

99013011088001

Heruntergeladen am 08.06.2025

<https://fimportal.de/services/99013011088001>

Modul	Sachverhalt
Leistungsschlüssel	99013011088001
Leistungsbezeichnung I	
Leistungsbezeichnung II	Application for surrender of the child by way of interim relief (summary proceedings)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Adoption (individuell, 013)
Verrichtungskennung	Anordnung (088)
SDG-Informationsbereich	Rechte und Vorschriften für Fälle der grenzüberschreitenden Kindesentführung durch einen Elternteil
Lagen Portalverbund	Trennung mit Kind (1020500)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	29.09.2020
Fachlich freigegeben durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen.
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1632.html https://www.gesetze-im-internet.de/bgb/_1666.html https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG000500000 https://www.gesetze-im-internet.de/famfg/_151.html
Teaser	Personal custody includes the right to demand the return of the child from anyone who withholds it from the parents or a parent.
Volltext	Personal custody includes the right to demand the return of the child from anyone who withholds it from the parents or one of the parents. This right can be asserted before the family court. If there is an urgent need, this can be done in proceedings for an interim injunction.
Erforderliche Unterlagen	Documents which serve to substantiate the alleged facts, e.g. an affidavit
Voraussetzungen	• The persons entitled to file an application are those who have the right to determine the child's residence.
Kosten	• Court costs • if applicable, costs for the appointed lawyer
Verfahrensablauf	You can apply for a temporary order for the return of the child at the competent local court - family court. • You must give reasons for the application and substantiate the conditions for the order, e.g. by submitting an affidavit on the alleged facts. • It is initially at the discretion of the local court, in this case: the family court, whether it decides on the application for a temporary injunction after a prior oral hearing or in written proceedings without an oral hearing. In most cases, the opposing party is also given the opportunity to make a statement before a decision

Modul
Sachverhalt

is made.

- The court must hear the parents and the youth welfare office and in most cases also the child. This hearing can only be dispensed with for serious reasons. This not only serves the right of the persons concerned, but also enables the court to gain a personal impression of the parties involved.

- If the decision has been made without an oral hearing, an application can regularly be made subsequently for a new decision to be made on the basis of an oral hearing before the family court.

- If the respondent does not comply with the request, the court can order compulsory measures to hand over the child to the competent bailiff. This may go as far as a search of the home and the assistance of the police.

Bearbeitungsdauer

\\- case-by-case Note: Applications for an interim injunction are dealt with on an expedited basis as summary proceedings before the court.

Frist

None

weiterführende Informationen

<https://amt24.sachsen.de/leistung/-/sbw/Kindesherausgabe%20einstweilige%20Anordnung%20beantragen%20Eilverfahren-6000150-leistung-0#sp-js-textContent-title>

Hinweise
Rechtsbehelf

- Appeal within two weeks pursuant to § 57.2 No. 2, 58 et seq. FamFG if a decision on an urgent application for the surrender of the child to the other parent was taken on the basis of an oral discussion.

Kurztext

- Application for surrender of the child order temporary
 - Personal custody includes the right to require surrender of the child from anyone who withholds the child from the parents or a parent
 - application by one parent
 - competent: Local Court - Family Court -

Ansprechpunkt

<https://www.justizadressen.nrw.de/de/justiz/suche>

Modul	Sachverhalt
Zuständige Stelle	The family court at the district court with local jurisdiction for you decides on the application for surrender of the child.
Formulare	None
Ursprungsportal	