

99013009088000

Apply for the child to remain in the foster family

Heruntergeladen am 10.07.2025

<https://fimportal.de/xzufi-services/6000556-99013009088000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99013009088000
Leistungsbezeichnung I	Apply for the child to remain in the foster family
Leistungsbezeichnung II	Apply for the child to remain in the foster family
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	• § 1632 Absatz 4 Bürgerliches Gesetzbuch (BGB) – Antrag auf Verbleib des Pflegekindes
Teaser	If a child has already been living in a foster family for a long time and the natural parents want to take the child away from there, the foster parents can apply to the family court for the child to remain in their family.
Volltext	<p>If a child has already been living in a foster family for a long time and the natural parents want to take the child away from there, the foster parents can apply to the family court for the child to remain in their family.</p> <p>The court must then examine whether the removal from the foster family poses a risk to the child's well-being. At the same time, the ability of the natural parents to raise the child must also be assessed.</p>
Erforderliche Unterlagen	Depending on the individual case constellation, different documents are needed. The professionals at the Youth Welfare Office (Jugendamt) support the foster carers in selecting the documents.
Voraussetzungen	<ul style="list-style-type: none"> • The foster child must already have been living in your family for a longer period of time, has integrated and established close relationships. A return to the family of the natural parents would endanger the further development of the child. • The court decision is always based on the so-called "best interests of the child principle". The judicial decision is therefore not based on the subjective wishes of the parents or foster parents. Rather, it must be ensured that no lasting harm is caused to the child by a break in the relationship. • The best interests of the child take precedence over parental rights. There is a discernible tendency in case law that in foster care relationships lasting two or more years, the removal of a child from the foster family is usually rejected.

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	Note: The benchmark "longer period of time" is an indeterminate legal term that must be assessed on a case-by-case basis. The decisive criteria here are the age of the child and its previous history.
Kosten	none
Verfahrensablauf	<ul style="list-style-type: none"> • The proceedings begin when the foster parents file an application by the competent family court (Familiengericht). Likewise, the court can act ex officio. You should file the application in good time before facts are possibly created for a return. • In parallel, you can file an urgent application "for a temporary order to stay". In this way, you can prevent the natural parents or the guardian from possibly creating facts that are not in the best interests of the child on the basis of the right of residence. The provisional order ensures that the child remains in the foster family until a decision is made. • It may take some time until the proceedings are concluded, especially if an expert opinion is also prepared. However, the child must not be taken out of the family on a temporary basis and it is only examined afterwards whether this is beneficial for the child.
Bearbeitungsdauer	
Frist	none If, as a foster parent, you are faced with the possibility that your foster child may be removed from your family in the near future, it is important that you seek legal advice as early as possible.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Appeal (details in the court order)
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	

Modul

Sachverhalt

Ursprungsportal