

99154036000000

Birth, custody for minor children, parental responsibilities, rules on surrogacy and adoption, including second-parent-adoption, maintenance obligations in relation to children in a cross-border family situation

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/102837941/B100019>

| Modul | Sachverhalt |
|-------------------------|---|
| Leistungsschlüssel | 99154036000000 |
| Leistungsbezeichnung I | Birth, custody for minor children, parental responsibilities, rules on surrogacy and adoption, including second-parent-adoption, maintenance obligations in relation to children in a cross-border family situation |
| Leistungsbezeichnung II | Parental responsibility for minor children |
| Typisierung | 11 - SDG: Allgemeine Rechte und Pflichten |
| Quellredaktion | Bund |

| Modul | Sachverhalt |
|-------------------------------|---|
| Freigabestatus Katalog | unbestimmter Freigabestatus |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus |
| Begriffe im Kontext | |
| Leistungstyp | Leistungsobjekt |
| Leistungsgruppierung | SDG allgemeine Rechte und Pflichten (154) |
| Verrichtungskennung | |
| SDG-Informationsbereich | Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten |
| Lagen Portalverbund | Vor der Geburt (1010100), Nach der Geburt (1010200), Adoption und Pflegekinder (1020100), Trennung mit Kind (1020500) |
| Einheitlicher Ansprechpartner | Nein |
| Fachlich freigegeben am | 12.12.2022 |
| Fachlich freigegeben durch | Birth: Federal Ministry of the Interior and Community Surrogacy: Federal Ministry of Health Adoption: Federal Ministry of Justice |
| Handlungsgrundlage | |
| Teaser | In this section, you will find information on your rights and obligations regarding birth, maintenance obligations for children in cross-border family situations, and surrogacy and adoption. |
| Volltext | <p>**Birth**</p> <p>Every child born in Germany must be registered with the **competent registry office** in their place of birth.</p> <p>The following must report a birth:</p> <ul style="list-style-type: none"> • the **hospital** where the birth took place |

Modul

Sachverhalt

- the **parent(s) with parental responsibility** , or any other **persons present**.

If you have any further questions, please contact the [registry office](<https://behoerdenfinder.de/opencms/searchjs.do>).

Surrogacy

In Germany, **surrogacy** is **prohibited** under Section 1(1)(7) of the Embryo Protection Act (ESchG). The aim of this prohibition is to prevent **split maternity** , where the genetic mother is not the mother who carries the child. The legislation is designed to ensure that **motherhood** is **unambiguous** , in the interests of the child's welfare. According to German descent law, the **mother** of a child is the woman who gave birth to that child (Section 1591 of the German **Civil Code [BGB]**). A woman who is not the birth mother of a child can only be legally classified as the mother if the child is adopted.

Maintenance obligations for children in cross-border family situations

Depending on the **country of residence** of the person liable for or entitled to maintenance , maintenance claims can be enforced abroad through various procedures.

The **Foreign Maintenance Act** (AUG) provides the legal framework in Germany for procedures with international bases for action through which maintenance obligations can be claimed. In particular, these bases are:

- **Council Regulation (EC) No 4/2009 of 18 December 2008** on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations
- the **Hague Convention** of 23 November 2007 on the International Recovery of Child Support and Other

Modul

Sachverhalt

Forms of Family Maintenance and
 • the **UN Convention** on the Recovery Abroad of Maintenance, signed in New York on 20 June 1956.

The AUG also applies where **formal reciprocity**, as defined by the Foreign Maintenance Act, is guaranteed.

Adoption

Adoption results in the establishment of a new parent-child relationship by way of a ruling handed down by a family court.

Adoption of a child: The **relationship** of the child to their previous parents and relatives **expires** (Section 1755 et seqq. BGB).

Adoption of an adult: In principle, the **relationship** to the previous parents and relatives does **not** **expire**. However, exceptions are possible (Sections 1770 and 1772 BGB).

An adoption is only permitted if it **serves the best interests of the child**. In addition, **a parent-child relationship** is expected to arise between the adopting person and the child (Section 1741(1), first sentence, BGB).

The **consent** of the biological parents, the adopting person and the child is required. However, **consent** may be substituted by a court where necessary (Section 1746 et seqq. BGB).

Who can adopt?

Married couples can only adopt a child together. One spouse must be at least 25 years of age, the other at least 21 (Sections 1741 and 1743 BGB). **Single parents** can adopt a child by themselves if they are at least 25 years of age (Sections 1741 and 1743 BGB). For **unmarried couples**, including those in registered civil partnerships, only one person can adopt initially. The other person has the option to adopt the

Modul

Sachverhalt

child whom the partner has already adopted (successive adoption). In addition, a person may adopt their own stepchild if that person is married to or in a registered civil partnership with the stepchild's mother or father, or lives together with them in a stable relationship (Sections 1741 and 1766a BGB). The minimum age of the adopting person in a stepchild adoption is 21 years; there is no minimum age for the partner.

****Other rules and requirements****

Sections 1741 to 1772 BGB and Sections 186 to 199 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG) lay down further rules and requirements with regard to adoption and its effect and to the ****possibility to annul an adoption****.

This legislation is supplemented by the ****Act on Adoption Placement and Support and on the Prohibition of Surrogacy Placement**** (AdVermiG). These provisions set out restrictions on adoption and lay down special rules for international adoption. As regards the effects of ****international adoption**** within Germany in particular, the provisions of the ****Adoption Effects Act**** (AdWirkG) must be observed.

As regards ****international matters****, Article 22 of the Introductory Act to the Civil Code (EGBGB) determines what law applies to adoption and the consent required on the part of the biological parents. German law applies to adoptions granted in Germany.

****International adoption****

Adoption decisions issued in contracting states to the ****Hague Adoption Convention of 1993**** (the Adoption Convention) are recognised in Germany, pursuant to the Adoption Convention. In addition to the Adoption Convention, recognition is regulated by national law (Adoption Convention Implementation Act [AdÜbAG], Adoption Effects Act [AdWirkG]). Section 108 et seq. FamFG continue to apply to adoption decisions issued in states that are not party to the Adoption

| Modul | Sachverhalt |
|------------------------------|--|
| | Convention. It is essential that a procedure for determining judicial recognition be mandatory for the recognition of foreign adoption decisions that are not accompanied by a certificate pursuant to Article 23 of the Adoption Convention confirming that the adoption took place in accordance with the provisions of the Adoption Convention. **Section 6 of the Nationality Act (StAG)** specifies in which cases an international adoption gives rise to the right to **German citizenship**. |
| Erforderliche Unterlagen | |
| Voraussetzungen | |
| Kosten | |
| Verfahrensablauf | |
| Bearbeitungsdauer | |
| Frist | |
| weiterführende Informationen | <p>**Birth**</p> <ul style="list-style-type: none"> • [Personenstandsgesetz](https://www.gesetze-im-internet.de/pstg/) (only in German language) <p>**Surrogacy**</p> <ul style="list-style-type: none"> • [Embryonenschutzgesetz](https://www.gesetze-im-internet.de/eschg/) (only in German language) <p>**Family benefits**</p> <ul style="list-style-type: none"> • [Familienportal](https://familienportal.de/familienportal/meta/languages/family-benefits) of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth |

Modul

Sachverhalt

Adoption

- The German [Civil Code](https://www.gesetze-im-internet.de/englisch_bgb/index.html) is available online in German and English.
- Brochure of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, [Kinder suchen Eltern. Eltern suchen Kinder.](<https://bmfsfj.de/bmfsfj/service/publikationen/kinder-suchen-eltern-eltern-suchen-kinder--95908>) (Children are looking for parents. Parents are looking for children.)
https://www.gesetze-im-internet.de/advermig_1976/
<https://www.gesetze-im-internet.de/stag/BJNR005830913.html>
<https://www.bmfsfj.de/bmfsfj/service/publikationen/kinder-suchen-eltern-eltern-suchen-kinder--95908>
<https://www.gesetze-im-internet.de/adwirkg/>
<https://www.gesetze-im-internet.de/pstg/>
<https://www.gesetze-im-internet.de/pstg/>
<https://www.gesetze-im-internet.de/eschg/>
https://www.gesetze-im-internet.de/englisch_bgb/index.html
https://www.gesetze-im-internet.de/aug_2011/index.html
<https://familienportal.de/familienportal/meta/languages/family-benefits>
<https://www.gesetze-im-internet.de/bgb/index.html>
<https://familienportal.de/familienportal/familienleistungen/unterhalt/was-ist-unterhalt--125030>
<https://www.gesetze-im-internet.de/eschg/>
<https://www.bmfsfj.de/bmfsfj/service/publikationen/kinder-suchen-eltern-eltern-suchen-kinder--95908>
<https://dip.bundestag.de/vorgang/.../177185>
https://www.gesetze-im-internet.de/ad_bag/

Hinweise

Rechtsbehelf

Kurztext

| Modul | Sachverhalt |
|-------------------|--|
| Ansprechpunkt | |
| Zuständige Stelle | |
| Formulare | |
| Ursprungsportal | Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten, Birth, custody for minor children, parental responsibilities, rules on surrogacy and adoption, including second-parent-adoption, maintenance obligations in relation to children in a cross-border family situation |