent has more help from the social services system and I resent this wide chasm.

Once a month, we receive a form that must be filled out and returned before we can receive that month's assistance. We had to deal with the legal end of social services to help them locate Pete's mother (he has no father listed on his birth certificate). Of course, they are trying to get her to support her child. We feel like we're flying blind in this process as we were never told how to proceed within it. We just get letters in the mail telling us where to report and when. There are no explanations, only threatened consequences if we don't produce the required documents.

Once we dealt with legal and physical health issues, we started taking our grandson to a child therapist. Although he wasn't having any adjustment problems that we could see, we were concerned about how he was handling not being raised by his mother. Since he had been removed from her care, she informed the court she did not want to raise him. We spoke to his mother, and she made it clear she was not going to ever try to regain custody. At the beginning, she called regularly. Now, months go by and we do not hear from her, and we have no way to reach her.

Pete is my husband's grandson from his first marriage. Although we've been married over 20 years, the anger I have toward my stepdaughter is not as strong as my husband's anger. Our anger stems from the way Pete was treated and the things he had to witness and go through. Originally, we were confused and frustrated, trying to understand how a mother can ignore the needs of her child. We have finally realized this is an issue that she must face, but we don't know if she ever will.

As we adjusted to caring for Pete, I had to keep working. Fortunately, my husband was retired and could

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be with Pete, which helped get Pete through the day. It's now been a year and a half since we started to raise Pete and we still deal with legal and financial issues. But now that we know that he is doing well emotionally and physically, we are trying to focus on ourselves and manage to do work in time to pursue our individual interests as well.

For me, raising a grandchild is a joyous and frustrating experience. The frustration comes from lifestyle changes and worry about the future. I can't run out to meet with friends, take a day trip or skirt around a dinner plan. My time is no longer my own. Everything must be worked around my six-year-old grandson's schedule. Money is also an issue – baby-sitters are costly and other expenses mount up. Plus, I worry about whether my husband and I will be here for his teen years to give him the strength and guidance he will need.

The joys about Pete and the life we share are endless. Watching him ride his bike and witnessing the feelings it gives him fill me with pride. When we walk, he calls us slow pokes as he passes us on his bike. I smile when I think about the time we spend negotiating everything – if I say “five more minutes,” he says “10” and then we settle on some time in between. I love to see the pride he feels when he makes something with his K'nex's or Legos and shows it to us. My magic kiss puts him to sleep. There are so many other joys about being with Pete: when he runs really fast, he thinks he is flying; watching him ice skate; his vocabulary; when he is doing math and says “that was way too easy;” sometimes at the dinner table when he talks about his day, we need to remind him to eat; his laughter – all of these joyful moments run through my head like a slide show when I think of the blessings of raising Pete.

## Grandparents' Legal Rights Remain Uncertain

by Judd Choate, Ph.D.

Historically, grandparents have had few court-sanctioned rights. For instance, grandparents have had very limited rights to petition for visitation of a grandchild. Beginning in the 1980s, however, interest groups led by the American Association of Retired Persons (AARP), convinced state legislators to draft legislation that established various types of grandparent visitation rights in the majority of states. Prior to these statutes, the courts relied on the common law, which gave grandparents no legal right to continue the grandparent-grandchild relationship when the child (the grandchild's parent) died or had his/her parental rights terminated.

These new state laws made inroads into the previously impermeable right of parents to decide who, including blood relatives, could associate with their child. As a consequence, an interested party, usually a close relative, could petition the court to determine if the child's best interests would be furthered by the involvement of this party.

Because family law disputes tend to arise from the common law or state statutes, these cases rarely make it into the federal courts. Only when a right guaranteed under the U.S. Constitution or specifically enumerated in a federal statute is at issue can a party ask a federal court for relief. Hence, until *Troxel v. Granville* in 2000, the U.S. Supreme Court had never ruled on a grandparents'-rights case.<sup>1</sup>

In *Troxel*, the Supreme Court was asked to determine the constitutionality of a Washington state law that allowed a state court to order visitation rights when that visitation would serve the best interests of the child, whether the parent approved of that visitation or not. The statute

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## FYI Changes

The Family and Youth Institute had some recent, significant personnel changes.

Elizabeth Garner has accepted a position as an economist in the Demographer's Office, which is part of the Colorado Department of Local Affairs. A long-term member of the *Family and Youth Institute Briefs* editorial advisory board and a contributor to the newsletter for several years, Dr. Garner will be missed.

Dr. Lyn Kathlene, director of the Colorado Institute for Public Policy, will join our editorial advisory board to fill the vacancy left by Dr. Garner.

“Elizabeth Garner has brought valuable insight to the *FYI Briefs*, shaping the direction of the issues, illuminating key points, and translating complex

statistical data into comprehensible information for our readers,” says Cheryl Asmus, director of the Family and Youth Institute. “Dr. Kathlene offers an overarching perspective of policy and economic development that will undoubtedly serve our editorial board well. We welcome her.”

Dr. Bradford Sheafor has given up his administrative duties to return to full-time teaching in Colorado State University's School of Social Work. With Dr. Mary McPhail Gray's recent appointment as Deputy Administrator for 4-H, Families, and Nutrition at CSREES/USDA in Washington, DC, an advisory board will replace the FYI co-directors in guiding the direction of the institute. Dr. Cheryl Asmus has been appointed as the institute's director.

## Grandparents' Legal Rights *continued from page 6*

allowed both relatives and non-relatives to petition the court asking for visitation.<sup>2</sup>

The facts of *Troxel* demonstrate the conflict between the “parental rights” and the “best interests of the child” doctrines.

Brad Troxel and Tommie Granville were married and had two daughters before they divorced in June 1991. When the couple separated, Troxel moved in with his parents, Gary and Jenifer Troxel. Granville retained custody of the children, but they routinely visited the Troxel home for weekend visitation. That was until May of 1993, when Brad Troxel committed suicide. Soon after their son's death, the Troxels were informed by Granville that their opportunity to visit the grandchildren would be significantly curtailed. The Troxels asked that Granville reconsider, but eventually decided to petition the court for mandatory visitation under the existing Washington state law.

At trial, the Troxels requested visitation of two weekends of overnight stays per month and two weeks of visitation each summer. Granville asked that the court limit visitation to one day per month and no overnight stays. Eighteen months after the original filing, the court ordered that the Troxels receive visitation of one weekend per month, one week during the summer, and four hours on both of the Troxel's birthdays.

The Washington Court of Appeals reversed the visitation order based on state law. The Washington Supreme Court affirmed the decision of the Court of Appeals but did so on federal Constitution grounds, namely that the existing law violated the 14<sup>th</sup> Amendment by unconstitutionally infringing on the fundamental right of the parent to make decisions concerning her children. Because the Washington Supreme Court decided the case on federal constitution grounds, the Troxels appealed to the U.S. Supreme Court.

By a 6-3 majority, the Supreme Court affirmed the holding of Washington Supreme Court. Justice Sandra Day O'Connor, writing for the majority, concluded that the 14<sup>th</sup> Amendment's guarantee that no state shall “deprive any person of life, or property, without due process of law” includes the fundamental right to rear children as parents see fit.<sup>3</sup> Thus, the imposition of the Washington law “substantially burden(s)...the traditional parent-child relationship.”<sup>4</sup>

The majority argued that since the Troxels did not prove that Granville was an unfit parent, the court was not within its power to require visitation. Accordingly, “there will normally be no reason for the state to inject

itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent's child.”<sup>5</sup>

Justice John Paul Stevens dissented, arguing that parental powers are not without limit and the majority's decision effectively establishes “a rigid constitutional shield, protecting every arbitrary parental decision from any challenge absent a threshold finding of harm.”<sup>6</sup> The dissent pointed out that “unfitness” was a virtually impossible bar to reach and that the majority's fixation on parental rights meant that the other traditional standard of “best interest of the child” was completely discarded.

As a consequence of the *Troxel* decision, many states have rolled back laws extending the right of grandparents to petition for visitation. Lower courts have split in their interpretation of *Troxel*. The Maine Supreme Court upheld a visitation order allowing a grandmother, who had served as a de facto parent, some limited access to her grandchild despite the parent's objection. Other courts have required that grandparent visitation be founded on proving that the parent's denial of visitation is harmful to the child.

The Colorado Supreme Court has not adopted the strict interpretation of parental rights that the U.S. Supreme Court did in *Troxel*. In a 1995 case, *Matter of Custody of C.C.R.S.*, the presumption that the biological parent has a first and prior right to custody “may be rebutted by evidence establishing that the welfare of the child-i.e., the best interests of the child-is better served by granting custody to a non-parent.”<sup>7</sup> This argument has been extended to grandparents as well as persons wholly unrelated to the child.

While *Matter of Custody of C.C.R.S.* applies to custody cases, visitation petitions have encountered the same general interpretation. The Colorado Supreme Court seems much more willing to accept a “best interests of the child” argument than does the U.S. Supreme Court.

Any way you cut it, however, grandparents have few rights to visitation and even fewer custody rights without demonstrating that the parent or parents of the child are unfit. In fact, many courts completely sidestep the idea of grandparents' rights and instead focus on the question of “best interest of the child” as weighed against “parental rights.” As more and more grandparents find themselves the primary caregivers of small children, however, this area of the law will necessitate greater scrutiny.

### References

<sup>1</sup> *Troxel v. Granville*, 530 U.S. 57 (2000)

<sup>2</sup> *Ibid.* at 60-63.

<sup>3</sup> U.S. Constitution 14th Amendment.

<sup>4</sup> *Troxel* at 64.

<sup>5</sup> *Ibid.* at 68.

<sup>6</sup> *Ibid.* at 85.

<sup>7</sup> *Matter of Custody of C.C.R.S.*, 892 P.2d 246, 253 (Colo. 1995).

# Resources for Grandparents Raising Grandchildren

Administration on Aging (AOA), Grandparents raising grandchildren,  
[http://www.aoa.gov/prof/notes/Docs/Grandparents\\_Raising\\_Grandchildren.pdf](http://www.aoa.gov/prof/notes/Docs/Grandparents_Raising_Grandchildren.pdf);

AARP Grandparent Information Center,  
<http://www.aarp.org/life/grandparents/>

American Bar Association's Center for Children and Law,  
<http://www.abanet.org/child/home.html>

Child Abuse and Neglect Clearinghouse,  
[http://nccanch.acf.hhs.gov/pubs/reslist/rl\\_dsp.cfm?subjID=30&rate\\_chno=AR-0028A](http://nccanch.acf.hhs.gov/pubs/reslist/rl_dsp.cfm?subjID=30&rate_chno=AR-0028A)

Colorado Office of Resource and Referral Agencies, Inc., a comprehensive source to aid in the search for child care,  
<http://www.corra.org/>

Grandparent Again, <http://www.grandparentagain.com/>

Grandparent Foundation, education, research, programming, communication, and networking,  
<http://www.grandparenting.org/>

Grandparents Resource Center, <http://grc4usa.org/>

Grandparents United for Children's Rights,  
<http://www.geocities.com/Heartland/Prairie/6866/index.html>

GrandsPlace, a source for caregiver support and networking, <http://www.grandsplace.com/>

National Center for Grandparents Raising Grandchildren,  
<http://chhs.gsu.edu/nationalcenter/>

Social Security Benefits for Grandchildren,  
<http://www.ssa.gov/kids/parent5.htm>