

99046024061000

# Appoint a guardian ad litem for minor children ("lawyer of the child")

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/6000117-99046024061000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046024061000
Leistungsbezeichnung I	Appoint a guardian ad litem for minor children ("lawyer of the child")
Leistungsbezeichnung II	Appoint a guardian ad litem for minor children ("lawyer of the child")
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> <li>• § 151 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) – Kindschaftssachen</li> <li>• § 158 FamFG – Bestellung des Verfahrensbeistands</li> <li>• § 167 FamFG – Anwendbare Vorschriften bei Unterbringung Minderjähriger und bei freiheitsentziehenden Maßnahmen bei Minderjährigen</li> </ul>
Teaser	In proceedings that concern significant matters for the child's future life, the court must appoint a procedural guardian for a minor child if this is necessary to safeguard the child's interests.
Volltext	<p>Appointment of a guardian ad litem for minor children under the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)</p> <p>In proceedings that concern significant matters for the child's future life, the court must appoint a procedural guardian for a minor child if this is necessary to safeguard the child's interests.</p> <p>In family matters, the guardian ad litem (also known as the "child's lawyer") must ensure that the undistorted will of the child is brought into the court proceedings. He or she explains to the child how the court proceedings are conducted and communicates to the child the contents and communications of the court.</p> <p>Typical cases are the regulation of parental custody and proceedings in which the contact of one parent or a third party (e.g. grandparents) with the child is to be regulated. In addition, guardians ad litem are also to be appointed in proceedings in which the court decides on the approval of the closed placement of a minor</p>

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	<p>child.</p> <p>If the child is adequately represented by a lawyer or other authorised representative, a procedural guardian is not necessary.</p> <p>Note: Procedural guardians serve only as counsel and are not granted legal powers to legally represent the child. They may, however, file appeals in the interests of the child.</p>
Erforderliche Unterlagen	none
Voraussetzungen	<ul style="list-style-type: none"> <li>• In court proceedings, there is a considerable conflict between the interests of the child and its legal representation (parents, one parent, guardian), so that the latter are no longer suitable to represent the interests of the child in the proceedings and the interests of the child are therefore in danger of being lost in the proceedings.</li> <li>• The welfare of a child in its family is endangered and the family court must decide whether the parents must be deprived of parts of the custody or even the entire personal custody.</li> <li>• Separation of the child from the parents or the person in whose care the child is to be placed is to take place.</li> <li>• The surrender or retention of the child by or with a carer or other person entitled to contact is the subject of the proceedings.</li> <li>• The exclusion or substantial restriction of the right of access may be considered.</li> </ul> <p>Qualification of the guardian ad litem</p> <p>The law does not prescribe any particular qualification. Child psychologists, social education workers or lawyers may be considered, but also people close to the child (relatives) with whom the child has a special trust.</p>
Kosten	<ul style="list-style-type: none"> <li>• professional guardian ad litem: EUR 350.00 to EUR 550.00 (depending on the scope of the tasks assigned)</li> <li>• non-professional guardian ad litem: Expenses</li> </ul>

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	<p>The rate for expenses is generally calculated according to the regulations applicable to guardians. Remuneration and reimbursement of expenses are paid from the state treasury.</p>
Verfahrensablauf	<p>The competent court shall appoint a guardian ad litem ex officio. An application is not required.</p> <ul style="list-style-type: none"> <li>• The appointment can also be suggested by the parties to the proceedings or third parties (such as family members or other persons close to the child). Children can also file the application themselves from the age of 14.</li> <li>• The court checks whether the proposed person meets all the requirements and appoints him or her as guardian ad litem if he or she is suitable.</li> </ul>
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	<p>The competent court shall appoint a guardian ad litem ex officio. An application is not required. If necessary, the appointment of a guardian ad litem may be suggested by the parties to the proceedings or third parties.</p>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	