

99126014088001

# Parental custody order if the child's welfare is at risk

Heruntergeladen am 19.06.2025

<https://fimportal.de/services/99126014088001>

Modul	Sachverhalt
Leistungsschlüssel	99126014088001
Leistungsbezeichnung I	Parental custody order if the child's welfare is at risk
Leistungsbezeichnung II	Parental custody order in the event of a risk to the welfare of the child
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Vormundschaft (126)
Verrichtungskennung	Anordnung (088)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption,

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	Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	15.09.2020
Fachlich freigegeben durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/famfg/BJNR258700008.html">https://www.gesetze-im-internet.de/famfg/BJNR258700008.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1666.html">https://www.gesetze-im-internet.de/bgb/_1666.html</a>
Teaser	The proceedings are initiated ex officio by the competent family court, in particular on the basis of suggestions by the Youth Welfare Office, which in turn takes action, for example, on the basis of reports from neighbours, educators, teachers or relatives.
Volltext	<p>The family court may make orders and intervene in custody if the physical, psychological or mental welfare of a child is endangered and the parents with custody rights are not willing or able to put a stop to this endangerment of the child's welfare.</p> <p>In the event of an intervention in custody, only those areas of parental custody may be withdrawn whose withdrawal is necessary to avert the risk to the child's welfare.</p> <p>If parts of the custody are withdrawn, a guardian is appointed for the areas. If custody is withdrawn in its entirety, the child is assigned a guardian.</p>
Erforderliche Unterlagen	The family court decides in the exercise of the so-called Amtsermittlungsgrundsatz which documents are required.
Voraussetzungen	Pursuant to §§ 1666, 1666a of the Civil Code, the Family Court can always take measures, including the withdrawal of custody of the child, if the child's physical, mental or psychological well-being is at risk and the parents are unwilling or unable to avert the risk and this risk cannot be countered in any other way, including through public assistance. This must be

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a present danger to such an extent that it can be predicted that, if conditions continue unchanged, the child will almost certainly suffer considerable harm. Because of the parental primacy of upbringing, the best interests of the child must be permanently and seriously endangered. The proceedings are initiated by the competent family court ex officio, in particular on the basis of suggestions by the youth welfare office, which in turn acts on the basis of reports from neighbours, educators, teachers or relatives, for example.

## Kosten

- Court fees
- if applicable: lawyer's fees, costs of a guardian ad litem, costs of an expert.
- The family court decides on the bearing of costs at its reasonable discretion.
- In case of indigence, legal aid can be applied for.

## Verfahrensablauf

- The proceedings are initiated by the family court ex officio, in particular on the basis of suggestions by the youth welfare office, which in turn takes action, for example, on the basis of reports from neighbours, educators, teachers or relatives. The family court will investigate the facts of the case and, for this purpose, hear the parties involved and, if necessary, carry out further investigations, such as obtaining an expert opinion.
- As a rule, the court appoints a so-called guardian ad litem. This ensures that the needs of the child are safeguarded during the proceedings and that the child does not become a mere object of the proceedings.

## Bearbeitungsdauer

At least 3 months due to the prescribed procedure, possibly longer in more complex procedures.

## Frist

None

## weiterführende Informationen

<https://www.bmfsfj.de/>

## Hinweise

## Rechtsbehelf

Appeal pursuant to §§ 58 et seq. FamFG against the family court decision within one month

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### Kurztext

- Parental care order in the event of endangerment of the child's welfare
- Endangering the physical, emotional or mental well-being of a child, e.g. physical abuse or neglect.
- Parents with custody are not willing or able to put a stop to this risk to the welfare of the child.
- Proceedings initiated by the family court, usually based on the suggestion of the youth welfare office.
- Family court decision, if necessary temporary injunction
- In the case of an intervention in custody, only those areas of parental custody may be withdrawn whose withdrawal is necessary to avert a risk to the welfare of the child.
- If parts of the custody are withdrawn, a guardian is appointed for the areas.
- If custody is withdrawn in its entirety, the child will be assigned a guardian.
- Responsible: Family court at the local court

### Ansprechpunkt

At  
<https://www.justizadressen.nrw.de/de/justiz/suche>

### Zuständige Stelle

the local competent district court pursuant to § 152 FamFG

### Formulare

None

### Ursprungsportal