

99013003025000, 99013003025000

Replacing a parent's consent to adoption

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/183689/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99013003025000, 99013003025000
Leistungsbezeichnung I	Replacing a parent's consent to adoption
Leistungsbezeichnung II	Replacing a parent's consent to adoption
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Adoption (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

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	grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Adoption und Pflegekinder (1020100)
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 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 biological parents and the child must consent. In exceptional cases, the family court may replace a parent's consent to 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 lack of consent in certain exceptional cases.</p> <p>The replacement of consent is intended to prevent significant negative effects on the child concerned if he or she cannot be adopted. Slight disadvantages do not justify the replacement of consent to adoption.</p> <p>If a parent is indifferent to the child, the Youth Welfare</p>

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Office must inform him or her that a replacement of consent is possible. It must point out to the parent that the family court may only replace the consent after 3 months after the instruction.

This instruction is not required if the whereabouts of the other parent are not known and cannot be determined in 3 months despite the efforts of the Youth Welfare Office.

This advice shall not be provided if:

- the child has been in foster care for some time in the family it wants to adopt, and
- if admitted to the parent's household, serious harm to the child would be expected.

In cases where, for example, you as a mother exercise sole parental authority, the Youth Welfare Office must advise the father on his legal options. This means, for example, a reference to the possibility of the father applying for sole parental care of the child.

Erforderliche Unterlagen

No further documentation is required.

Voraussetzungen

A replacement of a parent's consent to adoption is possible:

- if the child is indifferent to the child or grossly violates his or her duties towards the child for a longer period of time,
- if the child concerned would suffer particularly serious (disproportionate) disadvantages if adoption does not take place,
- if that parent has been particularly seriously in breach of parental responsibilities and it can therefore be assumed that the child will never live in that parent's household,
- if one of the parents suffers from a particularly serious mental illness or a particularly serious mental or emotional disability and for this reason is permanently unable to care for and educate the child, and

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	<ul style="list-style-type: none"> • if the child's development would be seriously endangered if adoption did not take place.
Kosten	<p>As a rule, you will incur costs for family court proceedings to replace consent to adoption. You do not have to pay anything for the tasks of the Youth Welfare Office in the procedure.</p>
Verfahrensablauf	<ul style="list-style-type: none"> • The application does not require any special form. It can be submitted in writing to the locally competent family court or declared to be the record of the legal application office. • Only the child himself or herself is entitled to apply: <ul style="list-style-type: none"> • For a child who has not yet reached the age of 14, the legal representative requests the replacement of the parent's consent 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. • The Family Court <ul style="list-style-type: none"> • involves the parent whose consent is to be replaced, • appoints procedural counsel for the child, if necessary, • listens to the Youth Welfare Office and, if necessary, involves it at its own request, • decides by decision whether it replaces the consent of a parent. • The decision shall be notified to the parties together with information on the right to appeal; it will be served on the one whose declared will it does not conform. • The procedure must be legally concluded before a decision can be taken on an application for acceptance. The replacement of consent shall take effect upon the entry into force of the decision.
Bearbeitungsdauer	Processing usually takes several months.
Frist	<ul style="list-style-type: none"> • 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 child is indifferent to the parent, this can be done 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.

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weiterführende Informationen	https://familienportal.de/familienportal/lebenslagen/kinderwunsch-adoption/adoption
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> • Time-limit complaint (1 month) • The applicant child is entitled to appeal against the refusal, and the parent concerned against the replacement.
Kurztext	<ul style="list-style-type: none"> • Procedure for adoption as a child - counselling and instruction • both biological parents and the child must agree to an adoption in writing • a parent's consent to the adoption of his or her child may be replaced by the family court • Responsible: Adoption agency of the locally responsible youth welfare office
Ansprechpunkt	<p>Contact the Youth Welfare Office. Only after you have been instructed can the family court replace consent.</p> <p>https://www.lvwa.sachsen-anhalt.de/das-lvwa/landesjugendamt/?q=landesjugendamt</p> <p>https://www.lvwa.sachsen-anhalt.de/das-lvwa/landesjugendamt/?q=landesjugendamt</p>
Zuständige Stelle	
Formulare	<p>Forms available: No</p> <p>Written form required: Yes</p> <p>Informal application possible: No</p> <p>Personal appearance required: No</p> <p>Online services available: No</p>
Ursprungsportal	Die Einwilligung eines Elternteils in die Adoption ersetzen, Replacing a parent's consent to adoption