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# Remaining a child with a foster carer Order

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013114/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99013009088000
Leistungsbezeichnung I	Remaining a child with a foster carer Order
Leistungsbezeichnung II	Application for a child to remain with a foster parent
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Child should stay in foster family</div>, <div lang="en-x-mtfrom-de">Application child remains in foster family</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.04.2024
Fachlich freigegeben durch	
Handlungsgrundlage	§ 1632 German Civil Code (BGB) §§ 186 ff. Law on the Procedure in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)
Teaser	If you are a foster parent for a foster child, you have the right to file an application with the family court for the foster child to remain in the foster family if the biological parents want to take the child away from there.
Volltext	<p>Not every child grows up with their biological parents or with one biological parent. Neglect, domestic violence or a serious illness of a parent can be causes that severely limit the child's well-being. Under certain circumstances, a child can then be placed with a carer or a foster family. Family care often also occurs when parents place 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. If conditions in your foster child's birth family do not improve, the child can stay with you permanently. If the parents do not agree to this, you as the carer can submit an application to the family court for the child to remain with you. You then apply for an order to remain. The family court will order the child to remain with the carer if and for as long as the child's well-being would be endangered by being taken away from the carer. If the conditions for issuing a permanent stay order are met, the court must take into account the child's need for continuous and stable living conditions in its decision. If there is an urgent need for immediate judicial settlement and a final decision is not yet possible, the court can also decide this as a provisional measure by way of an interim order. Please note that the rights of the child's parents are very important. Therefore, they are entitled to support the relationship with their child even when the child is being cared for in a foster</p>

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family. The aim is to improve the conditions in the family of origin so that the parents can raise the child themselves again. The relationship with the child and an understanding of the child's well-being should be supported in such a way that a long-term life perspective can be developed for the child that is in the child's best interests. As long as contact is in the child's best interests, the parents have the right and duty to contact their child. This also applies if the child lives with a foster parent. If the conditions in a foster child's birth family do not improve within a reasonable period of time, in the opinion of the youth welfare office, the child will be placed in a foster family permanently. If the biological parents do not agree with this decision, the family court can order the child to remain in the foster family.

## Erforderliche Unterlagen

No

## Voraussetzungen

The child will be ordered to remain in the foster family if the child has been living in family care for a long time the parents want to take the child away from the caregiver the child's welfare would be endangered by removal from the caregiver The child will be ordered to remain in the foster family permanently if the parents have not sustainably improved the upbringing conditions the improvement of the parents' upbringing conditions is very unlikely to be expected the child's permanent stay with the carer is necessary for his or her well-being The so-called best interests principle is decisive for the court decision. In addition to the application for the child to remain in the foster family, an urgent application can also be submitted.

## Kosten

The carer may be responsible for court costs and, for example, out-of-court costs if they are represented by a lawyer. The carer is only liable for court costs if the court imposes the court costs on the carer in whole or in part. If the legal requirements are met, you will be granted legal aid upon application.

## Verfahrensablauf

As a carer, you apply to the family court for the child to remain in your family. The family court in whose district the child's main residence is responsible. The court sends the application to the parents and the youth welfare office for their information and

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comment. The court appoints a legal representative for the child, who is also called a child's lawyer. He represents the child and his interests in the proceedings. The court hears the child in the presence of his or her legal representative and gets a personal impression of the child. The court also holds a hearing to discuss the case. At the hearing, the parents and the carer are heard in person and the youth welfare office and the legal representative give their opinion. It is also discussed what kind of help may be required and whether an amicable solution can be found. If necessary for the decision, further investigation of the facts will be carried out, for example by questioning other persons or by obtaining information or an expert opinion. In addition, further investigative steps may be considered, in particular obtaining a psychological expert opinion. After carrying out these investigative steps and procedural actions, the family court will decide on the application to remain by order. The family court decides whether the child should remain in the foster family. Pending a final decision, the court may, due to an immediate need for judicial regulation, take a provisional measure – in particular, a provisional stay of the child with his or her carer – by way of an interim order.

**Bearbeitungsdauer**

The processing time depends on the individual case. The court hearing should take place within one month of the initiation of the proceedings at the latest.

**Frist**

No

**weiterführende Informationen**

<https://www.pfiff-hamburg.de>  
<https://www.pfiff-hamburg.de>  
<https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera>  
<https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera>  
<https://justiz.de/index.php>  
<https://www.justiz.de/OrtsGerichtsverzeichnis/index.php>  
<https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/themen/familie/pflegekinder>  
<https://www.hamburg.de/pflegekinder/>  
<https://www.justizadressen.nrw.de/de/justiz/suche>

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	<a href="https://www.justizadressen.nrw.de/de/justiz/suche">https://www.justizadressen.nrw.de/de/justiz/suche</a>
Hinweise	It is advisable to seek legal advice. In any case, the court decision is based on the so-called best interests of the child principle. The court decision is therefore not based on the subjective wishes of the parents or foster parents. Rather, it must be ensured that the child will not suffer lasting harm as a result of breaking off the relationship. Please note: Legal advice is not available at the district court. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers cost-effective legal advice for people with low incomes at.
Rechtsbehelf	There is a legal remedy of appeal. The appeal must be lodged within one month, and in the case of appeals against interim measures within two weeks.
Kurztext	The foster carer can request that the child remain in his or her foster family if the parents wish to remove the child from the foster family. The family court orders the child to remain with the foster carer if and for as long as the child's welfare would be endangered by being removed from the foster carer. A court order is also possible without an application. Court examines the requirements.
Ansprechpunkt	If you want to find out exactly who is responsible for your request, please follow the link to  Hamburg Service
Zuständige Stelle	District Court of Hamburg
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in German)