

99602007016000, 99602007016000

Care associations Recognition

Heruntergeladen am 25.05.2025

<https://fimportal.de/xzufi-services/519788822/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99602007016000, 99602007016000
Leistungsbezeichnung I	Care associations Recognition
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Care provision (individuell, 454395108)
Verrichtungskennung	Anerkennung (016)
SDG-Informationsbereich	Eintragung, Änderung der Rechtsform oder Schließung eines Unternehmens (Registrierungsverfahren und Rechtsformen für geschäftliche Tätigkeiten)
Lagen Portalverbund	Gesundheit und Vorsorge (1130000), Pflege (1130400)
Einheitlicher Ansprechpartner	Nein

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Fachlich freigegeben am	23.10.2023
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/btogg/_14.html https://voris.wolterskluwer-online.de/browse/document/cite/95a15563-f1e0-3b33-b2ee-b3946d909dd0 https://www.gesetze-im-internet.de/btogg/_14.html https://voris.wolterskluwer-online.de/browse/document/cite/95a15563-f1e0-3b33-b2ee-b3946d909dd0
Teaser	Recognition as a guardianship association is a prerequisite for receiving a state grant for guardianship associations.
Volltext	<p>A registered association can be recognized as a guardianship association.</p> <p>The requirements for recognition as a guardianship association are set out in § 14 Betreuungsgesetz (BtOG) in conjunction with § 3 Niedersächsisches Ausführungsgesetz (Nds. § Section 3 of the Lower Saxony Implementation Act on Guardianship Law (Nds. AGBtR).</p> <p>The association can be recognized as a guardianship association if it ensures that it provides information on general guardianship law issues, powers of attorney, guardianship law issues, guardianship and living wills, among other things, as planned, and that it endeavours to recruit volunteer guardians, introduces them to their tasks, trains them and advises them.</p> <p>In addition, the association must employ a sufficient number of staff, supervise them, provide them with further training, enable them to exchange experiences and insure them against damage.</p> <p>The details can be found in §§ 15, 16 BtOG and § 3 Nds. AGBtR.</p> <p>Recognition as a guardianship association is one of the prerequisites for claiming a possible state grant.</p> <p>Pursuant to § 1 Para. 2 No. 2 Nds. AGBtR, the state</p>

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guardianship office at the Oldenburg Higher Regional Court is responsible for the recognition of guardianship associations with their registered office and predominant area of activity in Lower Saxony.

Erforderliche Unterlagen

The following documents must be attached to the application:

1\.. articles of association

2\.. excerpt from the register of associations and, if applicable, powers of attorney: Only associations with legal capacity, i.e. "registered associations" within the meaning of §§ 21 ff. BGB (see § 14 BtOG). Recognition as a guardianship association is required by any association that has employees appointed as association guardians or wishes to take on guardianships itself as an association.

3\.. proof of insurance by submitting a copy of the insurance policy.

4\.. certificate of non-profit status from the tax office: The association must pursue charitable and non-profit purposes within the meaning of § 52 of the German Tax Code (in accordance with 14 BtOG in conjunction with § 3 para. 1 no. 6 Nds. AGBtR).

5\.. proof of the number, training and professional background or other qualifications of the full-time employees by submitting copies of the relevant certificates or documents and employment contracts: As a rule, it is considered sufficient if there are two full-time employees and they jointly hold at least one full-time position. The guardianship association must ensure that, in accordance with Section 1816 Para. 6 BGB, persons who are in a relationship of dependency or other close relationship with an institution, a home or other facilities in which a person receiving care is accommodated or resides are not commissioned to provide care via the guardianship association. Special requirements are placed on the person(s) responsible for the professional management of the care association and the supervision of the employees. A person is suitable for the tasks in accordance with §§

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15, 16 BtOG if they have a degree from a university of applied sciences, in particular in the field of social work/social pedagogy or a comparable qualification. The current directive on the granting of subsidies for the promotion of care associations, decree of the MJ of March 13, 2020 (Nds. MBl., p. 408) is decisive here.

6\ description of the area of activity (district, independent city, local court district): The area in which the cross-sectional work is to be carried out must be geographically defined and coordinated with the locally responsible care office. Nationwide recognition is not granted. A subsequent change or expansion of the area of activity is possible with the involvement of the locally responsible support office.

7\ proof of a control system for the performance of supervisory duties (see form on the homepage).

8\ financing plan to demonstrate financial capacity: Due to its social responsibility, which is characterized by the need for a sustainable and lasting relationship between the persons being cared for and their individual caregivers, a care association may only be recognized if it proves in the application procedure and annually thereafter that its commitment is long-term and that it has the financial capacity to maintain the system of full-time and voluntary caregivers and employees in the long term and, in particular, to finance it (§ 3 para. 1 No. 3 Nds. AGBtR).

9\ detailed concept for the activities as a care association with a description of the cross-sectional work and the planned further training opportunities for the full-time and voluntary employees. A possible annual update of the concept should already be taken into account here.

10\ declaration of commitment to the following points:

The submission of an annual activity report, to be submitted by June 30 of each subsequent year. A standardized form is available on the homepage of the Landesbetreuungsstelle. For the first year after recognition, the state support office reserves the right

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to stipulate separate regulations for the first report in the recognition notice.

The obligation to recruit, introduce, train and advise volunteer caregivers as planned, to conclude agreements on support and assistance with volunteer caregivers, § 15 Para. 1 No. 4 BtOG, as well as to advise and support authorized representatives in the performance of their duties in accordance with § 15 Para. 1 Nos. 2 to 5 BtOG and to carry out regular exchanges of experience between the full-time and volunteer caregivers and employees of the caregiver association.

The scheduled provision of information on advance care directives and powers of attorney in accordance with § 15 Para. 1 No. 1 BtOG.

The adjustment of insurance cover.

The obligation to inform the state guardianship office in the event of staff changes, changes to the articles of association, changes to the board of directors or other developments that require entries in the register of associations.

The granting of an insight into the overall budget and the cash situation by the state support office.

Voraussetzungen

In Lower Saxony, the following additional requirements apply in addition to the provisions of Section 14 BtOG and Section 3 Nds:

\- The persons to be cared for must have their habitual residence in Lower Saxony (§ 3 Para. 1 No. 2 Nds. AGBtR).

\- An informal application for recognition as a guardianship association must be submitted. The application must be signed by the authorized representative(s) of the association.

\- For the proper assessment of the application for recognition, the state care office obtains an opinion from the responsible local care office (independent

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city, district or region of Hanover). The focus here is on cross-sectional work and ensuring that it is carried out. For example, the current care situation and future plans are evaluated.

It is therefore recommended that the concept of the care association and its intended area of activity be agreed with the local care office(s) in a preliminary meeting before submitting the application. Good cooperation between care associations and local care offices is required for recognition.

An essential component is appropriate networking at local level. This includes professional and good cooperation (e.g. working groups/committees) both with the local care authority and with the other care associations.

Good cooperation between the guardianship association and the local guardianship authority is necessary because the authority has the right to propose the appointment of a suitable guardian, § 11 Para. 1 No. 2 BtOG. In addition, the authority shall immediately inform a recognized guardianship association at the place of residence of the volunteer guardian of the name and address of the volunteer guardian of whose appointment it has become aware in order to enable the association to make contact, Section 10 BtOG.

Kosten

Verfahrensablauf

After successful examination of all submitted documents, recognition is granted by the state support office. Recognition is revocable and can be granted subject to conditions. The state care office informs the responsible care courts and local care authorities about the recognition.

The state care office is entitled to request documents from the care associations in its area of responsibility in order to check that the conditions for recognition continue to be met.

Bearbeitungsdauer

The processing time depends on the receipt of the

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	comments and all documents and can therefore not be given in general terms.
Frist	
weiterführende Informationen	https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/service/landesbetreuungsstelle/ https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/service/landesbetreuungsstelle/
Hinweise	
Rechtsbehelf	An action may be brought against the notice of recognition or rejection within one month of its notification before the competent administrative court in writing or for the record of the clerk of this court.
Kurztext	<p>Oldenburg Higher Regional Court</p> <p>State support office</p> <p>Richard-Wagner-Platz 1</p> <p>26135 Oldenburg</p> <p>Phone: 0441/ 2201523</p> <p>E-Mail: OLGOL-Landesbetreuungsstelle@justiz.niedersachsen.de</p>
Ansprechpunkt	<p>State support office at the Oldenburg Higher Regional Court Richard-Wagner-Platz 1, 26135 Oldenburg</p> <p>O[LGOL-La](mailto:OLGOL-Landesbetreuungsstelle@justiz.niedersachsen.de)ndesbetreuungsstelle@justiz.niedersachsen.de</p>
Zuständige Stelle	
Formulare	
Ursprungsportal	Betreuungsvereine Anerkennung, Care associations Recognition