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Appoint guardian for minor children

Heruntergeladen am 07.07.2025

<https://fimportal.de/xzufi-services/6000835-99126011000000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99126011000000
Leistungsbezeichnung I	Appoint guardian for minor children
Leistungsbezeichnung II	Appoint guardian for minor children
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	<ul style="list-style-type: none"> • § 1782 Bürgerliches Gesetzbuch (BGB) – Benennungsrecht der Eltern • § 1783 BGB – Übergehen des benannten Vormunds • § 1784 BGB – Ausschlussgründe
Teaser	<p>The appointment of a guardian regulates the question of who is to care for a minor child after the death of the mother and father. Guardians then have the right, but above all the duty, to care for the person and the property of the minor child.</p>
Volltext	<p>Appointment of a guardian for minor children pursuant to section 1782 of the German Civil Code (BGB)</p> <p>The appointment of a guardian regulates the question of who is to care for a minor child after the death of the mother and father. Guardians then have the right, but above all the duty, to care for the person and the property of the minor child.</p> <p>A guardianship is an honorary office and ends when the child reaches the age of majority.</p> <p>Note: If you do not appoint a guardian, the family court will appoint a guardian for your minor child ex officio in the event of death, whereby the best interests of the child are decisive. If the mother and father have named different persons, the declaration of the last parent to die is decisive.</p> <p>Appointment</p> <p>You can appoint a guardian for your minor children by means of a will or in an inheritance contract, so-called "testamentary dispositions".</p> <p>Who you appoint as guardian is largely up to you. For example, family members, friends, the non-marital</p>

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partner or grandparents can be appointed as guardians. Spouses can be appointed as joint guardians. It is also possible to exclude only certain persons as guardians without naming a person as the desired guardian.

Tip: If you want to ensure that your handwritten will is found and opened in accordance with your last will in the event of your death, you can place it in special official custody.

Appointment

If you have appointed a guardian, the court can only overrule this appointment under very narrow conditions: If the guardian you have appointed would significantly harm the child's welfare, the court must appoint another guardian.

A person appointed by the parents can be excluded as guardian if

- he or she is legally incompetent
- he or she is a minor,
- he or she is under guardianship, provided that the guardianship covers matters essential to the conduct of the guardianship or a consent order is made in respect of him or her,
- he or she is in a dependent relationship or in another close relationship with an institution in which the ward lives,
- is incapacitated by illness,
- the welfare of the minor child would be endangered,
- or the child of at least fourteen years of age objects to the appointment of this guardian.

Erforderliche Unterlagen

Written information that clearly identifies the guardian is required.

Note: In addition to the first and last names, it is also advisable to state the place and date of birth.

Voraussetzungen

Guardians can only be appointed by the parents if the mother and/or father are entitled to parental care at the time of death.

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The appointment of the desired guardian must be made in the form of a testamentary disposition:

- Last will and testament (handwritten / notarised) or
- notarised contract of inheritance

Kosten

- if applicable, fees for the notarial certification of the will or inheritance contract
- fees for the official safekeeping of the will, if applicable

Verfahrensablauf

Carefully consider the choice of a possible guardian. Take into account the relationship of trust, the age, the health and financial situation as well as the place of residence of the possible guardian.

Once you have decided on a guardian, it is always advisable to talk to the person in question in advance about the intended appointment as guardian and to obtain their consent.

- Determine the guardian by will or inheritance contract.
- In order to avoid ambiguities, name the respective person clearly and preferably use the legal formulation "guardian".
- If there are several possible guardians, mark an order if necessary.
- It is advisable to also appoint a substitute guardian in case the person originally chosen cannot take over the guardianship, for example due to illness.
- Optional: You place your own handwritten will in special official custody.

Change

- Check from time to time whether the person appointed still agrees to a possible guardianship.
- Appoint another guardian if the circumstances of the appointed guardian change and the person can no longer or no longer wishes to take over a possible guardianship.

Bearbeitungsdauer

Modul	Sachverhalt
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	non applicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	