

99013003025000

Heruntergeladen am 08.06.2025

<https://fimportal.de/services/99013003025000>

Modul	Sachverhalt
Leistungsschlüssel	99013003025000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Replace a parent's consent to adoption
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Adoption (individuell, 013)
Verrichtungskennung	Beratung und Belehrung (025)
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)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.07.2022
Fachlich freigegeben durch	Federal Ministry of Justice (BMJ)
Handlungsgrundlage	https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG000400000 https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG000700000 https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG002600000 https://www.gesetze-im-internet.de/bgb/_1748.html https://www.gesetze-im-internet.de/sgb_8/_51.html
Teaser	<p>If you want to give your child up for adoption, the birth parents and the child must consent. In exceptional cases, the family court can substitute the consent of one parent for the adoption. The responsible youth welfare office must advise and instruct on the procedure.</p>
Volltext	<p>You want to give your child up for adoption, the child also agrees, but the required consent of the other parent is missing? Then the family court can replace this missing consent in certain exceptional cases.</p> <p>The substitution of consent is intended to prevent significant negative consequences for the child concerned if he or she cannot be adopted. Slight disadvantages do not justify substitution of consent to adoption.</p> <p>If a parent shows indifference to the child, the youth welfare office must inform him or her that substitution of consent is possible. It must inform the parent that the family court may not replace the consent until 3 months have elapsed after the instruction.</p> <p>This instruction is not required if the other parent's whereabouts are not known and cannot be determined in 3 months despite efforts by the youth welfare office.</p>

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This instruction does not take place if

- the child has already been in care for a longer period of time in the family that wants to adopt him/her, and
- severe harm to the child would be expected if the child were to be adopted into the parent's household.

In cases where, for example, you as the mother exercise sole parental care, the Youth Welfare Office must advise the father about his legal options. What is meant here is, for example, an indication of the possibility of the father applying for sole parental care of the child.

Erforderliche Unterlagen

No further documentation is required.

Voraussetzungen

Substitution of a parent's consent to adoption is possible,

- if the latter is indifferent towards the child or grossly violates his or her duties towards the child for a longer period of time,
- if it would be associated with particularly serious (disproportionate) disadvantages for the child concerned if adoption did not take place,
- if this parent has violated parental duties in a particularly serious manner and for this reason it can be assumed that the child will never live in the household of this parent,
- if one of the parents suffers from a particularly serious mental illness or a particularly serious mental or psychological disability and for this reason cannot permanently care for and raise the child, and
- if the child's development would be seriously endangered if adoption did not take place.

Kosten

You will usually incur costs for family court proceedings to replace consent to an adoption.
You do not have to pay anything for the Youth Welfare Office's tasks in the proceedings.

Verfahrensablauf

- The application does not require any special form. It can be submitted in writing to the locally competent family court or declared in writing to the legal

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application office.

- Only the child itself is entitled to file an application:
 - For a child who has not yet reached the age of 14, the legal representative applies to replace the consent of the parent on behalf of the child. If the child has reached the age of 14 and is not legally incapacitated, he or she must apply for the replacement himself or herself.
 - The family court
 - involves the parent whose consent is to be replaced,
 - if necessary, appoints a guardian ad litem for the child,
 - hears the youth welfare office and, if necessary, involves it at its own request,
 - decides by resolution whether to replace the consent of a parent.
 - The decision shall be notified to the parties involved with instructions on how to appeal; it shall be served on the party whose declared will it does not correspond to.
 - The proceedings must be legally concluded before a decision can be made on an application for adoption. The substitution of consent takes effect when the decision becomes final.

Bearbeitungsdauer

Processing usually takes several months.

Frist

- Consent to adoption can be replaced by the family court at the earliest 5 months after the birth of the child.
- If the family court is to replace the consent because the parent is indifferent to the child, this can take place at the earliest 3 months after instruction by the youth welfare office, but in no case earlier than 5 months after the birth of the child.

weiterführende Informationen

<https://familienportal.de/familienportal/lebenslagen/ki-nderwunsch-adoption/adoption>

Hinweise

Rechtsbehelf

- Time-limited appeal (1 month)
 - The child making the request is entitled to appeal against the refusal, and the parent concerned is entitled to appeal against the replacement.

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Kurztext	<ul style="list-style-type: none"> • Procedure for adoption as a child - counseling and instruction <ul style="list-style-type: none"> • both natural parents and the child must consent in writing to an adoption • the consent of one parent to the adoption of his or her child can be substituted by the family court • responsible: Adoption agency of the locally responsible youth welfare office
Ansprechpunkt	
Zuständige Stelle	
Formulare	Forms available: No Written form required: Yes Informal application possible: No Personal appearance required: No Online services available: No
Ursprungsportal	