

99126014088000, 99126014088000

# Joint parental care in the case of unmarried parents; Apply for custody

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/8965119/L100001>

| Modul                     | Sachverhalt                                                                |
|---------------------------|----------------------------------------------------------------------------|
| Leistungsschlüssel        | 99126014088000, 99126014088000                                             |
| Leistungsbezeichnung I    | Joint parental care in the case of unmarried parents;<br>Apply for custody |
| Leistungsbezeichnung II   |                                                                            |
| Typisierung               | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune:<br>Vollzug                  |
| Quellredaktion            | Hessen                                                                     |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                                                |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus                                                |
| Begriffe im Kontext       |                                                                            |
| Leistungstyp              | Leistungsobjekt mit Verrichtung                                            |
| Leistungsgruppierung      | Vormundschaft (126)                                                        |
| Verrichtungskennung       | Anordnung (088)                                                            |
| SDG-Informationsbereich   | Geburt, Sorgerecht für Minderjährige, elterliche                           |

| Modul                         | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltungspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Lagen Portalverbund           | Trennung mit Kind (1020500)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Einheitlicher Ansprechpartner | Nein                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Fachlich freigegeben am       | 04.12.2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Fachlich freigegeben durch    | Hessian Ministry of Justice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Handlungsgrundlage            | <a href="https://www.gesetze-im-internet.de/bgb/_1626a.html">https://www.gesetze-im-internet.de/bgb/_1626a.html</a><br><a href="https://www.gesetze-im-internet.de/bgb/_1671.html">https://www.gesetze-im-internet.de/bgb/_1671.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_155a.html">https://www.gesetze-im-internet.de/famfg/_155a.html</a><br><a href="https://www.gesetze-im-internet.de/bgb/_1626a.html">https://www.gesetze-im-internet.de/bgb/_1626a.html</a><br><a href="https://www.gesetze-im-internet.de/bgb/_1671.html">https://www.gesetze-im-internet.de/bgb/_1671.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_155a.html">https://www.gesetze-im-internet.de/famfg/_155a.html</a>                                                                                                                                                                                                                                                                                                                                                                             |
| Teaser                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Volltext                      | <p>If the parents are not married to each other at the birth of the child, they are entitled to joint parental care since a new legal regulation came into force on 19.05.2013 if they declare that they want to take over the custody jointly (so-called custody declarations), if they marry each other or if the family court transfers parental care to them jointly. In all other respects, the mother has parental authority.</p> <p>Essentially, therefore, the following situations are conceivable, which lead to joint custody of the unmarried parents:</p> <ul style="list-style-type: none"> <li>• After the birth of the child, the mother and the father who previously acknowledged his paternity marry.</li> <li>• The mother and father declare their consent to joint custody at the Youth Welfare Office. Mother and father thus have joint custody.</li> <li>• If one parent does not give his consent, the other parent can try to reach an agreement with the Youth Welfare Office. If this does not succeed or if he does not consider this path to be promising, he can file a</li> </ul> |

## Modul

## Sachverhalt

custody application directly with the family court. This decides whether it remains with the sole custody of the mother or whether the custody is also transferred to the father.

In the latter case, therefore, it is necessary to conduct family court proceedings.

[https://hessenfinder.de/portaldeeplink/?tsa\\_leistung\\_id=8965044](https://hessenfinder.de/portaldeeplink/?tsa_leistung_id=8965044)

[https://hessenfinder.de/portaldeeplink/?tsa\\_leistung\\_id=10681947](https://hessenfinder.de/portaldeeplink/?tsa_leistung_id=10681947)

[https://hessenfinder.de/portaldeeplink/?tsa\\_leistung\\_id=8965044](https://hessenfinder.de/portaldeeplink/?tsa_leistung_id=8965044)

[https://hessenfinder.de/portaldeeplink/?tsa\\_leistung\\_id=10681947](https://hessenfinder.de/portaldeeplink/?tsa_leistung_id=10681947)

## Erforderliche Unterlagen

### Voraussetzungen

- paternity must be validly acknowledged
- the parents are not married to each other
- the mother previously had sole custody
- the parents are of legal age or their legal representatives agree

**\*\*Hint:\*\*** According to Book VIII of the Social Security Code (SGB VIII), mothers and fathers who are not married to the other parent are entitled to advice on the submission of a declaration of custody and the possibility of judicial transfer of joint parental authority.

### Kosten

For the court proceedings, court fees, in the case of the involvement of a lawyer also lawyer's fees, are incurred, which depend on the value of the proceedings.

### Verfahrensablauf

The family court procedure has some special features and takes place in a graduated procedure. In certain cases, a written and very simplified procedure may be considered. With regard to the details, it is recommended to seek advice from the Youth Welfare Office and, if necessary, from a lawyer.

| Modul                        | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bearbeitungsdauer            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Frist                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| weiterführende Informationen |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Hinweise                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Rechtsbehelf                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Kurztext                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Ansprechpunkt                | <ul style="list-style-type: none"> <li>• For counselling: the Youth Welfare Office, which is responsible for the child's place of residence.</li> <li>• For court proceedings: usually the district court (family court) at the child's habitual residence.</li> </ul> <a href="https://www.justizadressen.nrw.de/og.php?plz=&amp;ort=&amp;gerausw=FAM&amp;plz1=&amp;ort1=&amp;landausw=HES&amp;suchen1=+Absenden+&amp;MD=j">https://www.justizadressen.nrw.de/og.php?plz=&amp;ort=&amp;gerausw=FAM&amp;plz1=&amp;ort1=&amp;landausw=HES&amp;suchen1=+Absenden+&amp;MD=j</a><br><a href="https://www.justizadressen.nrw.de/og.php?plz=&amp;ort=&amp;gerausw=FAM&amp;plz1=&amp;ort1=&amp;landausw=HES&amp;suchen1=+Absenden+&amp;MD=j">https://www.justizadressen.nrw.de/og.php?plz=&amp;ort=&amp;gerausw=FAM&amp;plz1=&amp;ort1=&amp;landausw=HES&amp;suchen1=+Absenden+&amp;MD=j</a> |
| Zuständige Stelle            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Formulare                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Ursprungsportal              | Joint parental care in the case of unmarried parents; Apply for custody, Gemeinsame elterliche Sorge bei nicht verheirateten Eltern; Sorgerecht beantragen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |