

99013002024001, 99013002024001

Adoption of a foreign child, conversion of a weak adoption into a strong adoption

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<https://fimportal.de/xzufi-services/121319922/L100002>

| Modul | Sachverhalt |
|---------------------------|---|
| Leistungsschlüssel | 99013002024001, 99013002024001 |
| Leistungsbezeichnung I | Adoption of a foreign child, conversion of a weak adoption into a strong adoption |
| Leistungsbezeichnung II | Adoption of a foreign child, conversion of a weak adoption into a strong adoption |
| Typisierung | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug |
| Quellredaktion | Nordrhein-Westfalen |
| Freigabestatus Katalog | fachlich freigegeben (gold) |
| Freigabestatus Bibliothek | fachlich freigegeben (gold) |
| Begriffe im Kontext | |
| Leistungstyp | Leistungsobjekt mit Verrichtung |
| Leistungsgruppierung | Adoption (013) |
| Verrichtungskennung | Beschluss (024) |

| Modul | Sachverhalt |
|-------------------------------|---|
| SDG-Informationsbereich | Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten |
| Lagen Portalverbund | Gerichtliche Verfahren, Anzeige und Klage (1150200), Adoption und Pflegekinder (1020100) |
| Einheitlicher Ansprechpartner | Nein |
| Fachlich freigegeben am | 19.09.2024 |
| Fachlich freigegeben durch | Federal Ministry of Justice (BMJ) |
| Handlungsgrundlage | https://www.gesetze-im-internet.de/famfg/_97.html https://www.gesetze-im-internet.de/adwirkg/_3.html https://www.gesetze-im-internet.de/adwirkg/_6.html https://www.gesetze-im-internet.de/famfg/_187.html |
| Teaser | If you have adopted a child in a country whose law only provides for a weak adoption, you can have the adoption converted into an adoption under German law by a German family court. |
| Volltext | <p>If your child lived in another country before the adoption and moves to Germany as a result of the adoption, this is an international adoption. The nationality of the child and your own nationality are irrelevant.</p> <p>The following are generally considered international adoption procedures</p> <ul style="list-style-type: none"> • Adoption procedures in which a child with habitual residence abroad has been, is or is to be brought to Germany. It is irrelevant whether this takes place after adoption in the home country by adopters with habitual residence in Germany or with a view to adoption in Germany or in the child's home country, • adoption proceedings if the adopters have their habitual residence in Germany and the child has been brought to Germany within 2 years prior to filing an application for adoption in Germany or in the country of origin. |

Modul

Sachverhalt

If you have adopted a child abroad and it is a weak adoption, you can have it converted into an adoption under German law. Your adopted child will then have all the rights and obligations of a child adopted under German law.

A weak adoption is also called an incomplete adoption. In this case, you and your adopted child have a permanent parent-child relationship. However, your adopted child still retains legal relationships with the biological parents, such as inheritance rights. The relationship between you and your adopted child is treated in the same way as biological children in terms of parental care and maintenance obligations.

If a minor is adopted under German law, the child is legally related to you as the adopter and your entire family. However, there is no longer a legal relationship with the biological parents and their families after the adoption.

With the conversion, the legal effects of the foreign adoption change through a so-called change of statute into German law. This means that German substantive law now applies instead of foreign substantive law and the legal effects of the adoption are governed directly by German substantive provisions.

In order for you to be able to apply for the conversion, there must be a foreign adoption decision that can be recognized so that the foreign adoption can have legal effects in Germany. Is your child's country of origin a contracting state to the Hague Adoption Convention (Hague Convention)? Then a certificate stating that you have carried out the adoption in accordance with the provisions of the Hague Convention is sufficient. With this certificate, the adoption is deemed to have been recognized in Germany. A court decision is then generally not required. This only does not apply if the adoption contradicts German legal principles or values.

You can either combine the application for conversion

Modul

Sachverhalt

with an application for recognition of the foreign adoption decision, or submit it retrospectively separately from a possible recognition procedure.

For the conversion, you must submit a notarized application to the family court in whose district the Higher Regional Court responsible for you is located.

German citizenship can no longer be acquired through a conversion decision if the adopted person has already reached the age of 18 when the application for conversion is filed.

Erforderliche Unterlagen

Which documents you need to submit depends on whether you combine the application for conversion with an application for recognition of the foreign adoption decision or whether you submit it retrospectively separately from a possible recognition procedure. The following are required in either case

- notarized application for conversion of the adoption
- complete foreign adoption documents, including the adoption decision
- the declarations of consent of the biological parents, usually in notarized form

If you wish to combine the application for conversion with an application for recognition, you must also submit the following documents:

- Birth certificate of the child before the adoption
- Birth certificate of the child after the adoption
- Proof of citizenship for the child, for example a copy of an identity card or passport
- Birth certificate of the adoptive parent
- Proof of citizenship of the adoptive parents, for example a copy of an ID card or passport
- current extract from the adoptive parents' family register
- current confirmation of registration of the adoptive parents and, if applicable, of the child
- if applicable: date of entry of the child into Germany
- Details and evidence of the involvement of an

Modul

Sachverhalt

adoption agency with address

- Personal account of the parental suitability check, the course of the adoption procedure and the involvement of the biological parents
- Documents providing information about the child's origins and background

Note: In most cases, certified photocopies of foreign documents with a German translation by a sworn translator in Germany are required.

Voraussetzungen

- You have adopted a child abroad.
- The foreign adoption decision is recognized in Germany or you submit the application for conversion together with the application for recognition of the foreign adoption decision.
- The foreign adoption decision does not have the same effects as an adoption under German law.
- You submit a notarized application for conversion to the competent family court.
- The conversion is in the best interests of the child.
- The natural parents have consented to an adoption that terminates the parent-child relationship. The adoption does not conflict with the overriding interests of the following persons:
 - your spouse
 - your partner or cohabiting partner
 - your child or children
 - the child or children of the adoptee

Kosten

There are costs for the court and a notary. You may also incur costs for a lawyer and for notarizations and translations of foreign documents. The amount depends on the individual case.

Verfahrensablauf

If you want to convert a weak adoption into an adoption under German law:

- Go to a notary's office and have a written application for conversion drawn up and notarized there.
- The notary will usually submit the application to the competent local court.
- The court will examine your application and also

| Modul | Sachverhalt |
|------------------------------|---|
| | involve the local youth welfare office and the central adoption office of the state youth welfare office during the proceedings. You will receive the court's decision on the conversion to an adoption under German law in writing. |
| Bearbeitungsdauer | The processing time is at least 3 months, in more complex procedures it can also be longer. |
| Frist | There is no time limit. A conversion decision can no longer lead to the acquisition of German citizenship if the adopted person has already reached the age of 18 at the time you submit the application for conversion. |
| weiterführende Informationen | https://www.bundesjustizamt.de/DE/Themen/Buergerdienst/BZAA/BZAA_node.html https://www.notar.de/ https://www.auswaertiges-amt.de |
| Hinweise | |
| Rechtsbehelf | <p>If your application is rejected, you can lodge an appeal against the decision rejecting your application.</p> <p>You must lodge the appeal with the court whose decision is being contested within 1 month of the written notification of the decision. The appeal must be lodged in writing or for the record at the court registry.</p> <p>Further information can be found in the information on legal remedies attached to the court order.</p> |
| Kurztext | <ul style="list-style-type: none"> • Adoption of a foreign child Decision to convert a weak adoption into a strong adoption <ul style="list-style-type: none"> • Following the adoption of a child abroad, a German court can convert the foreign adoption into an adoption as provided for minors under German law. • Weak adoption under foreign law: The adoptive parent has custody and maintenance obligations, but the adopted child retains legal ties to his or her family, for example with regard to inheritance rights. • If a minor is adopted under German law, the child is legally related to the adopting parents and their entire families. However, a legal relationship with the biological parents and their families no longer exists after the adoption. |

Modul
Sachverhalt

- The court converts the weak adoption into an adoption under German law if
 - a weak adoption was carried out abroad that can be recognized in Germany,
 - this is in the best interests of the child,
 - the natural parents have agreed to terminate the parent-child relationship,
 - there are no overriding interests of the husband, wife or children of the adopter(s) or the adopted child to the contrary
- required documents:
 - notarized application for conversion of the adoption
 - foreign adoption decision
 - Proof of the consent of the biological parents
- Jurisdiction: The German courts have jurisdiction if the adopter, one of the adopting spouses or the child is German or has his/her habitual residence in Germany. In this case, the family court in whose district the Higher Regional Court with local jurisdiction for you is located generally has jurisdiction. The local jurisdiction is determined by the habitual residence of the adopting spouse or one of the adopting spouses; in the district of the Kammergericht, the Amtsgericht Schöneberg has jurisdiction.

Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal

Adoption of a foreign child, conversion of a weak adoption into a strong adoption, Adoption eines ausländischen Kindes, Umwandlung einer schwachen in eine starke Adoption