

99126011088001

Guardianship Order of foster parents

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/S1000020010000013202/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99126011088001
Leistungsbezeichnung I	Guardianship Order of foster parents
Leistungsbezeichnung II	Appointment of foster parents as guardians
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">Apply for custody for foster parents</div>, <div lang="en-x-mtfrom-de">Foster parents as guardians</div>, <div lang="en-x-mtfrom-de">Foster parents more rights</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	28.06.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<p>[§§ 1773 - 1808 German Civil Code (BGB) (Guardianship)](https://www.gesetze-im-internet.de/bgb/_1773.html)</p> <p>152 FamFG</p>
Teaser	Foster children are often under guardianship. A guardian is the legal representative for a child in all matters. In appropriate cases, foster parents can be given guardianship of the child in their care.
Volltext	<p>If a foster child is under guardianship, this can be transferred to the foster parents. Such a transfer usually only makes sense if it is foreseeable that the child will live with the foster parents permanently or at least for a longer period of time.</p> <p>The transfer of guardianship to the foster parents can be initiated by the foster parents themselves or by a youth welfare office, among others. There is no formal application process.</p> <p>If foster parents are given guardianship, they represent the foster child in all legal matters. In principle, they are as independent as the parents of a child, but are under the supervision of the court and also require the approval of the family court for numerous legal transactions.</p> <p>The well-being and interests of the foster child must be the primary consideration in all decisions.</p>
Erforderliche Unterlagen	<p>No specific documents are required.</p> <p>If a corresponding suggestion is received by the responsible court, it will usually obtain a statement from the local youth welfare office and check whether all the requirements for taking on guardianship are met and what alternatives exist. Ultimately, the specific course of the procedure depends on the court's</p>

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	decision.
Voraussetzungen	<ul style="list-style-type: none"> • If guardianship is to be established for a child who is placed in a foster family, guardianship can also be transferred to the foster parents. • Such an arrangement is particularly appropriate if the child is well integrated into his or her foster family and it is foreseeable that he or she will be cared for there in the long term. • The prerequisite is that the foster parents are suitable to assume guardianship based on their financial situation and other circumstances. • To be a guardian, you must be of legal age and have legal capacity. • Relatives of the foster child are usually given priority.
Kosten	<p>The costs of conducting the guardianship proceedings at the family court are borne by the child. Fees are only charged if the ward is wealthy. This currently means that assets of more than EUR 25,000 are available after deducting liabilities. If the parties consider legal representation to be necessary, the costs of this representation must be borne by the parties themselves. If necessary, it is possible to apply for legal aid in the proceedings.</p>
Verfahrensablauf	<ul style="list-style-type: none"> • The transfer of guardianship of a child to its foster parents can be initiated by the foster parents themselves, by a youth welfare office, or by other persons, such as the child's parents. • If you would like to take on this guardianship, we recommend that you discuss the matter with the responsible youth welfare office. It is easier if the youth welfare office has already submitted a positive suggestion to the court. • Otherwise, the opinion of the Youth Welfare Office must be obtained during the procedure. • The court decides on a case-by-case basis what information it considers necessary and which persons should be involved. • At the court hearing, you will be required to carry out your duties conscientiously. • When deciding on a change in custody, the following parties must be heard: <ul style="list-style-type: none"> • the Youth Welfare Office

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	<ul style="list-style-type: none"> • the biological parents • the child if he or she is older than 14 years • the foster parents • The court will decide on your application, taking into account the child's best interests, and appoint you as guardian.
Bearbeitungsdauer	The duration of the procedure depends on the individual case.
Frist	Deadlines do not need to be observed.
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	<p>Since this is not a benefit that requires an application, the person making the suggestion is generally not entitled to legal recourse if their suggestion is not taken into account.</p> <p>The child and the youth welfare office have legal options to object to the establishment of guardianship.</p> <p>Depending on the specific case, other persons may be entitled to appeal.</p>
Kurztext	<ul style="list-style-type: none"> • An order can be made if the ward will live with the foster parents permanently or at least for a longer period of time. • Can be initiated by foster parents themselves and by a youth welfare office. • There is no formal application procedure. • The foster parents as guardians represent the ward in all legal matters, but are under the supervision of the court and also require the approval of the family court for numerous legal transactions.

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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/13202)
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)