

99013011088001

Application for release of the child provisional order

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/S1000020010000013142/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99013011088001
Leistungsbezeichnung I	Application for release of the child provisional order
Leistungsbezeichnung II	Application for the release of the child by way of an interim order (urgent procedure)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Get child back</div>, <div lang="en-x-mtfrom-de">Rescuing a child from neglect</div>, <div lang="en-x-mtfrom-de">Determine child's place of residence</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.04.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<p>[§ 1632 German Civil Code (BGB)](https://www.gesetze-im-internet.de/bgb/_1632.html#:~:text=\(1\)%20Die%20Personensorge%20umfasst%20das,und%20gegen%20Dritte%20zu%20bestimmen.)</p> <p>[§ 1666 German Civil Code (BGB)](https://www.gesetze-im-internet.de/bgb/_1666.html)</p> <p>[§§ 151 ff. Law on the Procedure in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) – Child Matters](https://www.gesetze-im-internet.de/famfg/_151.html)</p> <p>[§§ 49 ff. Law on the Procedure in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)](https://www.gesetze-im-internet.de/famfg/_49.html#:~:text=%C2%A7%2049%20Einstweilige%20Anordnung,f%C3%BCr%20ein%20sofortiges%20T%C3%A4tigwerden%20besteht.)</p>
Teaser	In custody proceedings, the family court may issue an interim order for the return of a child if immediate intervention is urgently required to protect the child.
Volltext	<p>As part of the custody of a child, the parents or other legal guardians who have custody of the child have the right to determine the child's place of residence. If they have a dispute about the child's place of residence in the event of a separation or divorce, they can apply for a court decision on the matter.</p> <p>In custody proceedings, the family court may issue an interim order for the return of a child if immediate intervention is urgently required to protect the child. For this to happen, the child's well-being must be at risk. For example, if parents abuse their custody rights or neglect the children.</p>

Modul	Sachverhalt
	Moreover, the danger may not be able to be countered in any other way.
Erforderliche Unterlagen	Documents that can prove the alleged facts, such as an affidavit.
Voraussetzungen	<ul style="list-style-type: none"> • Those entitled to apply are persons who have custody of the child. • The child's well-being must be at risk. • There is no other way to counter the danger.
Kosten	<ul style="list-style-type: none"> • Court costs • If applicable, costs for the appointed lawyer
Verfahrensablauf	<p>You submit the application for an interim order to release the child to the responsible family court.</p> <ul style="list-style-type: none"> • You must justify your application and make the conditions for the order credible, for example by submitting an affidavit about the alleged facts. • The family court first examines whether it will consider the application <ul style="list-style-type: none"> • prior oral hearing or • decides in written procedure without an oral hearing. • In most cases, the other side is given the opportunity to express their point of view before a decision is made. • The court must hear the parties involved. These are: <ul style="list-style-type: none"> • The parents • The Youth Welfare Office • In most cases the child • The hearing can only be waived for serious reasons. • A judge then decides on the child's whereabouts or the release of the child. • If the decision was made without an oral hearing, a request can then be made for the matter to be decided in an oral hearing before the family court. • If the respondent does not comply with the judge's decision, the court can order coercive measures to return the child. • This can lead to a search of the apartment by the bailiff with the assistance of the police.
Bearbeitungsdauer	Depending on the individual case, several days to weeks. Applications for interim measures are

Modul	Sachverhalt
	processed in court as expedited proceedings. However, a certain amount of processing time is to be expected.
Frist	No
weiterführende Informationen	https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche
Hinweise	<p>**Legal advice is not available at the district court. Please contact the persons authorized to provide legal advice. These are lawyers or notaries.</p> <p>The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.**</p>
Rechtsbehelf	Complaint within two weeks if a decision on an urgent application for the release of the child to the other parent has been made following an oral discussion.
Kurztext	<ul style="list-style-type: none"> • Applicant must have custody of the child • Provisional and rapid decision on the child's whereabouts • In custody proceedings, the family court can make an interim order for the return of a child if immediate intervention is urgently required to protect the child.
Ansprechpunkt	If you want to find out exactly who is responsible for your request, please follow the link to [Hamburg Service](https://www.hamburg.de/service/info/hasi/13142)
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)