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Custody of married mothers and fathers in the event of separation

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/199217614/L100039>

| Modul | Sachverhalt |
|---------------------------|---|
| Leistungsschlüssel | 99126014000000, 99126014000000 |
| Leistungsbezeichnung I | Custody of married mothers and fathers in the event of separation |
| 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) |

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| Einheitlicher Ansprechpartner | Nein |
| Fachlich freigegeben am | |
| Fachlich freigegeben durch | |
| Handlungsgrundlage | https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG015303377 https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR25870008BJNG002400000 |
| Teaser | |
| Volltext | <p>When parents divorce or divorce, joint custody of their children continues. The legislator assumes that in most cases joint custody is the best solution for the child.</p> <p>However, the Family Court may, on request, transfer parental custody or part of it to the mother or father.</p> <p>**Note:** A consensual transfer of custody without the participation of the family court is not possible. Given the importance of the decision for the family, advice from a lawyer is recommended.</p> <p>The Family Court may also revoke custody of its own motion. In most cases, such proceedings are initiated on the basis of suggestions or indications from third parties (e.g. the Youth Office or the child of related persons) which give evidence of a child's well-being risk.</p> |
| Erforderliche Unterlagen | |
| Voraussetzungen | <p>Prerequisites are:</p> <ul style="list-style-type: none"> • The transfer of custody to only one parent of the child best corresponds to the best interests of the child. • In the context of divorce proceedings: <ul style="list-style-type: none"> • Request by a parent for the transfer of custody • In the event of withdrawal of custody of its own motion: <ul style="list-style-type: none"> • On the basis of concrete evidence, a risk to the best interests of the child appears to be justified and |

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| | <ul style="list-style-type: none"> • parents are unwilling or unable to avert this risk. |
| Kosten | There are court fees and, where applicable, attorneys' fees, which are based on the value of the proceedings. |
| Verfahrensablauf | <p>In divorce proceedings, the court responsible for divorce also decides on custody when a parent requests the transfer of custody. In this case, the matter is part of the divorce proceedings.</p> <p>Even without divorce proceedings, a parent can apply for the transfer of custody. This is possible if the parents do not only live temporarily separately.</p> <p>Parents can agree on who should be given custody. Then, as a rule, the Family Court upheld the request for the transfer of custody. However, a child over the age of 14 may object to this agreement.</p> <p>In the event of disagreement between the parents, the court shall examine which solution best suits the best interests of the child.</p> |
| Bearbeitungsdauer | The processing time depends on the individual case. |
| Frist | No special deadlines are to be observed. |
| weiterführende Informationen | |
| Hinweise | |
| Rechtsbehelf | |
| Kurztext | |
| Ansprechpunkt | <ul style="list-style-type: none"> • In connection with a divorce: the district court (family court) dealing with the divorce proceedings. • Otherwise: the district court (family court), in whose district the child is usually staying. <p>**Note:** In certain cases, another court may also have jurisdiction. Therefore, seek advice from a lawyer. https://www.justizadressen.nrw.de/og.php?MD=j</p> |

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| Zuständige Stelle | |
| Formulare | |
| Ursprungsportal | Sorgerecht verheiratete Mütter und Väter bei Trennung, Custody of married mothers and fathers in the event of separation |