

99126011088000, 99126011088000

Guardianship

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/9579575/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99126011088000, 99126011088000
Leistungsbezeichnung I	Guardianship
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Vormundschaft (126)
Verrichtungskennung	Anordnung (088)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	13.02.2015
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	<ul style="list-style-type: none"> • § Section 1697 of the German Civil Code (Bürgerliches Gesetzbuch - BGB -) (guardianship or curatorship ordered by the family court) • §§ Sections 1773 - 1792 of the German Civil Code (Bürgerliches Gesetzbuch - BGB) (guardianship) • § Section 3 of the Rechtspflegergesetz - RPflG - (Transferred transactions) • § Section 14 of the Rechtspflegergesetz - RPflG - (guardianship matters) • §§ Sections 151 et seq. and 168a of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction - FamFG (child custody matters) • §§ Sections 1 et seq. Act on Court Costs in Family Matters - FamGKG
Teaser	
Volltext	<p>In certain situations, guardianship is established by law as statutory official guardianship by the youth welfare office. In most cases, however, a court order from the family court is required.</p> <p>The procedure begins ex officio and includes the appointment of the guardian as well as the selection and appointment of the guardian (if necessary, several guardians and a counter-guardian) by the competent court.</p>
Erforderliche Unterlagen	
Voraussetzungen	<p>Guardianship is necessary if</p> <ul style="list-style-type: none"> • a minor is not under parental care, • neither parent is authorized to legally represent the child, • the marital status of a minor child cannot be determined.

Modul

Sachverhalt

Kosten

The fees and expenses in the case of guardianship are determined in accordance with the more detailed provisions of the FamGKG.

Verfahrensablauf

The family court is often informed by the youth welfare office or the registry office that the requirements for the establishment of a guardianship have been met.

At the beginning of the proceedings, the minor child is assigned a guardian ad litem, insofar as this is necessary to protect his or her interests in the court proceedings.

In order to select a suitable person for the office of guardian after the death of both parents, it is first determined whether a guardian has been named in a last will and testament (will/inheritance contract) of the parents. It is then checked whether the person nominated by the parents meets the legal requirements for taking on a guardianship.

If there is no nomination by the parents or if the nominated person does not meet the necessary requirements, the family court must look for other suitable persons, taking particular account of relatives.

In the proceedings, the relatives and close acquaintances of the family as well as the child and the youth welfare office are heard. The child is always heard if it is older than 14 years of age. An association with legal capacity can be appointed as guardian if it has been declared suitable for this purpose by the state youth welfare office. If guardianship is to be transferred to an association with legal capacity, its consent must be obtained.

The court decides on the appointment of the guardian (if applicable, the co-guardian and the counter-guardian).

A person is appointed by the family court by way of a commitment to faithful and conscientious conduct of the guardianship. The commitment is made by means of a handshake in lieu of an oath. The appointment of an association guardianship or official guardianship (of

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	the youth welfare office) is made by written order of the family court.
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	<ul style="list-style-type: none"> • the local court (family court) in whose district the ward has his or her habitual residence or • the local court (family court) whose previous measure makes a guardianship necessary <p>In these cases, the family court orders the guardianship, selects the guardian and appoints him or her.</p> <p>(The family court is a specialized department of the local court).</p>
Formulare	
Ursprungsportal	Guardianship, Vormundschaft