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Leaving a child with a foster carer

Heruntergeladen am 06.07.2025

<https://fimportal.de/xzufi-services/231403557/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99013009088000, 99013009088000
Leistungsbezeichnung I	Leaving a child with a foster carer
Leistungsbezeichnung II	Leaving a child with a foster carer
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Adoption (013)
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	Adoption und Pflegekinder (1020100)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	11.11.2021
Fachlich freigegeben durch	Federal Ministry of Justice and Consumer Protection
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1632.html https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG002600000 https://www.gesetze-im-internet.de/bgb/_1697a.html https://dejure.org/gesetze/SGB_VIII/37.html https://www.gesetze-im-internet.de/bgb/_1632.html https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG002600000 https://www.gesetze-im-internet.de/bgb/_1697a.html https://dejure.org/gesetze/SGB_VIII/37.html
Teaser	Are you a foster carer and the biological parents want to take the child back into their care? Then you can apply to the family court for the child to stay with you.
Volltext	<p>Not every child grows up with their biological parents or with a biological parent. Neglect, domestic violence or a serious illness of a parent can be conditions that severely restrict the child's well-being. Under certain circumstances, a child can then be placed with a foster carer or foster family. Family care is also often the result of parents placing their child in the care of relatives, such as grandparents, for an indefinite period of time. As a foster carer, you help to ensure the well-being of the child entrusted to you and to strengthen them. If the conditions in your foster child's family of origin do not improve, or in agreement with the parents, the child can stay with you permanently. If the parents do not (or no longer) agree to this, you can apply to the family court for a placement order. The family court will order the child to remain with the foster carer if and for as long as the child's welfare would be endangered by being taken away from the foster carer.</p> <p>If the conditions for issuing a permanent placement order are met, the court must also consider the child's need for continuous and stable living conditions as</p>

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part of the child's best interests when making its decision.

If there is an urgent need for an immediate court ruling and a final decision is not yet possible, the court can also decide on this as a provisional measure by way of a temporary order.

Please note that the rights of the child's parents are very important. For this reason, they are entitled to advice and support as well as the promotion of their relationship with their child, even during the time when the child is not in their care. The aim is to improve the conditions in the family of origin so that the parents can raise the child themselves again, or at least to promote their relationship with the child and their understanding of the child in such a way that a different, long-term life perspective can be developed by mutual agreement that is in the child's best interests. If contact is in the child's best interests, the parents' right and duty to have contact with their child also applies if the child lives with a foster carer.

The court's decision is based on the so-called "best interests of the child principle". This means that the decision is not based on the subjective wishes of the parents or foster carer. Rather, it must be ensured that the parents only take the child away from the foster family if this does not harm the child by breaking off the relationship.

Erforderliche Unterlagen

No documents are required.

Voraussetzungen

You have taken in a child and would like to apply for the child to remain in your family. The following criteria must be met for the requested court decision:

- The child must have been living in your family for some time. Whether this is the case will be assessed on a case-by-case basis, taking into account the age of the child, among other things,
- the parents want to take the child away from you and
- removal from the foster family by the parents would endanger the child's welfare.

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If you want the child to remain in your family permanently, the following criteria must also be met for such a court decision:

- The parents have not sustainably improved their parenting relationships,
- it is very unlikely that the parents' parenting situation will improve in the future and
- it is necessary for the child's welfare to remain in your family permanently.

Please note: The so-called "best interests of the child principle" is decisive for the assessment of your application. In particular, the age of the child, its relationships and attachments at the time of the decision and its previous history will be taken into account.

Kosten

The caregiver may have to pay court costs and - in the case of legal representation, for example - also out-of-court costs. The caregiver is only liable for court costs if the court orders the caregiver to pay all or part of the court costs. If the legal requirements are met, you will be granted legal aid on application.

Verfahrensablauf

- As the foster carer, you apply to the family court to keep the child in your family.
- The court sends the application to the parents and the youth welfare office for their information and comments. It also appoints a guardian ad litem for the child ("child's lawyer"), who supports the child in the proceedings and represents his or her interests.
- The court hears the child in the presence of the guardian ad litem and gains a personal impression of the child. The court also holds a hearing in a timely manner. At the hearing, the parents and the caregiver are heard in person and the youth welfare office and the guardian ad litem make statements. It is also discussed what help may be required and whether an amicable solution can be found.
- If necessary for the decision, a further investigation of the facts takes place, for example by questioning other persons or by obtaining information or an expert opinion.
- The family court decides whether the child should

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remain in the foster family.

- Until the final decision is made, the court can take a temporary measure - in particular, the temporary placement of the child with the foster carer - by way of a temporary injunction due to an immediate need for judicial regulation.

Bearbeitungsdauer

The processing time depends on the individual case. The court hearing should be held within one month of the proceedings being initiated at the latest.

Frist

You do not have to observe any deadlines. If, as a foster parent, you are faced with the prospect of your foster child being removed from your family in the near future, it is important that you seek legal advice as early as possible.

weiterführende Informationen
Hinweise
Rechtsbehelf

There is the legal remedy of appeal in accordance with §§ 58 ff. FamFG. The appeal period is 1 month, for appeals against interim measures 2 weeks.

Kurztext

- Arrangement for a child to remain with a foster carer
- The foster carer can apply for the child to remain in their foster family if the parents wish to remove the child from the foster family
- A court order is also possible without an application
- The court examines the requirements
- The child is ordered to remain in the foster family, if the child has been living in foster care for a long time, if the parents want to take the child away from the foster carer and if the child's welfare would be endangered by being taken away from the foster carer
- The child is ordered to remain in the foster family permanently, if the parents have not sustainably improved the child-raising situation, it is very unlikely that the parents' upbringing will improve and it is necessary for the child's welfare to remain with the foster carer on a permanent basis
- The decisive factor for the court's decision is the so-called "best interests of the child principle".
- competent court: Local court - family court

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Ansprechpunkt	Please contact the competent family court. https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche
Zuständige Stelle	The family court has jurisdiction.
Formulare	Forms: none Online procedure possible: no Written form required: yes Personal appearance required: yes
Ursprungsportal	Verbleib eines Kindes bei einer Pflegeperson, Leaving a child with a foster carer