

99126014088000, 99126014088000

Custody - Request Transfer and Withdrawal

Heruntergeladen am 24.06.2025

<https://fimportal.de/xzufi-services/484304461/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99126014088000, 99126014088000
Leistungsbezeichnung I	Custody - Request Transfer and Withdrawal
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	Anordnung (088)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei

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	grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Adoption und Pflegekinder (1020100), Nach der Geburt (1010200), Trennung mit Kind (1020500), Scheidung (1020400)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	24.01.2023
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1671.html https://www.gesetze-im-internet.de/famfg/_151.html https://www.gesetze-im-internet.de/bgb/_1666.html https://www.gesetze-im-internet.de/bgb/_1671.html https://www.gesetze-im-internet.de/famfg/_151.html https://www.gesetze-im-internet.de/bgb/_1666.html
Teaser	
Volltext	<p>The family court may, upon request, award parental authority or part of it to one of the parents.</p> <p>If parents separate or divorce, joint custody of their joint children continues.</p> <p>The legislator assumes that joint custody is the best solution for the child in most cases.</p> <p>Note: It is not possible to transfer custody by mutual agreement without the involvement of the family court.</p> <p>The family court may also withdraw custody of the child ex officio. In most cases, such proceedings are initiated on the basis of suggestions or information from third parties (e.g. the Youth Welfare Office or persons close to the child).</p>
Erforderliche Unterlagen	None
Voraussetzungen	<ul style="list-style-type: none"> • The other parent agrees, or • the transfer of custody to only one of the child's parents is in the best interests of the child. <p>In the event of deprivation of custody ex officio:</p>

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- On the basis of concrete indications, a serious threat to the child's well-being appears to be justified and
- the parents are unwilling or unable to avert this danger.

Kosten

- Court
- if applicable: lawyers' fees, costs of legal assistance, costs of an expert

The family court decides on the payment of costs at its equitable discretion.

In case of need, legal aid can be applied for.

Verfahrensablauf

In divorce proceedings, the court with jurisdiction over the divorce also decides on custody if one parent requests the transfer of custody. In this case, the matter is part of the divorce proceedings.

Even without divorce proceedings, a parent can apply for the transfer of custody. This is possible if the parents are not only temporarily separated.

Parents can agree on who should be given custody. In this case, the family court will usually grant the application for the transfer of custody.

However, a child over the age of 14 can object to this agreement.

In the event of disagreement between the parents, the court will examine which solution is best suited to the child's best interests. First of all, a hearing date will be set.

The parents and the child and other parties involved are heard (separately). The family court judge obtains a comprehensive overview of the child's family situation.

For this purpose, the court may also involve experts.

The results of the hearing and, if applicable, the expert's recommendation will be taken into account in the judge's decision.

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Note: The court may appoint a guardian ad litem for the minor child. The latter also represents the interests of the child vis-à-vis the parents.

Young people from the age of 14 can appeal against a decision on their own.

The family court may also withdraw custody of the child ex officio. In most cases, such proceedings are initiated on the basis of suggestions or information from third parties (e.g. the Youth Welfare Office or persons close to the child).

Bearbeitungsdauer

The processing time depends on the individual case.

Frist

None

**weiterführende
Informationen**
Hinweise
Rechtsbehelf

Appeal pursuant to §§ 58 et seq. FamFG against the family court decision within one month

Kurztext

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	<p>initiated on the basis of suggestions or information from third parties (e.g. the Youth Welfare Office or persons close to the child).</p> <p>Jurisdiction: in connection with a divorce: the district court - family court - dealing with the divorce proceedings,</p> <p>otherwise: the district court - family court - in whose district the child habitually resides.</p> <p>Note: In certain cases, another court may also have jurisdiction. Therefore, seek advice from a lawyer.</p>
Ansprechpunkt	<p>in connection with a divorce: the district court - family court - dealing with the divorce proceedings,</p> <p>otherwise: the district court - family court - in whose district the child habitually resides.</p> <p>Note: In certain cases, another court may also have jurisdiction. Therefore, seek advice from a lawyer.</p>
Zuständige Stelle	
Formulare	<p>Forms available: No</p> <p>Written form required: Yes</p> <p>Informal application possible: Yes</p> <p>Personal appearance required: No</p>
Ursprungsportal	<p>Custody - Request Transfer and Withdrawal, Sorgerecht - Übertragung und Entzug beantragen</p>