

99013009088000

Keeping a child with caregiver Order

Heruntergeladen am 27.07.2025

<https://fimportal.de/xzufi-services/370425458/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99013009088000
Leistungsbezeichnung I	Keeping a child with caregiver Order
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Adoption (013)
Verrichtungskennung	Anordnung (088)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei

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	grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Adoption und Pflegekinder (1020100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	22.06.2021
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1632.html https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG002600000 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-JZustVHEpP5 https://www.gesetze-im-internet.de/bgb/_1632.html https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR258700008BJNG002600000 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-JZustVHEpP5
Teaser	If you are a foster parent for a foster child, you have the right to apply to the family court for the foster child to remain in the foster family if the biological parents want to take the child away from there.
Volltext	If the conditions in a family of origin of a foster child do not improve within a reasonable period of time in the opinion of the Youth Office, the child will be permanently placed in a foster family. If the biological parents do not agree with this decision, the family court can order them to remain in the foster family.
Erforderliche Unterlagen	None
Voraussetzungen	<p>In order to be able to file an application for the retention of a foster child in the foster family with the family court, there must be an effective demand for surrender by the parents of the child or by someone who has the right to determine the child's residence. In order for a retention order to be issued, the court continues to examine the following conditions:</p> <ul style="list-style-type: none"> • The foster child has been living in your family for a long time, has integrated and built up close relationships.

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- A return to the family of the biological parents would endanger the further development of the child.

The guideline "longer period" is an indeterminate legal concept that must be assessed on a case-by-case basis. Decisive criteria here are the age of the child and his or her history.

In addition to the application for the child to remain in the foster family, an urgent application can also be filed.

Kosten

- Legal expenses

Verfahrensablauf

As a caregiver, you submit an application to the family court for the child to remain in the foster family.

- The court must also act of its own motion.
- Until the conclusion of the proceedings, the court may issue an interim injunction under which the foster child remains with the foster family until the decision is made.
- The family court will usually hear you as the applicant caregiver and the parents and also the child personally. In addition, it will usually obtain an opinion from the responsible youth welfare office and, if necessary, the official guardianship and appoint a so-called procedural counsel for the child, who will represent the interests of the child in the proceedings.
- Foster children from the age of 14 must always be heard by the court in proceedings concerning personal or property care. A child under the age of 14 shall be heard if his inclinations, attachments or will are relevant to the decision or if it appears necessary to establish the facts.
- In addition, further investigative steps, in particular the obtaining of a psychological expert opinion, may be considered.
- After these investigative steps and procedural acts have been carried out, the family court will decide on the application to remain by order.
- In any case, the judicial decision is based on the so-called "principle of the best interests of the child". The judicial decision is therefore not based on the subjective wishes of the parents or foster parents.

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	Rather, it must be ensured that the child is not caused lasting damage by a relationship break-off.
Bearbeitungsdauer	At least one month due to the given procedure, in more complex proceedings possibly longer, depending on the individual case
Frist	None
weiterführende Informationen	
Hinweise	<p>Further information can also be found on the homepage of the Federal State of Saxony at:</p> <p>https://amt24.sachsen.de/web/guest/leistung/-/sbw/Antrag%20auf%20Verbleib%20des%20Kindes%20in%20der%20Pflegefamilie%20stellen-6000556-leistung-0#sp-js-textContent-title</p> <p>https://amt24.sachsen.de/web/guest/leistung/-/sbw/Antrag%20auf%20Verbleib%20des%20Kindes%20in%20der%20Pflegefamilie%20stellen-6000556-leistung-0#sp-js-textContent-title</p>
Rechtsbehelf	Complaint according to §§ 58 ff. FamFG within one month
Kurztext	<ul style="list-style-type: none"> • Keeping a child with caregiver Order • Child has been living in a foster family for a long time • The biological parents want to take the child away from the foster family. • Foster parents submit an application for the child to remain in the foster family • Ordering a foster child to remain in the foster family if the child's well-being would be endangered if returning to the parental home • Responsible: District Court – Family Court
Ansprechpunkt	<p>Under the following website you will find the local court responsible for you with further contact options and service times.</p> <p>https://www.justizadressen.nrw.de/de/justiz/suche</p> <p>https://www.justizadressen.nrw.de/de/justiz/suche</p>
Zuständige Stelle	The family court decides on the application for the child to remain at your local court with local jurisdiction. Territorially competent is the district court

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	(family court) in whose district the child has his or her centre of life. In Hesse, not all district courts have family courts. You can find the local court with local jurisdiction for you via the Justice Portal of the Federation and the Länder (see contact point).
Formulare	None
Ursprungsportal	Keeping a child with caregiver Order, Verbleiben eines Kindes bei Pflegeperson Anordnung