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# Apply for adoption of a stepchild

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/6001014/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99013003000000
Leistungsbezeichnung I	Apply for adoption of a stepchild
Leistungsbezeichnung II	Apply for adoption of a stepchild
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

## Modul

## Sachverhalt

### Fachlich freigegeben durch

#### Handlungsgrundlage

- § 9a [Adoptionsvermittlungsgesetz (AdVermiG)]([http://bundesrecht.juris.de/advermig\\_1976/index.html](http://bundesrecht.juris.de/advermig_1976/index.html)) – Verpflichtende Beratung bei Stiefkindadoption
  - § 1741 [Bürgerliches Gesetzbuch (BGB)](<https://www.gesetze-im-internet.de/bgb/>) – Zulässigkeit der Annahme
    - § 1743 BGB – Mindestalter
    - § 1744 BGB – Probezeit
    - § 1755 BGB – Verbot der Annahme
    - § 1746 BGB – Einwilligung des Kindes
    - § 1747 BGB – Einwilligung der Eltern des Kindes
    - § 1748 BGB – Ersetzung der Einwilligung eines Elternteils
      - § 1749 BGB – Einwilligung des Ehegatten
      - § 1750 BGB – Einwilligungserklärung
      - § 1751 BGB – Wirkung der elterlichen Einwilligung,
  - Verpflichtung zum Unterhalt
    - § 1752 BGB – Beschluss des Familiengerichts, Antrag
    - § 1754 BGB – Wirkung der Annahme
    - § 1755 BGB – Erlöschen von
  - Verwandtschaftsverhältnissen
    - § 1766a BGB – Annahme von Kindern des nichtehelichen Partners
      - § 51 [Sozialgesetzbuch (SGB VIII)]([https://www.gesetze-im-internet.de/sgb\\_8/index.html](https://www.gesetze-im-internet.de/sgb_8/index.html)) – Beratung und Belehrung in Verfahren zur Annahme als Kind

#### Teaser

If your spouse or registered partner or your partner with whom you live in a solidified cohabitation in a Common household already has a child from a previous relationship for whom you want to assume all rights and obligations, you can apply for a stepchild adoption.

#### Volltext

If your spouse or registered partner or your partner with whom you live in a solidified cohabitation in a Common household already has a child from a previous relationship for whom you want to assume all rights and obligations, you can apply for a stepchild adoption.

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With the adoption, the child's relationship to the previous relatives of the relinquishing parent and the resulting rights and obligations expire. Claims that have arisen up to the adoption, for example to orphan's pensions or other recurring benefits, are not affected. The child is given the legal status of a common child of the spouses, civil partners or partners in an established partnership.

The adoption prerequisites and suitability for adoption are examined with the same care as in the case of third-party adoptions. In contrast to third-party adoptions, stepchild adoptions are subject to mandatory comprehensive counselling before the necessary declarations of consent and the adoption application are notarised. Each counseled person receives a counselling certificate after counselling. The certificates are to be submitted to the family court and are a prerequisite for adoption. As a rule, the counselling obligation does not apply if the adopting parent is married to the natural parent of the child at the time of birth.

**\*\*Note:\*\*** For counselling, contact the adoption agency of your youth welfare office.

## Erforderliche Unterlagen

- Counselling vouchers from the adoption agency
  - notarised application for adoption
  - notarised declaration of consent of the relinquishing birth parent
    - notariially certified declaration of consent of the spouse as parent and as spouse
    - notariially certified declaration of consent of the child over 14 years of age with the consent of the legal representative or notariially certified declaration of consent of the legal representative to the adoption application for a child under 14 years of age
      - if the adoption is within a non-marital stable partnership and the adopter is still married to a third party, the third party's notariially certified consent is also required
    - Birth certificates of the adopter and the child
    - Marriage certificate/civil partnership certificate of the adopter and of the natural parent (previous divorce decree, if applicable)

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	<ul style="list-style-type: none"> <li>• Health certificate of the adopter</li> <li>• police certificate of good conduct of the adopter</li> <li>• Proof of earnings, assets, debts</li> <li>• Proof of identity (identity card/passport)</li> <li>• Certificate of registration</li> </ul>
<b>Voraussetzungen</b>	<ul style="list-style-type: none"> <li>• The adoption must serve the best interests of the child. The situation in which the child finds itself must be permanently improved by the adoption sought. <ul style="list-style-type: none"> <li>• A parent-child relationship already exists between the child and the stepparent or is expected to develop.</li> <li>• The interests of natural children of the stepparent do not oppose the adoption.</li> <li>• An appropriate probationary period is to be taken into account. As a rule, the development of sustainable relationships in stepfamilies requires a longer period of time, which may last several years.</li> </ul> </li> <li>• You or your spouse, civil partner or partner in an established cohabitation must be at least 25 years old, the other at least 21 years old.</li> <li>• Both parents of the child must consent to the adoption. If the relinquishing parent does not consent, the consent can also be replaced by the family court in special cases.</li> <li>• In the case of children over 14 years of age, the child itself must consent to the adoption and its legal representative must agree. In the case of children under 14 years of age, only the legal representative must give consent.</li> <li>• The consent of the spouse to the adoption is required.</li> <li>• If, in the case of adoption by a partner in a non-marital solidified cohabitation, there is still a marriage with a third party, his or her consent to the adoption is also required.</li> </ul>
<b>Kosten</b>	<ul style="list-style-type: none"> <li>• Fees for the notarial certification of the adoption application and the declarations of consent <ul style="list-style-type: none"> <li>• Expenses for the issuing of the other required documents</li> </ul> </li> </ul>
<b>Verfahrensablauf</b>	<p>Make an appointment for counselling at the adoption agency. There, all parties involved will receive</p>

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comprehensive counselling on the legal and psychosocial consequences of adoption. A certificate of counselling will be issued to each person counseled. The application for adoption and the consents may only be notarised after the mandatory counselling.

- If the relinquishing natural parent consents to the adoption, his or her consent must be notarised.
- The stepparent submits a notarised adoption application.
- The natural parent consents to the adoption by his or her spouse in the form of a notarised declaration of consent as parent and as spouse.
- The family court examines all documents and involves the adoption agency, which forwards a professional statement to the court. For this purpose, the adoption agency conducts various (individual) interviews with all parties involved and examines the adoption prerequisites and suitability for adoption. The child to be adopted is also interviewed.
- The court decides on your adoption application by way of an order.

If a stepchild adoption took place, you as the adoptive father/mother have all rights and obligations towards the adopted child. This also means that you have to pay maintenance in case of separation, that you have a right of access and a duty of access towards the child and that the child has the same right of inheritance as a natural child.

**Bearbeitungsdauer**

- not determined **\*\*Note:\*\*** As the suitability check is a comprehensive process, there is no deadline by which the adoption agency must have decided on your suitability.

**Frist**

none

**weiterführende Informationen**
**Hinweise**

- The family court may, on application, replace the lack of consent of the natural parent if the latter has persistently grossly violated his or her duties towards

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	<p>the child or has shown by his or her conduct that he or she is indifferent to the child and if the failure to adopt the child would mean a "disproportionate disadvantage" for the child.</p> <ul style="list-style-type: none"> <li>• Due to indifference, which is not at the same time a persistent gross breach of duty, consent may not be replaced before the parent has been instructed and advised by the youth welfare office about the possibility of replacing consent and at least three months have elapsed since the instruction.</li> </ul>
Rechtsbehelf	non applicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	