99126014088000

Custody - applying for transfer and withdrawal

Heruntergeladen am 29.07.2025

https://fimportal.de/xzufi-services/266-99126014088000/L100022

Modul	Sachverhalt
Leistungsschlüssel	99126014088000
Leistungsbezeichnung I	Custody - applying for transfer and withdrawal
Leistungsbezeichnung II	Custody - applying for transfer and withdrawal
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
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 freigegen durch	
Handlungsgrundlage	Bürgerliches Gesetzbuch (BGB): • § 1671 Übertragung der Alleinsorge bei Getrenntleben der Eltern • § 1666 Gerichtliche Maßnahmen bei Gefährdung des Kindeswohls Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG): • §§ 151 folgend Verfahren in Kindschaftssachen
Teaser	When parents separate or divorce, they continue to have joint custody of their children.
Volltext	When parents separate or divorce, they continue to have joint custody of their children. The legislator assumes that joint custody is the best solution for the child in most cases. The family court can transfer parental custody or part of it to one parent on application. Note: It is not possible to transfer custody by mutual agreement without the involvement of the family court. However, it is possible to authorise the other parent to exercise parental custody. Please seek legal advice on this in individual cases or contact the youth welfare office or a counselling centre.
Erforderliche Unterlagen	none
Voraussetzungen	• The other parent agrees or • the transfer of custody to only one parent of the child is in the best interests of the child. • If custody is withdrawn ex officio: On the basis of concrete evidence, there appears to be a serious risk to the child's welfare and the parents are unwilling or unable to avert this danger.

Modul	Sachverhalt
Kosten	In principle, court costs and, if applicable, lawyer's fees are incurred.
Verfahrensablauf	In divorce proceedings, the court responsible for the divorce also decides on custody if one parent requests the transfer of custody. In this case, the matter is part of the divorce proceedings.
	A parent can also apply for custody to be transferred without divorce proceedings. This is possible if the parents are not only temporarily separated.
	The family court can also withdraw custody ex officio. In most cases, such proceedings are initiated on the basis of suggestions or information from third parties, for example the youthwelfare office or people close to the child.
	Parents may agree on who should be awarded custody. The family court then usually grants the application for transfer of custody. However, a child over the age of 14 can object to this agreement.
	If the parents disagree, the court will examine which solution is in the best interests of the child. Firstly, a hearing is scheduled.
	The parents and the child as well as other parties involved are heard (separately). The family court judge obtains a comprehensive overview of the child's family situation. The court may also involve experts for this purpose. The results of the hearing and , if applicable, the expert's recommendation are incorporated into the court's decision.
	Note: The court can appoint a guardian ad litem for the minor child. This person also represents the child's interests vis-à-vis the parents.
	Young people aged 14 and over can lodge an appeal against a decision independently.
Bearbeitungsdauer	
Frist	none

Modul	Sachverhalt
weiterführende Informationen	
Hinweise	Please seek legal advice in individual cases or contact the youth welfare office or a counselling centre.
Rechtsbehelf	Please seek legal advice if necessary.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	