

99013003025000, 99013003025000

Replace a parent's consent to adoption

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/430271492/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99013003025000, 99013003025000
Leistungsbezeichnung I	Replace a parent's consent to adoption
Leistungsbezeichnung II	Replace a parent's consent to adoption
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
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	02.07.2021
Fachlich freigegeben durch	Lower Saxony Ministry of Social Affairs, Health and Equality
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
Teaser	For adoption, the consent of both parents and the child is required. In exceptional cases, the family court may replace one parent's consent to the adoption.
Volltext	<p>If a child is to be adopted, both parents and the child must consent to the adoption. The consent of one parent can be replaced by the family court in certain exceptional cases.</p> <p>A parent's consent can be replaced if they are indifferent to their child or if they grossly violate their duties towards their child for a longer period of time.</p> <p>In the aforementioned cases, consent can only be replaced if it would be associated with particularly serious (disproportionate) disadvantages for the child concerned if an adoption does not take place.</p> <p>It is also possible to replace the consent of a parent if that parent has committed a particularly serious breach of their parental duties and it can therefore be assumed that the child will never live in that parent's household.</p>

Modul

Sachverhalt

Replacement of consent is also possible if a parent 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 raise their child and if, in such a case, the child's development would be seriously jeopardized if adoption did not take place.

In any case, the prerequisite for replacing consent is that it would have significant negative consequences for the child concerned if it could not be adopted. Minor disadvantages that may arise for the child if it is not adopted do not justify replacing consent to an adoption.

If consent is to be replaced because a parent is indifferent to their child, the youth welfare office is obliged to inform (instruct) the parent that it is possible to replace their consent. It must point out to the parent that the family court may only replace the consent three months after the instruction.

This instruction is not necessary if the whereabouts of the parent are not known and cannot be established within three months despite the efforts of the youth welfare office.

If consent is to be replaced because a parent is indifferent to their child, the youth welfare office should inform (advise) this parent about what help can be offered if the parent were to take over the upbringing of their child in their own family.

This advice is not given if the child has already been in the care of the family wishing to adopt it for some time and if the child would be likely to suffer serious harm if taken into the parent's household.

Replacement of the father's consent is possible if the mother has sole parental custody of a child.

In the above-mentioned cases, consent can only be replaced if it would be associated with particularly serious (disproportionate) disadvantages for the child

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	<p>concerned if an adoption does not take place.</p> <p>In cases where the mother has sole parental custody, the youth welfare office must advise the father about his legal options. This refers, for example, to the possibility of the father applying for sole parental custody of the child.</p>
Erforderliche Unterlagen	No further documentation is required.
Voraussetzungen	
Kosten	<p>You will usually incur costs for family court proceedings to replace consent to an adoption.</p> <p>You do not have to pay anything for the Youth Welfare Office's tasks in the proceedings.</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. <ul style="list-style-type: none"> • 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 applies for 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 replacement himself. • The Family Court <ul style="list-style-type: none"> • involves the parent whose consent is to be replaced, • appoint, if necessary, a procedural counsel for the child, • consults the Youth Welfare Office and, if necessary, involves it at its own request, • decides by resolution whether it replaces the consent of a parent. • The decision shall be notified to the parties with instructions on how to appeal; it will be served on the one whose declared will it does not conform to. • The procedure must be legally concluded before a decision can be made on an application for acceptance. The substitution of consent shall take effect upon the entry into force of the decision.
Bearbeitungsdauer	Processing usually takes several months.

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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 parent is indifferent to the child, this can take place 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.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Complaint pursuant to §§ 58 et seq. FamFG within one month https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG000700000 https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG000700000
Kurztext	<ul style="list-style-type: none"> • Procedure for adoption as a child - counseling and instruction <ul style="list-style-type: none"> • both natural parents and the child must consent in writing to an adoption • the consent of one parent to the adoption of his or her child can be substituted by the family court • responsible: Adoption agency of the locally responsible youth welfare office
Ansprechpunkt	To the adoption placement office of the locally responsible youth welfare office
Zuständige Stelle	Adoption agency of the locally responsible youth welfare office
Formulare	Forms available: No Written form required: Yes Informal application possible: No Personal appearance required: No Online services available: No
Ursprungsportal	Die Einwilligung eines Elternteils in die Adoption ersetzen, Replace a parent's consent to adoption