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Applying for the appointment of a guardian

Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/484296030/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046071061000, 99046071061000
Leistungsbezeichnung I	Applying for the appointment of a guardian
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	Gerichtliche Leistungen (046)
Verrichtungskennung	Bestellung (061)
SDG-Informationsbereich	
Lagen Portalverbund	Gerichtliche Verfahren, Anzeige und Klage (1150200)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	23.01.2023
Fachlich freigegeben durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1814.html https://www.gesetze-im-internet.de/bgb/_1814.html
Teaser	If an adult cannot manage their own affairs, a guardian is appointed.
Volltext	<p>You can apply for the appointment of a guardian if you are unable to manage your own affairs.</p> <p>If you believe that another person needs help, you can apply to the guardianship court (local court) for the appointment of a guardian.</p> <p>A person who meets the wishes of the person concerned is primarily appointed as a guardian. The guardianship court ultimately decides which person is suitable.</p> <p>The appointment of a guardian can be reviewed and changed at any time if the situation has changed.</p>
Erforderliche Unterlagen	<p>The application or suggestion for guardianship can be submitted informally to the guardianship court. It is helpful if you provide a brief justification and state the tasks for which legal guardianship is to be established. If documents such as medical reports (or similar) are available, you can also submit these.</p> <p>You can also contact your local care authority. The guardianship authority will advise you on general questions of guardianship law and on assistance to prevent guardianship. It can inform the guardianship court in individual cases if the appointment of a guardian appears necessary to avert considerable danger for the person concerned.</p>
Voraussetzungen	A guardian can only be appointed by the court. The guardianship court examines whether and for which tasks a legal guardian must be appointed for an adult. The prerequisite is that the person is unable to

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manage their legal affairs due to illness or disability. In addition, the appointment of a guardian must be necessary, for example because there is no power of attorney.

The guardianship court proceedings are initiated at the request of the person concerned. Other persons can initiate the proceedings at the guardianship court.

Kosten

Verfahrensablauf

The guardianship court investigates the facts of the case ex officio. It is supported in this by the guardianship authority. Before making a decision, the court must hear the person concerned in person (with a few exceptions). To this end, the court will set a date to discuss the procedure with the person concerned and also who should be considered as a guardian. As a rule, the wishes of the person concerned must be complied with. The person concerned can submit applications and appeal in the proceedings.

If he or she is not in a position to adequately safeguard his or her own interests, the court will appoint a guardian ad litem for him or her. Before appointing a guardian, the guardianship court usually obtains an expert medical opinion. The decision of the court is communicated to the person concerned, the guardian, the guardian ad litem and the guardianship authority.

If the situation changes, the appointment of a guardian can also be amended, revoked or reordered.

Bearbeitungsdauer

The duration of the guardianship court proceedings depends on the circumstances of the individual case. A duration of six months is usual, but it can also take longer in individual cases.

Frist

The court shall provide information on the time limits to be observed in court proceedings, in particular on time limits for appeals.

weiterführende Informationen

Hinweise

Modul	Sachverhalt
Rechtsbehelf	An appeal against the decision of the guardianship court can be lodged within the period specified in the decision (1 month). An application to terminate the guardianship can be made at any time.
Kurztext	<ul style="list-style-type: none"> • Ordering legal guardianship <ul style="list-style-type: none"> • The guardianship court orders legal guardianship if an adult is wholly or partially unable to manage their own affairs due to illness or disability and requires the support of a legal guardian who can represent the person under guardianship as a legal representative in legal acts. • Legal proceedings at the locally competent district court.
Ansprechpunkt	
Zuständige Stelle	<p>Please contact your local care court (district court).</p> <p>You can obtain support from the care authority of your independent city or district or from the recognized care associations.</p>
Formulare	
Ursprungsportal	Applying for the appointment of a guardian, Antrag auf Bestellung eines Betreuers stellen