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# Have custody order filed

Heruntergeladen am 06.07.2025

<https://fimportal.de/xzufi-services/106235475/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99126015089000, 99126015089000
Leistungsbezeichnung I	Have custody order filed
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Vormundschaft (126)
Verrichtungskennung	Verwahrung (089)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein

Modul	Sachverhalt
Fachlich freigegeben am	19.10.2020
Fachlich freigegeben durch	Ministry of Social Affairs, Integration and Equality
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016">https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016</a> <a href="https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016">https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG016</a>
Teaser	With a custody decree - a so-called testamentary disposition - parents or single parents can regulate in advance who should represent their minor children after their death.
Volltext	<p>With a custody decree - a so-called testamentary disposition - parents or single parents can regulate in advance who should represent their minor children after their death. If there is no custody order, the court decides, but always in the best interests of the child. However, even if a custody order exists, the court decides whether the person named is suitable to serve as guardian. However, the court can only deviate from the custody order if there are justified doubts about the suitability of the proposed person.</p> <p>The custody order can be used not only to name persons as well as a substitute guardian to represent the child, but also to explicitly exclude persons from being guardians.</p> <p>Before you name a guardian in your custody order, you should talk to them about it and inform them. Furthermore, children who have reached the age of 14 can oppose the custody order. Therefore, to ensure that the interests of all parties are protected, you should update the custody order every year and adapt it to changing circumstances.</p> <p>The custody order can also be combined. In addition to naming a guardian, you can stipulate specific requirements for the management of inherited assets, as well as separate guardianship from asset custody and divide it among different people.</p> <p>The most important thing is that your custody order</p>

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can take effect immediately after death. For this purpose, the custody order must be traceable. You have various options for depositing the custody order. In addition to depositing it with a possible guardian, there is also the option of depositing the custody order in the form of a will with the probate court for a fee.

## Erforderliche Unterlagen

### Voraussetzungen

The basic prerequisite for drafting a custody order is that you, as the author, are entitled to custody and thus have a right of appointment from a legal point of view. In addition, the appointed guardian must be of age.

Since you can only file a custody order with the probate court in the form of a will, and since a custody order is legally a special type of will, certain formalities must be observed for the document to be legally valid. These would be, for example:

- the custodians must handwrite the disposition themselves,
- the guardians must sign with their first and last names,
- the custody order must be signed with the place and date.

NOTE: You can also seek the advice of notaries, attorneys, guardianship associations and guardianship authorities when drafting a custody decree.

### Kosten

When depositing with the probate court, minimum fees of EUR 15.00 may be incurred.

### Verfahrensablauf

- You handwrite a custody order, sign it, and discuss it with the designated guardian and your child.
- You take the original custody order and give it to the designated guardian or take it to the probate court.
- At the probate court, a deposition record is made and must be signed by the depositor.
- You will then receive a notice of the fee for the deposit as well as a certificate of deposit.
- After payment of the fee, your custody order will be filed with the probate court in the form of a will, making it safe to locate in the event of your death.

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NOTE: In addition to the option of seeking advice from a notary public, he or she can also deposit the custody order with the probate court on your behalf.

## Bearbeitungsdauer

### Frist

After the deposit, the custody order is valid until the child mentioned therein has reached the age of majority and the custody order thus expires. If you wish to revoke the custody order, you must reclaim it from the named guardian or notify the probate court and order that the deposit be terminated. After more than 30 years in official custody, the custodian will determine ex officio whether the will with the custody order in it is still valid and, if there was only a custody order, will automatically cancel it. Note that children who have reached the age of 14 can oppose the custody order.

## weiterführende Informationen

### Hinweise

### Rechtsbehelf

### Kurztext

With a custody decree - a so-called testamentary disposition - parents or single parents have the opportunity to regulate in advance who should represent their minor children after their death.

## Ansprechpunkt

### Zuständige Stelle

Competent family court

### Formulare

There are forms and samples of custody decrees, so you are given a formulation aid, and you can also better comply with the formalities, which are required of a custody decree.

Please note, however, that the custody decree must be handwritten and signed!

## Ursprungsportal

Have custody order filed, Sorgerechtsverfügung hinterlegen lassen