

99013005026000, 99013005026000

# Declaring joint custody of a child

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/8665567/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99013005026000, 99013005026000
Leistungsbezeichnung I	Declaring joint custody of a child
Leistungsbezeichnung II	Declaring joint custody of a child
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Adoption (013)
Verrichtungskennung	Beurkundung (026)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Nach der

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	Geburt (1010200), Vor der Geburt (1010100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.05.2023
Fachlich freigegeben durch	Federal Ministry of Justice (BMJ)
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/_1626a.html">https://www.gesetze-im-internet.de/bgb/_1626a.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1626b.html">https://www.gesetze-im-internet.de/bgb/_1626b.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1626c.html">https://www.gesetze-im-internet.de/bgb/_1626c.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1626d.html">https://www.gesetze-im-internet.de/bgb/_1626d.html</a> <a href="https://www.gesetze-im-internet.de/sgb_8/_59.html">https://www.gesetze-im-internet.de/sgb_8/_59.html</a>
Teaser	If you as parents are not married to each other at the time of your child's birth, you can obtain joint custody by both submitting declarations of custody.
Volltext	<p>If you as parents of a child are not married to each other at the time of birth, only the mother is entitled to custody. This does not apply if you as parents have made a joint declaration of custody or if a different court decision has been made regarding custody.</p> <p>Written information can be provided about the mother's sole custody, the so-called negative certificate.</p> <p>If you would like to have joint custody, both parents must declare this to the youth welfare office or a notary and have it notarized. Paternity must first be acknowledged.</p> <p>You can also make a declaration of custody even if your child has not yet been born but has already been conceived. However, this is still possible and necessary after the birth if you are not getting married and do not wish to seek a court settlement.</p> <p>A declaration of custody must be publicly notarized. You can arrange this at your local youth welfare office or, for a fee, at a notary's office.</p> <p>Once you have made a joint declaration of custody, parental custody can only be changed by a decision of</p>

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	the family court.
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Parents' identity card or passport</li> <li>• In the case of a postnatal declaration: the child's birth certificate in which the father is registered</li> <li>• In the case of a prenatal declaration: mother's passport and certificate of acknowledgment of paternity or court order establishing paternity</li> </ul>
Voraussetzungen	<ul style="list-style-type: none"> <li>• The parents are not married to each other.</li> <li>• There is legal paternity (through effective recognition or judicial determination).</li> <li>• The child does not have to be born yet, but it must be conceived.</li> <li>• The child must still be a minor.</li> <li>• A court decision on parental custody has not yet been made.</li> <li>• The parents must appear in person.</li> <li>• In principle, the parents must have legal capacity, i.e. be of legal age. The declaration of custody by a parent with limited legal capacity requires the consent of their legal representative.</li> <li>• Both parents must speak sufficient German. If this is not the case: Youth Welfare Office: If you require an interpreter, please state the desired language when making the appointment. Notary's office: If you require an interpreter, you must bring an interpreter with you to the appointment. This person must have a valid identity document and must not be related to the child's parents by blood or marriage.</li> </ul>
Kosten	<p>Beitrag: Es fallen keine Kosten an</p> <p>Notarization by the Youth Welfare Office is free of charge. There are also any costs for the interpreter.</p> <p>Beitrag: 60€ - 80€</p> <p>The notarization of the declaration of custody by a notary usually costs EUR 60.00 plus VAT and writing expenses, in total around EUR 80.00. There are also any costs for the interpreter.</p>
Verfahrensablauf	<p>To make a declaration of custody, you must make an appointment in person at the youth welfare office or at a notary's office:</p> <ul style="list-style-type: none"> <li>• If this has not already been done, the father must first effectively acknowledge paternity.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Both parents must appear in person.</li> <li>• At the appointment, you will be informed about the legal consequences of the declaration of custody. This will be read out to you and must be signed by both parents.</li> <li>• Both parents will receive certified copies of the document.</li> </ul>
Bearbeitungsdauer	The joint declaration of custody is notarized immediately at the appointment.
Frist	The child must still be a minor at the time the declaration of custody is submitted.
weiterführende Informationen	<a href="https://familienportal.de/familienportal/lebenslagen/trennung/sorgerecht-umgangsrecht-und-namensrecht/was-regelt-das-sorgerecht--126082">https://familienportal.de/familienportal/lebenslagen/trennung/sorgerecht-umgangsrecht-und-namensrecht/was-regelt-das-sorgerecht--126082</a> <a href="https://www.bmj.de/DE/themen/gesellschaft_familie/kinder/sorge_umgangsrecht/sorge_umgangsrecht_node.html">https://www.bmj.de/DE/themen/gesellschaft_familie/kinder/sorge_umgangsrecht/sorge_umgangsrecht_node.html</a>
Hinweise	There are no indications or special features.
Rechtsbehelf	No legal remedy is provided for.
Kurztext	<ul style="list-style-type: none"> <li>• Declaration of custody notarization</li> <li>• Parents who are not married to each other at the time of the birth of their child can declare joint custody of their child a joint declaration of custody requires recognition of paternity</li> <li>• the joint custody declaration can be made both before and after the birth the child must already be conceived the child must be a minor</li> <li>• Personal appointment necessary</li> <li>• Declaration of custody must be publicly notarized</li> <li>• subsequent changes to joint parental custody are only possible by court decision</li> <li>• Declarations by the parents can be submitted to the offices responsible for notarizing declarations of intent</li> <li>• responsible: Youth welfare office or notary public</li> </ul>
Ansprechpunkt	
Zuständige Stelle	
Formulare	

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Ursprungsportal	Declaring joint custody of a child, Gemeinsame Sorge für ein Kind erklären