

99126006061000, 99126006061000

# Establishment of guardianship and guardianship

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/483611654/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99126006061000, 99126006061000
Leistungsbezeichnung I	Establishment of guardianship and guardianship
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	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Vormundschaft (126)
Verrichtungskennung	Bestellung (061)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei

Modul	Sachverhalt
	grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Lebenslagen für Bürgerinnen und Bürger (1000000), Partnerschaft und Familie (1020000), Kinderbetreuung (1020200), Adoption und Pflegekinder (1020100), Geburt (1010000), Nach der Geburt (1010200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	12.01.2023
Fachlich freigegeben durch	Lower Saxony Ministry of Social Affairs, Labour, Health and Equality
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/_1773.html">https://www.gesetze-im-internet.de/bgb/_1773.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1773.html">https://www.gesetze-im-internet.de/bgb/_1773.html</a>
Teaser	Legal representation must be ensured for each minor. This representation can take place within the framework of a guardianship or guardianship if the parents are unable or unwilling to perform this task.
Volltext	<p>For a minor, the court may establish a guardianship or supplementary guardianship. In some cases, guardianship is automatic. A few examples can illustrate this:</p> <ul style="list-style-type: none"> <li>• A parent who is unable or unwilling to take sufficient care of their child's affairs may be deprived of part or all of their parental authority. If the other parent is also unwilling or unable to take over the interests of the child, a guardianship can be set up for individual tasks or a guardianship for all matters of the child.</li> <li>• If both parents die, the legal representation of the child must be arranged. In this case, a guardianship is established.</li> <li>• If a minor has a child, in most cases an official guardianship of the child led by the Youth Welfare Office automatically takes place.</li> <li>• If a child is born "confidentially", the child is automatically placed under official guardianship by the Youth Welfare Office.</li> <li>• If a child is placed in a baby hatch, the parents are not known. In this case, a guardianship must be established.</li> </ul>

## Modul

## Sachverhalt

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A guardian is the legal representative of a minor who assumes responsibility for the minor in lieu of the parents. If the parents are unable to assume only part of the legal responsibility, a guardianship is ordered. This representative, who is only responsible for certain matters, is called a supplementary caregiver or nurse for short. Children and adolescents for whom there is a guardianship or guardianship are called wards or foster children.

A guardianship or guardianship can be assigned to a suitable adult, for example relatives, foster parents or volunteers, but also to an association (or the local youth welfare office). Persons who care for a minor in an institution, e.g. a home, cannot be granted guardianship of this young person.

A guardianship or guardianship ends either when the young person reaches the age of majority or when the guardianship or guardianship is terminated by a court decision.

The person in charge of the guardianship represents the child or young person in all legal matters. She is as independent as a parent, but is under the supervision of the court. The well-being and interests of the minor must be at the forefront of all decisions. The person in charge of the guardianship must ensure the "care and upbringing" even if there is no common household. However, she does not have to take on this task personally. Regular personal contact is mandatory. Important decisions must be discussed together.

The person who manages a guardianship is exclusively responsible for one or more specifically specified areas of responsibility. This can be, for example, (but not only) the right to determine residence, the submission of applications for educational assistance or health care. A guardianship, like a guardianship, is conducted independently of instructions. Here, too, the well-being of the minor must be at the forefront of all decisions.

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	For persons of legal age who are not in a position to fully exercise their rights or to exercise or take responsibility for their business, supervision can be set up for the respective deficient area of responsibility. In this case, the competent court will appoint a guardian. Care for adults is not dealt with further here.
Erforderliche Unterlagen	Such suggestions are not bound to any particular form. Special documents or evidence are generally not required, but can be helpful.
Voraussetzungen	<p>The establishment of a guardianship or guardianship may be proposed by any person at the competent court.</p> <p>This can be a parent, but also any other person who knows that the interests of a minor are not or cannot be perceived by the parents.</p> <p>A youth welfare office or another authority can also initiate the institution if it has relevant information.</p>
Kosten	<p>There are no costs for setting up a guardianship or guardianship</p> <p>If the parties concerned consider it necessary to be represented by a lawyer, the costs of this representation must be borne by the parties themselves. If necessary, it is possible to make use of counselling assistance/legal aid services.</p>
Verfahrensablauf	<p>The court will check whether the information is correct and, if necessary, take all necessary steps.</p> <p>Whether the court deems it necessary to have a conversation with the whistleblower or body is up to the court to decide.</p> <p>The court decides whether anonymous tips and tips that are obviously unfounded will be processed.</p>
Bearbeitungsdauer	The length of time it takes from informing the court to its decision depends on the individual case.
Frist	A suggestion to establish a guardianship or guardianship is not bound to any deadline.

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weiterführende Informationen	
Hinweise	
Rechtsbehelf	<p>Since this is not an application-related benefit, the person making the suggestion is generally not entitled to any legal remedies if his or her suggestion is not heeded.</p> <p>Legal options are open to the child and the Youth Welfare Office against the establishment of a guardianship and guardianship.</p> <p>Depending on the individual case, other persons may be entitled to file a reminder.</p>
Kurztext	<p>Guardianship Facility</p> <p>Guardianship Facility</p> <p>A guardianship or supplementary guardianship may be established for a minor.</p> <p>There is no provision for an application for the establishment of a guardianship or guardianship.</p> <p>The local youth welfare office can provide further information.</p> <p>Suggestions in this regard can be addressed to the competent district court.</p>
Ansprechpunkt	<p>The local youth welfare office can provide further information.</p> <p>There is no provision for an application for the establishment of a guardianship or guardianship.</p> <p>Suggestions in this regard can be addressed to the competent district court.</p>
Zuständige Stelle	
Formulare	There are no formal requirements to be observed.

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	However, courts usually do not accept messages that arrive as e-mails.
Ursprungsportal	Establishment of guardianship and guardianship, Einrichtung von Vormundschaft und Pflegschaft