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Guardianship Institution

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/8665861/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99126011000000, 99126011000000
Leistungsbezeichnung I	Guardianship Institution
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	25.07.2016

Modul	Sachverhalt
Fachlich freigegeben durch	Lower Saxony Ministry of Social Affairs, Health and Equality
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016303377 https://www.gesetze-im-internet.de/sgb_8/_2.html https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html#BJNR111630990BJNG001107140 https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016303377 https://www.gesetze-im-internet.de/sgb_8/_2.html https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html#BJNR111630990BJNG001107140
Teaser	
Volltext	<p>Guardianship may be established by operation of law or by the district court.</p> <p>Guardianship is not a public "service" in the strict sense.</p> <p>By including guardianship in Book VIII of the Social Code as a "different task", the competent authorities are obliged to keep staff available for the management of guardianships.</p> <p>The management of a guardianship itself can be entrusted to a specific person, an association or a youth welfare office. The district court decides to whom the guardianship is entrusted.</p> <p>The locally responsible youth welfare office "automatically" becomes a guardian when a minor unmarried mother has a child. This guardianship ends as soon as the mother reaches the age of majority. "Automatic" guardianship does not apply if the child's father is of legal age, paternity is established before birth and the parents have made a declaration of joint parental authority.</p> <p>The actual management of a guardianship takes place within the framework of private law. The persons who lead the guardianship largely fulfil the tasks that would have to be carried out by the parents without this</p>

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guardianship. The actual care of the child is usually handed over to other persons and/or bodies. A guardian thus represents the person over whom guardianship is held in all matters (in which he or she cannot decide for himself).

Examples:

- Opening of a passbook
- Permission for surgery
- Change of school
- Determination of the place of residence

If a guardianship is led by a youth welfare office, this is called "official guardianship". A person employed by the Youth Welfare Office will be commissioned accordingly. The tasks associated with guardianship are carried out by this person on his own responsibility.

In the area of guardianship, there are more far-reaching provisions which, due to their complexity, cannot be described in detail here.

Erforderliche Unterlagen

No documents are required.

Voraussetzungen

A guardianship is not a benefit that is applied for in the strict sense. Guardianship is established when the district court becomes aware that guardianship is required.

The following are some of the requirements for entering into or establishing guardianship (the following list is for examples only and is not exhaustive):

- the parents of a child are unknown (foundling/delivery of a child in a "baby hatch"/unaccompanied child)
- both parents have been deprived of parental authority by decision of a court
- the mother of a child is herself a minor
- both parents are deceased
- the parental authority of the biological parents is suspended after consent to the adoption of a child.

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	<p>is an indispensable prerequisite for the establishment/entry into guardianship,</p> <ul style="list-style-type: none"> • that it is not clear who has parental authority over a child, or • that both parents are actually unable to exercise parental authority, or • that both parents have been deprived of parental authority, or • that the mother is a minor.
Kosten	<p>There are no fees.</p> <p>If legal representation is deemed necessary by the parties involved, the costs of this representation must of course be borne. It may be possible to make use of legal aid services.</p>
Verfahrensablauf	
Bearbeitungsdauer	
Frist	There are no deadlines to be observed.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	Under certain circumstances, guardianship may apply or be established for a minor.
Ansprechpunkt	Jurisdiction lies with the district court, the district, the district-free city and the municipality belonging to the district.
Zuständige Stelle	
Formulare	
Ursprungsportal	Guardianship Institution, Vormundschaft Einrichtung