

99126011088000

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/3927/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99126011088000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Guardianship for minors; arrangement
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	19.08.2024

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG016402377 http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG016402377 http://bundesrecht.juris.de/famfg/ http://bundesrecht.juris.de/famfg/
Teaser	The local family court is responsible for ordering guardianship for minors.
Volltext	<p>Minors are assigned a guardian if they are not under parental care or if the parents are not entitled to represent the minor in matters concerning their person and assets. A guardian must be appointed in the following cases, for example:</p> <ul style="list-style-type: none"> • A minor is not under parental care because his/her parents are deceased. • A minor cannot be represented by his/her parents in personal and financial matters because they have been deprived of parental custody. • The marital status of a minor cannot be determined (foundling). <p>The guardian is the legal representative of the minor in all matters. They have the right and duty to look after the minor's person and assets. The family court advises the guardians and supervises their activities.</p> <p>Legal guardianship is a special case of guardianship. When a child is born to an unmarried underage mother, the youth welfare office becomes the official guardian by law (without a decision by the family court). One of the main tasks of the Youth Welfare Office as official guardian is to assert the child's maintenance claim. The underage mother is only entitled to take care of the child's person (in addition to the official guardian), but not to represent the child. However, in the event of differences of opinion, her opinion takes precedence over that of the guardian. The official guardianship ends when the mother reaches the age of majority or when joint custody is</p>

Modul	Sachverhalt
	established with the adult father.
Erforderliche Unterlagen	
Voraussetzungen	The guardianship takes effect by order of the family court (exception: statutory official guardianship by the youth welfare office). The guardianship order is made ex officio and becomes effective upon notification to the parties involved. The local family court in whose district the ward is habitually resident at the time when the guardianship order becomes necessary is usually responsible. If a matrimonial matter is pending between the parents of the ward, the court there also has exclusive jurisdiction for the guardianship.
Kosten	Fees and court expenses are charged when guardianship is ordered if the ward's assets exceed €25,000 after deduction of liabilities at the time the respective fee is due. The value of an appropriate owner-occupied property is not included in the calculation.
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Complaint
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungportal	BayernPortal, BayernPortal