

VISITATION RIGHTS OF PARENTS IN INDIA: LAWS AND PRACTICES

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Abstract

After a divorce, the child is the most affected party, experiencing significant psychological and emotional consequences. Custody after divorce is the most convoluted issue in society, the complications arise as to whom the custody of the child should be given and the reasons for it. Traditionally, physical custody was awarded to either the mother or father, but over time, courts have recognized the essential role of both parents in the child's upbringing. Both parents have exclusive roles in the upbringing of the child, physical and mental well-being. Through various cases, the court has established that the welfare and best interests of the child are paramount when determining custody. With time, concepts such as visitation rights and shared parenting have developed. This article aims to explore the meaning and existing legal framework relating to the visitation right of parents, the factors that shape the court's decision in granting visitation rights, the concept of Shared Parenting, the psychological impact of Divorce and Judicial Separation on Child, the doctrine of the welfare of child and the court's interpretation for the same, by briefly touching upon such rights in the international domain.

Keywords: visitation rights, shared parenting, welfare of child, psychological impact

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Introduction

Child visitations can facilitate the continued involvement of both parents in their children's lives after a divorce (Kadir and Kahar, 2020). So, after a marriage breaks, it is not the father or the mother but, their child who suffers the most (D'Onofrio and Emery, 2019). Indian law lacks codified provisions on visitation rights, necessitating reliance on judicial precedents for clarity. But in general terms, these are the legal rights given to the parent or any relative as per the court's discretion to visit the child. Generally, visitation rights are given by the court to address custody-related issues when there are problems in a marriage, and it can lead to the breakdown of the union between the spouses, which could finally result in the annulment of the marriage or a divorce. But it needs to be seen that the child(ren) conceived from their union should not suffer because of their parents' split (Kumar, 2023). Visitation rights are granted to parents to ensure that the child maintains contact with both parents, as the presence of both is considered crucial for the child's overall welfare and development. Due to these reasons, the Court endeavors to help the two parties reach a compromise and gives them both the opportunity to contribute to the child's upbringing. The court considers multiple factors for giving visitation rights of the child, to safeguard the best interests of the child. Moreover, these rights are not exclusively reserved for parents, but they are also given to grandparents in some cases.

Impact of Divorce and Judicial Separation on Children's Mental Health

According to different research, there is a higher chance of child and adolescent adjustment issues, emotional turmoil associated with the conflict resulting in challenges such as academic challenges (such as poorer grades and school dropout), disruptive behaviors (such as conduct and drug abuse issues), and low mood when parents' divorce or separate (Kadir and Kahar, 2020). This is mostly because a child's home life and relationship with parents affect nearly every element of their life, and when a support system is disrupted, it becomes challenging for them to concentrate on their studies or they may perceive their academic performance as less important than their home life (Kabyn, 2023).

There is evidence supporting that divorce can negatively impact academic performance and children of divorced parents are twice or thrice

more likely to drop out from school (D’Onofio and Emery, 2019). It is common for children with a single parent to be questioned by other children and often by adults also about why they have only a single parent and Indian society does not easily accept divorce or separation. In a divorce, the child often unavoidably becomes separated from one of the parents. The behaviour of the parents towards each other during their marriage and the divorce, the child(ren)’s experience of their parents’ divorce, impacts how they view society and themselves (Yanamadala, 2022). Children with divorced parents are more likely to face a range of emotional and behavioural issues like increased anger, aggression, anxiety, social withdrawal, and are at an increased risk of mental health issues like depression, substance abuse, anger issues, risky behaviour, and even depression, etc. The impact of divorce on children depends on their age and the circumstances of the parent’s divorce (Broadwell, 2025).

Research Methodology

This research adopts a doctrinal method that involves an in-depth analysis of judicial precedents from the Supreme Court and High Courts of India and scholarly literature, including articles, editorials, research papers, international frameworks (e.g., the UK’s Children Act 1989), and statutes such as the Hindu Minority and Guardianship Act, 1956; Hindu Marriage Act, 1955; the Guardians and Wards Act, 1890, etc. Foreign legal frameworks specifically of the USA and Canada were also examined in comparison to those in India. It also incorporates empirical data from various countries to understand the prevalence of shared parenting and its benefits. The research adheres to ethical standards by acknowledging all sources and addressing potential biases in the analysis.

Meaning of Visitation Rights

These are the rights that plan how non-custodial parents can spend time with their children, how can they visit their children, and maintain healthy relations with them as children also benefited by getting the opportunity to meet and interact with both parents. In most of the cases, visitation rights are granted to parents who are not granted custody. It is generally the duty of the parent who is living with the child, that the other parent can visit the child without any obstacles. The court many a times also set forth the terms

of visitation rights in visitation schedules, it is seen that the courts generally prescribe outlines for visitation schedules. Custody or interim custody orders are different from visitation rights. They allow the parent without interim custody to see the child without removing him/her from the custody of the other parent.² If we see according to Black's Law Dictionary, "*visitation is when a non-custodial parent's period of access to child.*" It means an order that helps to establish visiting times for a non-custodial parent. The welfare of a child and the best interest of the child are the paramount principles to be considered while awarding custody or visitation rights. The court has time and again explained visitation rights with the help of judicial pronouncements, in the case of *Rajeswari Chandrasekhar Ganesh v. State of Tamil Nadu*³ the court explained the *Doctrine of Parental Alienation Syndrome*, these are the efforts that are made by one parent to agree with their view point and start insulting the other parent with whom the child is not living, this syndrome makes the child hate or insult the other parent, hence the court also looks at the impact of such factors on the children's health and well-being.

Difference Between Visitation Rights And Custody

The provision for custody is given under various statutes such as the Guardians and Wards Act of 1890. However, conflicts may arise when these provisions intersect with personal laws. In such instances, the courts resolve the matter by prioritizing the child's needs and welfare above the parents' interests. Several types of custody are provided under Section 26 of the Hindu Marriage Act 1955, Section 38 of the Special Marriage Act 1954, and the Hindu Minority and Guardianship Act 1956, among others. When parents get a divorce, the court grants custody of the child to one parent, ensuring that the child is cared for and kept safe. The child lives with the parent who is given custody. In most cases, when one parent is given custody rights, the court also gives the other parent access to the child by granting visitation rights. These rights are based on the fundamental principle that a child should grow up in full awareness and presence of both parents. So, when custody rests with one parent, visitation rights play a pivotal role.

² *Roxann Sharma v. Arun Sharma*, (2015) 8 SCC 318.

³ *Rajeswari Chandrasekhar Ganesh v. State of Tamil Nadu*, 2022 SCC OnLine SC 885

Visitation Rights of Grandparents

It is not essential or automatic that only biological parents can be awarded visitation rights, grandparents can also be awarded visitation rights. Grandparents' visitation rights differ but if they have a close relationship with their grandchildren and if it is in the children's best interests, grandparents can request court-ordered visitation or custody as it is known that, children are often emotionally attached to their grandparents and vice versa, grandparents are also responsible for the upbringing of the child. Different courts have reiterated the grandparent's right to visitation. In the case of *Biji & Another v. Vijil & others*⁴ Kerala High Court ruled that the visitation rights of grandparents are well recognized towards their grandchildren, and it would also include overnight custody for a small time. The Supreme Court had even held that grandparents should be preferred while granting custody of the child after the demise of both parents (Choudhary, 2022). The court time and again held that to ensure the best interests of the children, held that grandparents are an integral part of the family and play a crucial role in the upbringing of children and their love and support cannot be disregarded or undervalued. Therefore, getting the grandparents together with the children would also be essential to their upbringing, especially before any single parent's unilateral actions overwhelmingly influences the highly impressionable minds of young children⁵. Hence it can be concluded that grandparent's visitation rights also play a significant role in the child's physical and mental development.

Visitation Rights Evolving through Judicial Precedents

There is no specific mention of visitation rights in India and so they have evolved by various judicial precedents. In the case of *Aakriti Kapoor v. Abhinav Agarwal*⁶, the petition was filed by the mother of five-and-half-years-old girl, in the Delhi High Court. There was some dispute between the petitioner and her husband (respondent), so they decided to separate, and it was decided that the custody of the child would be given to the mother (petitioner), and it was also decided that on the first sunday of every month, the respondent would visit the child. The respondent was further granted exclusive custody of the child for

⁴ *Biji & Another v. Vijil & others*, Appeal No; 234/2016.

⁵ *Syed Irshad Ahmed Zaid v. Shazia Anjum*, FA(MAT) No. 123 of 2023.

⁶ *Aakriti Kapoor v. Abhinav Agarwal*, 2023 SCC OnLine Del 585

5 days in summer vacations and a few more rights. The respondent then got remarried, and the petitioner also got remarried to a resident of the USA and that's why she filed an application in family court for modification of existing visitation rights. The court decided that she be allowed to relocate to USA with her daughter. However, the respondent would be at liberty to interact with the child through video calls for one hour every Saturday and Sunday. In the case of *Roxann Sharma v. Arun Sharma*⁷, the custody was given to the mother, and the visitation rights were given to the father, along with a temporary order prescribing schedules to the father for visits. Visitation rights were defined in India by the hon'ble apex court in the *Roxann's* case, and it was held that for the healthy growth and upbringing of the child, the love of both parents is required, for the healthy growth of the child, and because of this, the court granted custody to the petitioner but said that the respondent who was the mother of the child would get visitation rights of child, in the present case, the court granted her to meet her child tentatively for at least 3 days and days can be fixed by the parties in front of the learned judge. In the case of *Rajan Jairath v. Mrs. Monita Mehta*⁸ the Respondent (Monita) challenged the granting of visitation rights to Petitioner (father), who pleaded for visitation rights, but the court denied giving more visitation rights because the children denied staying with the father in winter and the court held that the children have lost interest in their father and that the court would respect the wishes of the minor children. However, the Court ruled that if the petitioner (father) still wishes to see his children, he may request the trial court to call for children, as the court (Civil Judge) previously ordered so that he can meet his children every second Saturday of the month and hence the new petition was dismissed.

Visitation Rights of Children in Foreign Jurisdiction

Under the United Kingdom laws, the general rule is that it is the child's right to have access to both parents. Parents have a duty to raise their children by giving them clothing, food, and housing in addition to a right to care for the welfare of the child. Section 2 of the Children's Act 1989 explains the Parental Responsibility of children and comprises the duties and responsibilities of both parents. It contains the Child Arrangements Order (CAO) that explains

⁷ *Roxann Sharma v. Arun Sharma*, (2015) 8 SCC 318.

⁸ *Rajan Jairath v. Mrs. Monita Mehta*, 2013 (1) RCR (Civil) 546 (P&H).

with whom a child is to live, spend time or otherwise have contact. The law in the United Kingdom encourages parental contact with their children, limiting contact only when it is best for the child. Contact is the amount of time the non-resident parent spends with the child. Direct contact, or face-to-face communication, can occur during the day or overnight between a parent and child, or indirect communication can also include emails and phone calls, etc. Indirect communication can also take the form of phone calls, in-person meetings, emails, letters, and gifts and parents do not automatically have the right to communicate. In cases when parents have divorced, it is anticipated that the parent with whom the child resides will permit a fair degree of communication with the other parent. Maintaining communication with extended family members, such as grandparents, aunts, uncles, and siblings, can also be facilitated. In the UK as well, the importance is given to child's welfare, According to Section 7 of the Act⁹, the court has the authority to order reports regarding the welfare of children from Children and Family Court Advisory and Support Service (CAFCASS) or local authorities. CAFCASS is an organization that works with children and families involved in family court proceedings to ensure the children's voices are heard and their welfare is prioritized.

Laws Emphasizing Child Welfare

Welfare of Child Under Laws

Under Personal Laws

Different laws in India have different welfare provisions for children. The 'welfare' of the child stems from Section 13 of the Hindu Minority and Guardianship Act 1956¹⁰ which stipulates that in the appointment or declaration of any person as guardian of a Hindu minor by a court, the welfare of the minor shall be the paramount consideration. Although Section 6 of the Hindu Minorities and Guardianship Act, 1956 designates the father as the natural guardian of a minor son or daughter, this provision cannot override the primary consideration of what promotes the child's welfare. Section 26 of HMA¹¹ empowers the court to make orders related to custody, maintenance, etc., during times of divorce or judicial separation. To arrive at a just and proper decision,

⁹ *Children Act*, § 7, 1989.

¹⁰ *Hindu Minority and Guardianship Act*, § 13, 1956

¹¹ *Hindu Marriage Act*, § 26, 1955.

keeping in mind that the welfare of the child is paramount, the court found it appropriate to hear the child's wishes regarding with whom they wish to live (Singh, 2024).

Under the Muslim laws, a mother is entitled to have custody, known as *hizanat* of a male child until he completes the age of 7 years, specific guidelines are given under the Muslim Women (Protection of Rights on Divorce) Act, 1986. Custody for the Christians is governed by Section 42 & 43 of Indian Divorce Act, 1869, and under this Act the court grants custody to the parent who can provide better care and nurturing for the child and may even reject claims if none of the parents can offer a suitable environment for the child's well-being.

Under Secular Laws

Section 17 of the Guardians and Wards Act, 1984¹², to an extent mentions about the welfare of children to be taken into consideration when appointing a guardian. It includes the religion of the minor and nearness of kin to the minor etc. These are the guiding factors laid down under the Guardians and Wards Act, 1890 that determine the welfare of a child. According to this section 6¹³ the minor's father will serve as guardian; however, if the minor is under five years old, the mother shall in ordinary cases be the guardian. Also, under Section 29 of JJ Act, 2015, a Child Welfare Committee must be constituted for the welfare of the children who need care and protection and if both the parents are unable or unwilling to look after and provide for the child. Section 26 of Hindu Marriage Act 1955 also explains that minor's well-being and the minor wishes shall take precedence over all other considerations, In Law Commission Report¹⁴ had suggested changes to the Guardians and Wards Act, 1890 for adding visitation provisions as it suggested shared parenting. The report also took reference to the scheduling of visitation rights from Indiana and Michigan, which recommend that a child visits a non-custodial parent once a week on a weekday evening and once every other weekend.¹⁵ In the case of *Goverdhan Lal v. Gajendra Kumar*¹⁶, the court observed that - it is true that the father, as the natural guardian of a

¹² *Guardians and Wards Act*, § 17, 1984

¹³ *Hindu Minority and Guardianship Act*, § 6, 1956.

¹⁴ Law Commission Report 257, 2015.

¹⁵ Indiana Parenting Time Guidelines at S. 2(D)(1); Michigan Parenting Time Guideline at 7

¹⁶ *Goverdhan Lal v. Gajendra Kumar*, AIR 2002 Raj 148.

minor child, has a preferential right to claim custody of his son. However, in matters concerning the custody of a minor child, the paramount consideration is the welfare of the minor, not the legal right of any party.

Doctrine of Welfare of Child

The doctrine of the welfare of children has developed and evolved through the various judicial precedents over several decades. Indian courts have reiterated repeatedly that it is the welfare and well-being of the child which is the paramount consideration and not the legal right or the welfare of the mother or the father. Moreover, family courts in India are mostly governed by the theory of “*Parens Patriae*,” meaning that the state is the “parent” or guardian for children who are unable to care for themselves or when their legal guardinas are unable or unwilling to care for them, and therefore, judgements should maximize a child’s well-being. In the case of *Saraswatibai Shripad Vad v. Shripad Vasanji Vad*¹⁷, the court said that it is the welfare of the minor and of the minor alone that is the paramount consideration. While awarding the Custody, welfare of Child is seen to be the paramount consideration, “*Where in any proceedings before any court the custody or upbringing of a minor is in question, then, in deciding that question, the court must regard the minor’s welfare as the first and paramount consideration, any may not take into consideration whether from any other point of view the father’s claim in respect of that custody or upbringing is superior to that of the mother, or the mother’s claim is superior to that of the father*” (HLE, 2022). Even many international laws also advocate for welfare of children.

Welfare of Child Under International Laws

Under the U. K.’s, Children Act 1989 court determines any question concerning the upbringing of a child or administration of a child’s property, etc. in taking such decisions, the child’s welfare shall be the court’s most crucial factor. Further, the United Nations Convention on Rights of the Child also calls for the best interest of the child should be taken. Article 3 of the UNCRC¹⁸ mentions that “*all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative*

17 *Saraswatibai Shripad Vad v. Shripad Vasanji Vad*, 1940 SCC OnLine Bom 77.

18 *United Nations Convention on Rights of Child*, Article 3, 1989.

authorities, or legislative bodies, the best interests of the child shall be a primary consideration.” Directing all the institutions and statutory bodies to take actions while giving priority to the best interests of the child. Therefore, the welfare of the child is a significant concern in international law as well.

Court’s Ruling Regarding Factors Relevant to the Welfare of Child

In the case of *Purvi Mukesh Gada v. Mukesh Popatlal Gada*¹⁹ Supreme Court reiterated that it was decided that the welfare principle would take primacy over all other pros and cons in the court’s decision-making process. ‘Welfare’ contains broad interpretation, and it covers material and physical safety, emotional well-being, education, health, happiness, social interactions and moral welfare of the child (Pareek, 2021). Since Indian law fails to establish any criteria or rules for determining what is welfare, the court has to make this determination after carefully considering all the relevant facts and circumstances of each case. In the case of *Smriti Madan Kansagra v. Perry Kansagra*²⁰, apex court held that the welfare principle is the public interest that stand served with the optimal growth of the children. It is well recognized that children are the supreme asset of the nation. The rightful place of the child in the sizeable fabric has recognized in many international covenants, which are adopted in this country as well. Child-centric human rights jurisprudence that has evolved over a period of time is founded on the principle that public good demands proper growth of the child, who are the future of the nation.” In the case of *Vivek Singh v. Romani Singh* Supreme Court reiterated that the principle of welfare of the child follows a dual approach, the first approach is to ensure best environment for growth of child and the second approach is of public interest that is linked with proper growth of the child. In the case of *Gaurav Nagpal v. Sumedha Nagpal*²¹, the hon’ble apex court observed that the primary concern for the Court is the welfare of the child. However, this welfare is not solely determined by financial means or physical comfort. The term ‘welfare’ should be interpreted in its broadest context, encompassing the child’s moral and religious well-being in addition to their physical health. The bond of affection must also be considered. Finally, in the case of *Lahari Sakhamuri v.*

19 *Purvi Mukesh Gada v. Mukesh Popatlal Gada*, Criminal Appeal No. 1553 of 2017.

20 *Smriti Madan Kansagra v. Perry Kansagra*, Civil Appeal No. 3559 of 2020.

21 *Gaurav Nagpal v. Sumedha Nagpal*, (2009) 1 SCC 42.

*Sobhan Kodali*²², encapsulates almost all factors that should be considered while determining the welfare of child, the factors such as maturity and judgment, mental stability, ability to provide access to schools, moral character, ability to provide continuing involvement in the community, financial sufficiency and last but not the least the factors involving relationship with the child, as opposed to characteristics of the parent as an individual.

Shared Parenting

Meaning of Shared Parenting

Shared Parenting is a parenting arrangement where both parents actively participate in raising their child, provide love and guidance, share responsibilities and make decisions together, even after separation or divorce.

This is a new concept in the jurisprudence of custody. This concept came into being because of increasing interest in shared parenting and has grown among parents who no longer live together, after divorce or separation but, both wish to spend time with children. This system is prevalent in countries such as US, UK, Canada Australia, etc., but has still not gained much momentum in India. Shared parenting is believed to be beneficial for the child as there is a lesser impact on the mental growth of the child due to the parents' separation or divorce. Separation from parents is an adverse childhood experience which can have long term detrimental effects on the health and psychological well-being of a child. Shared parenting allows for parenting to be a joint responsibility between both parents, ensures that the child is not permanently separated from either parent, has access to the love and resources of both parents, thereby helping in the healthy upbringing of the child.

The first International Conference on Shared Parenting by International Council on Shared Parenting (ICSP) was conducted in year 2014, in which consensus was arrived at many points related to shared parenting including definition of "shared parenting" that defined as *"the assumption of shared responsibilities and presumption of shared right regarding the parenting of children by fathers and mothers who are living together or apart"* (Kruk, 2014).

²² *Lahari Sakhamuri v. Sobhan Kodali*, 2019 (7) SCC 311.

Importance of Shared Parenting

Shared Parenting is interlinked with the best interest of the child as the presence of both the parents is important for the proper growth and development of the child. Shared Parenting involves joint decisions for the child and sharing his/her financial and other responsibilities which include the health, safety, choice of the school, curricular and extracurricular activities, social life, religious life etc. There are several studies highlighting the importance of the child living in the care of both parents, and misbehavior and anger issues were found to be more common in children under sole custody. Further, children in shared parenting are found to do better in measures, relating to depression, deviance, school effort and school grades.

Studies show that the children report better emotional health, lower levels of anxiety and depression, and improved academic performance as compared to those in sole custody arrangements (Hall, 2024).

The Family Law (Shared Parental Responsibility) Amendment Act, 2006 introduced changes to Australia's family law. It encouraged more shared and co-operative parental planning (Roy, 2026). There has been steady increase in Australia in percentage of children in shared parenting as compared in 2002 – 2003 which was around 9.4% increased to 25.9% in 2021 – 2022, and further increased during the COVID pandemic, as the parents had the to share the care of the children due to work from home. In such shared parenting, the child related expenses were being shared by both parents. Though shared parenting can sometimes also come with financial abuse and violence, it reduces the financial burden of single parents and encourages financial contribution from both parents (Smyth and Chisholm, 2024).

Shared Parenting in India

In India, shared Parenting gained momentum after the drafting of the Consultation paper on 'Adopting a Shared Parenting System in India',²³ by the Law Commission of India in 2014. The landmark case of *Smt. Savitha Seetharam v. Sri Rajiv Vijayasathy Rathnam*²⁴ the Karnataka High court endorsed and observed the concept of Shared Parenting and gave it greater

23 Law Commission of India, Consultation Paper. (2014, 10 November). Adopting a Shared Parentage System in India.

24 *Smt. Savitha Seetharam v. Sri Rajiv Vijayasathy Rathnam*, C.C.C.No.1236/2015

importance after the divorce of parents. The court dwelt into the factors that should be considered while preparing the Joint Parenting Plan. The court further held that personal profile of parent, their educational qualification, residence, economic and social status, etc. are all crucial factors to be considered while granting custody.

Policy Recommendations

Guidelines for Visitation Across Various Countries

Visitation Guidelines from various countries such as USA, Canada, are serve as a model for parents to develop a parenting time plan that works for their family. In the State of Indiana, non-custodial parents retain the right to reasonable parenting time with their child, unless the court conducts a hearing and determines that such visitation would pose a risk to the child's physical well-being or substantially impair their emotional development. These guidelines provide detailed schedules for parenting time, tailored to the child's age and development. The schedules aim to ensure that non-custodial parents maintain regular and meaningful contact with their children. It divides the schedules into three categories, that includes infants and toddlers (up to 3 Years), children aged 3 and Older, and teenagers, catering to specific needs required for the children in different age group. For instance, infants require frequent but short visits to build stability, ensuring the balance between the rights of parents and the best interests of the child.²⁵

In Canada, according to Section 20 of the Children's Statute Reform Act, the law says, "*A parent has the right to see their child, visit them, and also the right to ask questions and get up-to-date information about the child's health, education, and well-being.*" There are four types of visitation rights in Canada, namely, fix parenting time, reasonable, supervised and no visitation right which happens only in some extreme cases, where the visitation is detrimental to the child's needs and safety (Huinink, 2025).

Visitation Guidelines in India

Indian family law presently lacks a uniform framework governing custody and visitation cases, leaving significant presence and opportunity for judicial discretion. Judges' individual backgrounds, experiences, and inherent

²⁵ Indiana Rules of Court, "Indiana Parenting Time Guidelines".

biases can significantly influence their decisions. Consequently, the absence of uniform guidelines contributes to inconsistency in judicial outcomes, leading to unpredictable and divergent custody and visitation orders, even in similar situations.

Therefore, amalgamation of the best practices relating to visitation rights from different countries combined with Indian socio-cultural contexts of parenting that are informed by research in child psychology and development can help India to draft robust, effective and child-centric guidelines for the visitation rights which are truly in the best interests of children. However, directly adopting these guidelines from other nations may not be feasible due to significant cultural differences. The guidelines should be nuanced enough to incorporate different and diverse cultures of India, prioritizing the best interests of children, and could provide detailed, age-specific parenting time schedules. Like Indiana's guidelines, India can categorize visitation schedules based on different age groups. That prioritize the developmental needs of children, ensuring regular and meaningful contact with both parents, while allowing for flexibility to accommodate individual circumstances. A detailed set of Visitation Guidelines could prove highly significant in ensuring that all judges have a consistent framework to follow, which in turn, would help mitigate the variability in judicial decisions and promote fairness. Further, the Visitation guidelines should be dynamic and flexible, open to necessitating adjustments due to changes in circumstances over time in society.

In conclusion, the visitation guidelines should *firstly*, include the uniform pattern for visitation rights across the country, while the visitation schedules should also accommodate different schedules for holidays including festivals, public holidays etc. *Secondly*, the visitation guideline should include provisions when there are allegations of abuse or neglect, ensuring that decisions are made with the child's safety as a priority. *Thirdly*, there should be mandatory parenting programs for parents and family members going through a divorce or separation and counselling for the child(ren), in order to ensure that every member of the family (including parents, children, siblings, grandparents and other caregivers or significant others connected to the child) has adequate life skills and emotional coping skills to cope with the adversity of divorce/separation. In addition, strict procedures should be there including penalties and mandatory counselling sessions for parents who fail to facilitate visitations or restrict the other parent to visit the child.

Other than the visitation guidelines, there should be framework for the mandatory training and capacity building for the judges of family court, focusing on child psychology and the importance of maintaining parent-child relationships post-separation. Additionally, the incorporation of shared parenting within the guidelines, which includes, the expectation that both parents remain actively involved in their child's life, regardless of custody arrangements, and that decisions regarding the child's welfare are made jointly.

Conclusion

India lacks specific statutory provisions governing visitation rights, though there are evolving case laws for the same. While there are multiple factors influencing granting of visitation rights including cultural and societal norms, the paramount consideration is the welfare and best interest of the child. It is crucial to ensure that the child is not deprived of parental love due to conflicts between the parents and that a safe and secure environment is provided for the child's development (Desmarchelier et al., 2022).

With divorce becoming more common in Indian society, it is becoming increasingly difficult for individuals to cope with the complex responsibilities of parenting that come in the aftermath of divorce and separation, which invariably cause a devastating impact on the child's psychological well-being. It is therefore imperative that there are legal safeguards, in the form of Visitation guidelines, that include and encourage Shared Parenting, that could contribute to mitigating the trauma of the children going through the adversity of their parent's divorce / separation as well as protect child rights and enable the psychological wellbeing of the child.

In view of these considerations, there is an imperative need for policymakers to implement clear and comprehensive, nuanced and detailed guidelines on visitation rights, ensuring that judicial decisions are consistent, well-structured and uniform, reducing disparities that can arise from varying interpretations of the law. Law can lead the path in helping society to embrace the concept of shared parenting that recognizes the importance of both parents in child's life post-divorce, by introducing the legal framework that advocates for Shared Parenting. Therefore, the guidelines ensuring the best interests of the child are the need of the hour, to ensure fairness and stability for children post-divorce.

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