

99126016088000, 99126016088000

# Guardianship Institution

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/335341286/L100040>

| Modul                         | Sachverhalt  |
|-------------------------------|--|
| Leistungsschlüssel            | 99126016088000, 99126016088000                                   |
| Leistungsbezeichnung I        | Guardianship Institution   |
| Leistungsbezeichnung II       |  |
| Typisierung                   | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug           |
| Quellredaktion                | Niedersachsen  |
| Freigabestatus Katalog        | unbestimmter Freigabestatus                                      |
| Freigabestatus Bibliothek     | unbestimmter Freigabestatus                                      |
| Begriffe im Kontext           |  |
| Leistungstyp                  |  |
| Leistungsgruppierung          |  |
| Verrichtungskennung           |  |
| SDG-Informationsbereich       |  |
| Lagen Portalverbund           | Adoption und Pflegekinder (1020100), Trennung mit Kind (1020500) |
| Einheitlicher Ansprechpartner | Nein   |

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| Fachlich freigegeben am    | 25.07.2016   |
| Fachlich freigegeben durch | Lower Saxony Ministry of Social Affairs, Health and Equality   |
| Handlungsgrundlage         | <a href="https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017202377">https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017202377</a><br><a href="https://www.gesetze-im-internet.de/sgb_8/_2.html">https://www.gesetze-im-internet.de/sgb_8/_2.html</a><br><a href="https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html#BJNR111630990BJNG001107140">https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html#BJNR111630990BJNG001107140</a><br><a href="https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017202377">https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017202377</a><br><a href="https://www.gesetze-im-internet.de/sgb_8/_2.html">https://www.gesetze-im-internet.de/sgb_8/_2.html</a><br><a href="https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html#BJNR111630990BJNG001107140">https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html#BJNR111630990BJNG001107140</a> |
| Teaser                     |  |
| Volltext                   | <p>Are/Is</p> <ul style="list-style-type: none"> <li>• parents with custody,</li> <li>• a parent with sole custody, or</li> <li>• a person in charge of guardianship</li> </ul> <p>legally or factually prevents individual tasks for a child represented by you/your representative or is / is not able or willing to perform the necessary tasks, a guardianship for specific areas of responsibility can be established by the district court. Some examples are given below:</p> <ul style="list-style-type: none"> <li>• Personal care</li> <li>• Asset care</li> <li>• Health care</li> <li>• Right to determine residence</li> <li>• Representation in criminal proceedings</li> </ul> <p>A guardianship is not a public "service" in the strict sense.<br/>       By including guardianship in Book VIII of the Social Code as a "different task", the competent authorities</p>   |

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are obliged to provide personnel for the management of guardianships.

The management of a guardianship itself can be transferred to a specific person, an association or a youth welfare office. The district court decides who is entrusted with the management of the guardianship.

The actual management of a guardianship takes place within the framework of private law. The persons who lead the guardianship fulfil all tasks for their area of responsibility that would have to be performed by the parents without this guardianship.

If a guardianship is managed by a youth welfare office, a person employed there is commissioned accordingly. The tasks associated with the guardianship are carried out by this person on his own responsibility.

There are more far-reaching provisions in the area of guardianship, which cannot be described in detail here due to their complexity.

## Erforderliche Unterlagen

No documents are required.

## Voraussetzungen

A guardianship is not a benefit that is applied for in the strict sense. A guardianship is established when the district court becomes aware that a guardianship is required.

This may be the case, inter alia, where:

- point out to parents with custody that they are overwhelmed with a situation,
- an authority indicates that a guardianship appears necessary,
- it is established in court proceedings that a guardianship must be established.

An indispensable prerequisite for the establishment of a guardianship is that both parents cannot exercise parental authority for a specifically definable area and that both parents have been deprived of parental

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|                              | authority for this area.  |
| Kosten                       | <p>There are no fees.</p> <p>If legal representation is deemed necessary by the parties involved, the costs of this representation must of course be borne. It may be possible to make use of legal aid services.</p> |
| Verfahrensablauf             |   |
| Bearbeitungsdauer            |   |
| Frist                        | There are no deadlines to be observed.  |
| weiterführende Informationen |   |
| Hinweise                     |   |
| Rechtsbehelf                 |   |
| Kurztext                     | If necessary, a guardianship can be set up for a minor for a specifically definable area of responsibility.   |
| Ansprechpunkt                | Jurisdiction lies with the district court, the district, the district-free city and the municipality belonging to the district.   |
| Zuständige Stelle            |   |
| Formulare                    |   |
| Ursprungsportal              | Guardianship Institution, Pflegschaft Einrichtung   |