

99003033035000, 99003033035000

Care directive

Heruntergeladen am 25.05.2025

<https://fimportal.de/xzufi-services/10636579/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99003033035000, 99003033035000
Leistungsbezeichnung I	Care directive
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gesundheit (003)
Verrichtungskennung	Beglaubigung (035)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Altersvorsorge (1180100)
Einheitlicher	

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Ansprechpartner	Nein
Fachlich freigegeben am	07.09.2018
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	
Teaser	
Volltext	<p>An accident, stroke or age-related illnesses such as dementia can quickly and unexpectedly put anyone in a situation where they can no longer act independently.</p> <p>As a result of your own inability to act, it becomes necessary for someone else to act on your behalf. By making a care directive, you can safeguard your interests in advance in the event that care is required.</p> <p>On the one hand, the care directive is aimed at the competent care court, which checks the suitability of the person you have proposed to carry out the assigned tasks, and on the other hand at the future caregiver themselves.</p> <p>Both the guardian appointed by you and the guardianship court are bound by the care directive, provided it is not contrary to your best interests. The care directive only applies if it is actually necessary due to your state of health.</p> <p>If there is no care directive, the local care court will appoint a caregiver. Even if your proposed guardian is unsuitable as such, the guardianship court will appoint another guardian - if possible from your immediate environment. The court will then assign certain areas of responsibility to the guardian it has appointed.</p> <p>In general, a care directive is not subject to any formal requirements, but it is advisable to draw it up in writing. You do not necessarily have to be legally competent when writing the care directive. It is sufficient that you declare your natural will, which includes your actual intentions, wishes, values and intentions to act.</p>

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Unlike a health care proxy, this is not a declaration of intent in the legal sense.

It is possible to combine the care directive with a health care proxy. For example, you can stipulate that the person you authorize in the health care proxy should also be selected as a caregiver in the event that care is required.

This can be useful in order to compensate for the subsequent ineffectiveness of individual points in the power of attorney. If someone you can trust completely is prepared to take care of your affairs if necessary, a health care proxy may be preferable to a care directive.

****Contents of the care directive****

You can regulate the following matters in advance according to your wishes with a care directive.

- Care matters: You can determine who should be appointed as a guardian as well as explicitly exclude people as guardians
- Health matters: for example, medical treatment and interventions
- Residence and housing matters: for example, placement in a care home and the associated dissolution of your home as well as the organization of your care
- Banking transactions and financial circumstances: however, this is only possible to a limited extent
- Freedom of movement: this includes "accommodation-like measures" such as measures involving deprivation of liberty

This means that in addition to expressing your wishes as to which person should be your guardian in the event of your need for care, you also have the opportunity to express your wishes regarding the performance of the guardian's duties.

Make sure that you formulate your wishes as precisely

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as possible so that they can be implemented in the best possible way.

The content of your care directive will be used by the court for monitoring purposes in due course. For example, the court monitors payment transactions on the account of the person to be cared for and compliance with the provisions of the care directive. Unlike the power of attorney, the care directive only authorizes the person nominated as caregiver to act once they have been appointed by the care court.

To ensure that your care directive is up to date, you can renew it annually by signing it with the date and, if necessary, with witnesses. In this way, you can ensure that the advance care directive is still in line with your own personal wishes, and it also makes it easier for the court to assess whether the advance care directive corresponds to your current wishes.

It is up to you to decide to what extent you want to use forms for drafting the advance care directive, but the forms do not release you from the obligation to carefully consider your advance care directive in advance and to effectively record your own wishes.

****Note:**** Since 01.07.2005, your signature can also be notarized by local care authorities. You can obtain further advice from these authorities as well as from lawyers, notaries and care associations. Hospital and nursing home social services also often provide advice on advance directives.

****Keeping the advance care directive****

You should keep the care directive in such a way that you and your relatives can access it at any time. It is also important to inform the appointed guardian of the care directive and its whereabouts. Anyone who is aware of the existence of a care directive is obliged to submit it to the care court during the care proceedings.

****Note:**** It is important that the guardianship court is informed immediately of the existence of the care directive and that it is submitted to the court when you become in need of care. It is possible to register the advance care directive with the Central Register of

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	<p>Advance Care Directives and to indicate its location.</p> <p>See also "Registering the power of attorney / advance care directive in the Central Register of Advance Care Arrangements"</p> <p>https://verwaltungsportal.hessen.de/leistung?leistung_id=B100019%3A%3A643439</p> <p>https://verwaltungsportal.hessen.de/themen?view=leistung&leistung=L100001%3A%3A10636617</p> <p>https://verwaltungsportal.hessen.de/leistung?leistung_id=B100019%3A%3A643439</p> <p>https://verwaltungsportal.hessen.de/themen?view=leistung&leistung=L100001%3A%3A10636617</p>
Erforderliche Unterlagen	
Voraussetzungen	
Kosten	
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	<p>See also</p> <p>https://www.bmj.de/DE/Themen/VorsorgeUndBetreuungsrecht/VorsorgeUndBetreuungsrecht_node.html</p> <p>https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Betreuungsrecht.html</p> <p>https://www.betreuungsrecht.hessen.de/</p> <p>https://www.bmj.de/DE/Themen/VorsorgeUndBetreuungsrecht/VorsorgeUndBetreuungsrecht_node.html</p> <p>https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Betreuungsrecht.html</p> <p>https://www.betreuungsrecht.hessen.de/</p>
Rechtsbehelf	
Kurztext	
Ansprechpunkt	

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Zuständige Stelle	
Formulare	https://www.bmj.de/DE/Themen/VorsorgeUndBetreuungsrecht/VorsorgeUndBetreuungsrecht_node.html https://www.betreuungsrecht.hessen.de https://www.bmj.de/DE/Themen/VorsorgeUndBetreuungsrecht/VorsorgeUndBetreuungsrecht_node.html https://www.betreuungsrecht.hessen.de
Ursprungsportal	Care directive, Betreuungsverfügung