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Deposit custody order with the court

Heruntergeladen am 06.07.2025

<https://fimportal.de/xzufi-services/10681947/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99126015089000, 99126015089000
Leistungsbezeichnung I	Deposit custody order with the court
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	Vormundschaft (126)
Verrichtungskennung	Verwahrung (089)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Altersvorsorge (1180100)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	04.12.2019
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016402377 https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG004100000 https://www.gesetze-im-internet.de/gnotkg/index.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016402377 https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG004100000 https://www.gesetze-im-internet.de/gnotkg/index.html
Teaser	
Volltext	<p>With a custody order, parents or single parents have the opportunity to arrange in advance who should represent their minor children as guardians after their death. In this case, a guardian is appointed in the form of a so-called testamentary disposition, i.e. by will or inheritance contract. If there is no custody order, this is decided by the court, but always in the best interests of the child. However, even in the case of a custody order, the court decides whether the named person is suitable as a guardian. However, the court can only deviate from the custody order if there are reasonable doubts about the suitability of the proposed person. With the custody order, you can not only appoint persons and a substitute guardian for the child representation, but also explicitly exclude persons from guardianship. Before you name a guardian in your custody order, you should talk to them about it and inform them. Furthermore, children who have reached the age of 14 can oppose the custody order. In order to protect the interests of all parties involved, you should therefore regularly update the custody order and adapt it to the changing circumstances. The custody order can also be combined. In addition to appointing a guardian, you can also lay down specific requirements for the management of inherited assets</p>

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and separate guardianship from custody and divide it among different persons. In order for your custody order to be implemented after death, it is particularly important that it can be found. You have various options for keeping the custody order: In addition to keeping it with the possible guardian, there is the possibility of placing the custody order in the form of a will in special official custody at the probate court for a fee.

Erforderliche Unterlagen

Voraussetzungen

The basic prerequisite for drafting a custody order is that you as the author have custody and thus legally have a right of designation. In addition, the designated guardian must be of legal age. Since you can only deposit the custody order with the probate court in the form of a testamentary disposition (e.g. will) and the custody order is legally a special type of will, certain formalities must be complied with for the legal validity of the document. These would be, for example:

- the legal guardians must write and sign the order themselves
- the legal guardians should sign with first and last names
- the custody order should be provided with place and date

Hint: You can also seek advice from notaries or lawyers when drafting a custody order.

Kosten

As with any acceptance of a disposition of property upon death in special official custody, a fixed fee of 75 euros is incurred.

Verfahrensablauf

- You draw up a custody order in the form of a will and talk to the named guardian and your child about it.
- You take the original custody order and take it to the probate court.
- There, the acceptance of the order is recorded.
- You will then receive a notice of costs for the custody fee as well as a depositary receipt.
- After payment of the fee, your custody order in the form of a will will be kept at the probate court and can therefore be found safely in the event of death.

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Note: In addition to the possibility of consulting with the notary, he can also take over the submission of the custody order to the probate court for you. Other There are forms and models of custody orders, so you are given a formulation aid, and you can also better comply with the formalities that are placed on a custody order. Please note, however, that the custody order must be handwritten!

Bearbeitungsdauer
Frist

The custody order is valid until the child mentioned therein is of legal age and the custody order expires. If you wish to revoke the custody order, you must notify the probate court and request the return from special official custody. After more than 30 years in official custody, the custodian determines ex officio whether the custodian is still alive and thus at the same time whether there is still a need to maintain the special custody of the custody order. Note that children who have reached the age of 14 may oppose the custody order.

weiterführende Informationen
Hinweise
Rechtsbehelf
Kurztext
Ansprechpunkt

The district court as probate court (in the case of special official custody).

Zuständige Stelle
Formulare
Ursprungsportal

Deposit custody order with the court, Sorgerechtsverfügung bei Gericht hinterlegen