

99126014088001, 99126014088001

Applying for withdrawal of parental authority in the event of a threat to the child's best interests

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/394055754/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99126014088001, 99126014088001
Leistungsbezeichnung I	Applying for withdrawal of parental authority in the event of a threat to the child's best interests
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
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	15.09.2020
Fachlich freigegeben durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
Handlungsgrundlage	https://www.gesetze-im-internet.de/famfg/BJNR258700008.html https://www.gesetze-im-internet.de/bgb/_1666.html https://www.gesetze-im-internet.de/famfg/BJNR258700008.html https://www.gesetze-im-internet.de/bgb/_1666.html
Teaser	The proceedings are initiated ex officio by the competent family court, in particular on the basis of suggestions from the Youth Welfare Office, which in turn acts on the basis of reports from neighbours, educators, teachers or relatives, for example.
Volltext	<p>The family court can issue orders and intervene in custody if the physical, mental or spiritual well-being of a child is endangered and the parents with custody are not willing or able to stop this endangerment of the child's welfare.</p> <p>In the event of an interference with custody, only those areas of parental care may be withdrawn whose withdrawal is necessary to avert the endangerment of the child's welfare.</p> <p>If parts of custody are withdrawn, a nurse is used for the areas. If custody is withdrawn altogether, the child receives a guardian.</p>
Erforderliche Unterlagen	The family court decides in the exercise of the so-called official investigation principle, which documents are required.

Modul
Sachverhalt
Voraussetzungen

According to §§ 1666, 1666a BGB, the family court can always take measures up to the withdrawal of personal custody if the physical, mental or emotional well-being of the child is endangered and the parents are not willing or able to avert the danger and this danger cannot be countered in any other way, not even by public assistance. This must be a present danger to such an extent that it can be predicted that the child will almost certainly suffer significant harm if circumstances continue to develop. Because of the parental primacy, the child's well-being must be permanently and seriously endangered. The proceedings are initiated ex officio by the competent family court, in particular on the basis of suggestions from the Youth Welfare Office, which in turn takes action, for example, on the basis of reports from neighbours, educators, teachers or relatives.

Kosten

- Court
 - where applicable: lawyers' fees, costs of legal assistance, costs of an expert
 - The family court decides on the costs at its equitable discretion.
 - Legal aid may be applied for in cases of need.

Verfahrensablauf

- The proceedings are initiated by the family court ex officio, in particular on the basis of suggestions from 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, among other things, 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 procedural adviser. This ensures that the needs of the child are secured during the proceedings and that the child does not become a mere object of the proceedings.

Bearbeitungsdauer

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

Frist

None

weiterführende

Modul	Sachverhalt
Informationen	
Hinweise	
Rechtsbehelf	Appeal pursuant to §§ 58 ff. FamFG against the family court decision within one month
Kurztext	<ul style="list-style-type: none"> • Parental care Order in case of endangerment of the child's best interests <ul style="list-style-type: none"> • Endangering the physical, emotional or spiritual well-being of a child, e.g. physical abuse or neglect • Parents with custody are not willing or able to stop this child endangerment • Proceedings to be conducted ex officio by the family court, which are usually based on the suggestion of the Youth Welfare Office • Family court decision, temporary injunction if necessary • In the event of an interference with custody, only those areas of parental care may be withdrawn whose withdrawal is necessary to avert the endangerment of the child's welfare. <ul style="list-style-type: none"> • If parts of custody are withdrawn, a nurse is used for the areas. • If custody is withdrawn altogether, the child receives a guardian. • Responsible: Family court at the district court
Ansprechpunkt	Under https://www.justizadressen.nrw.de/de/justiz/suche you will find the local courts responsible for you with further contact options and service times. https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche
Zuständige Stelle	
Formulare	None
Ursprungsportal	Entzug der elterlichen Sorge bei Gefährdung des Kindeswohls beantragen, Applying for withdrawal of parental authority in the event of a threat to the child's best interests