

99126014000000, 99126014000000

Apply for custody of unmarried fathers

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/199209417/L100039>

| Modul | Sachverhalt |
|---------------------------|--|
| Leistungsschlüssel | 99126014000000, 99126014000000 |
| Leistungsbezeichnung I | Apply for custody of unmarried fathers |
| Leistungsbezeichnung II | |
| Typisierung | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug |
| Quellredaktion | Rheinland-Pfalz |
| Freigabestatus Katalog | unbestimmter Freigabestatus |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus |
| Begriffe im Kontext | |
| Leistungstyp | |
| Leistungsgruppierung | |
| Verrichtungskennung | |
| SDG-Informationsbereich | |
| Lagen Portalverbund | Trennung mit Kind (1020500) |
| Einheitlicher | |

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| Ansprechpartner | Nein |
| Fachlich freigegeben am | |
| Fachlich freigegeben durch | |
| Handlungsgrundlage | https://www.gesetze-im-internet.de/bgb/_1626a.html https://www.gesetze-im-internet.de/bgb/_1671.html https://www.gesetze-im-internet.de/famfg/_155a.html |
| Teaser | |
| Volltext | <p>If the parents are not married to each other at the time of the birth of the child, they have been jointly entitled to parental custody since a new regulation which came into force on 19 May 2013, if they declare that they want to take over the custody together (so-called declarations of custody) if they marry each other or insofar as the family court transfers parental custody to them together. Incidentally, the mother has parental concern.</p> <p>The following situations are therefore conceivable, which lead to joint custody of parents who are not married to each other:</p> <ul style="list-style-type: none"> • After the birth of the child, the mother and the father, who has previously acknowledged his paternity, marry. • The mother and the father declare their agreement to the youth ministry to share concern. Mother and father thus have joint custody. • If one parent does not give his or her consent, the other parent can try to reach an agreement with the Youth Office. If this fails or if he does not consider this path to be promising, he can directly apply for custody in the Family Court. This determines whether the mother's sole custody remains or whether custody is also transferred to the father. <p>In the latter case, therefore, it is necessary to carry out family court proceedings.</p> |
| Erforderliche Unterlagen | |

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| Voraussetzungen | <ul style="list-style-type: none"> • paternity must be legally recognised • the parents are not married to each other • the mother had previously had sole custody • the parents are of legal age or their legal representatives agree to <p>**Note:** According to the Eighth Book of the Social Code (SGB VIII), mothers and fathers who are not married to the other parent are entitled to advice on the submission of a declaration of custody and the possibility of the judicial transfer of joint parental custody.</p> |
| Kosten | For the judicial proceedings, court fees are charged, in the case of the intervention of a lawyer, also lawyers' fees, which depend on the value of the proceedings. |
| Verfahrensablauf | The family court procedure has a number of specific features and takes place in a graduated procedure. In certain situations, a written and very simplified procedure may be considered. With regard to the details, it is recommended to seek advice from the Youth Office and, where necessary, by a lawyer. |
| Bearbeitungsdauer | Depends on the individual case. |
| Frist | There are no special deadlines. |
| weiterführende Informationen | |
| Hinweise | |
| Rechtsbehelf | |
| Kurztext | |
| Ansprechpunkt | <ul style="list-style-type: none"> • For counselling: the Youth Office, which is responsible for the child's place of residence. • For judicial proceedings: usually the district court (family court) at the child's habitual residence. https://www.justizadressen.nrw.de/og.php?MD=j |
| Zuständige Stelle | |

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| Formulare | |
| Ursprungsportal | Sorgerecht für unverheiratete Väter beantragen, Apply for custody of unmarried fathers |