

NEWS

Information & Insights from **RICK JOHNSON** PRIVATE INVESTIGATORS
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Grandparents Rights Investigative Alternatives

In Colorado, grandparents may have the right to petition for reasonable grandchild visitation, but the right is not automatic.

In Colorado, grandparents, in certain circumstances, may even be able to petition for parental rights and responsibilities with regard to grandchildren. Again, the right is not automatic.

The part about “not automatic” is critically important. It means that grandparents may need help establishing their rights.

The Investigator’s Role

An experienced private investigator can provide that help, but there are caveats:

- **Is the request for help well founded?**
- **If an investigation is undertaken, Is there a reasonable chance for success?**

- **If an investigation is successful, will the information be useful to their attorney?**

The Attorney’s Role

The participation by an attorney is important and necessary.

In some instances, grandparents come to me with a specific referral from their attorney, who either has filed or is considering filing a petition for visitation or custody on behalf of the grandparents.

But much of the time, I hear from grandparents who either haven’t already consulted an attorney or who have consulted, even hired an attorney, but who want me to conduct an investigation without first learning whether it’s something their attorney can use.

In most cases, the grandparents have some cause, reasonable or otherwise, to be concerned; but, again, the process requires the advice of an attorney before I can accept an assignment.

Typically, a parent or guardian with primary custody of the grandchildren or a third party in that household may be suspected of drug or alcohol abuse, of criminal activity, of neglect, or other conduct detrimental to the health, welfare, and safety of the grandchildren.

Reasonable Suspicion

In a recent case, a mother was undergoing drug rehabilitation out of state.

The parents of the girl were concerned that the son-in-law, who remained in control of the couple’s children, and who supposedly was to undergo counseling here, was, himself still abusing drugs and alcohol.

The grandchildren could be in some danger.

The grandparents had every reason to be concerned and to reach out for help – whether or not visitation or custody was at issue.

Proving drug use or alcohol abuse can be difficult and dangerous propositions. My staff includes a retired South Florida undercover narcotics sheriff's deputy, but he's now a private investigator, not a police officer, and people obviously don't obtain or use drugs in a way that permits us to obtain visual or testimonial evidence.

Still, people abusing drugs or alcohol tend to conduct themselves in ways that we can see and document through surveillance.

In another case, the ex-husband was ordered by the court not to drink during the 24 hours prior to visitation with his children on Saturday. He could have been drinking in his own home and out of sight, but this guy and his new wife frequently were observed the night before visitation drinking in a bar.

Other Tools

We can conduct background investigations that may reveal a criminal record that was not fully known or not known at all.

We can determine whether someone with custody of children has a valid driver's license. That can be critically important, since driving without a license with children in the car also may mean driving without insurance. If the license was lost because of an alcohol-related or drug-related conviction, the children in a car with that driver clearly may be in even greater danger.

Where another person, unrelated by blood, shares a residence with a

person who has custody of children, or even just visitation rights with the children, a background report on that third party can be essential.

Even interviews with neighbors may be helpful

In a recent case, young children were left alone to wander the streets of a neighborhood on busy streets, unkempt, and even occasionally hungry. Neighbors were taking in the children, cleaning them up and feeding them.

There seems to be no end to the ways that parents and guardians can ignore their responsibilities.

Grandparents often turn out to be the safety net that makes a real difference.

Every case presents different challenges, but in a state that does not license or otherwise regulate private investigators, all due care must be taken to ensure that those challenges are presented to an investigative agency that has the experience and the qualifications to properly perform the work.

About Us

My Company and my staff are licensed in Kansas and I carry Errors & Omissions Insurance in the amount of \$1,000,000.

I'm a former investigator for the Denver County and Jefferson County District Attorneys' Offices, president of the Professional Private Investigators Association of Colorado, and an Associate Member of the Bar Association.



**Discreet, Thorough,
Accurate, Creative**

4 Former Investigator for the Denver and Jefferson District Attorney's Offices

4 Police misconduct and related investigations for Central City, Breckenridge, Fowler, and Fort Lupton. And Risk Assessment investigations for Denver.

4 The only private investigative agency in Colorado to be hired by the Denver Election Commission to investigate allegations of campaign fraud and kickbacks.

4 Broad knowledge of criminal & civil law, insurance regulations, and common sense acquired through 30 years of investigative experience.

4 One of the few investigative firms in Colorado to carry \$1 million in liability insurance.

4 More than 30,000 civil and criminal cases investigated.

4 President and Principal Instructor, Private Investigators Academy of the Rockies.

4 Member:

**Professional Private Investigators Association of Colorado
President 2005-2006**

**World Association of Detectives
World Investigators Network
Intelnet**

National Council of Investigation and Security Services

California Association of Legal Investigators

4 Associate Member, Colorado and Denver Bar Associations.

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