

99046071061000

Heruntergeladen am 09.06.2025

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| Modul | Sachverhalt |
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| Leistungsschlüssel | 99046071061000 |
| Leistungsbezeichnung I | |
| Leistungsbezeichnung II | Legal support; appointment |
| Typisierung | 3 - Bundesaufsichtsverwaltung: Regelung |
| Quellredaktion | Bayern |
| Freigabestatus Katalog | unbestimmter Freigabestatus |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus |
| Begriffe im Kontext | |
| Leistungstyp | |
| Leistungsgruppierung | |
| Verrichtungskennung | |
| SDG-Informationsbereich | |
| Lagen Portalverbund | |
| Einheitlicher Ansprechpartner | |
| Fachlich freigegeben am | 04.06.2025 |

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| Fachlich freigegeben durch | Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice) |
| Handlungsgrundlage | http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG017103377 http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG017103377 http://bundesrecht.juris.de/famfg/ http://bundesrecht.juris.de/famfg/ http://www.gesetze-im-internet.de/gnotkg/ http://www.gesetze-im-internet.de/gnotkg/ |
| Teaser | The legal institution of guardianship exists for adults who are unable to manage their own affairs in whole or in part due to illness or disability. |
| Volltext | <p>In the case of guardianship, the person concerned is assigned a guardian as their legal representative for those matters that they cannot manage in whole or in part. The appointment of a guardian does not mean that the person concerned can generally no longer act with legal effect in the areas to which the guardianship applies. Anyone who is able to understand the significance of their declarations in legal transactions and act in accordance with this understanding can also conclude purchase contracts, rental agreements and other legal transactions, marry or make a will as a person under guardianship. The court will only order a reservation of consent if someone is seriously endangering themselves or their assets. The person under guardianship can then only make legally effective declarations of intent with the prior consent of their guardian. A reservation of consent cannot extend to marriage or dispositions of property upon death.</p> <p>The principle that interventions in the rights of the person concerned are only permissible to the extent and for as long as necessary applies to all care law. A guardian may therefore only be appointed for the area or areas of responsibility (e.g. healthcare, certain legal matters, property management) in which the person concerned requires support. After a maximum of seven years, it must be reviewed whether the person concerned still needs the support of the guardian. If</p> |

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the measure has been ordered against the wishes of the person concerned, a decision on the first extension must be made after two years at the latest.

Guardianship is subordinate to other - private or public - assistance. Guardianship will be dispensed with in particular if the person concerned has granted a power of attorney to someone else in anticipation of later age-related incapacity ("Power of attorney for precautionary measures"; further information on this can be found in the information brochure

"Precautionary measures for accidents, illness and old age", which can be purchased in bookshops or downloaded free of charge under "Further links").

The guardianship court should appoint an individual as a guardian if possible, and only in exceptional cases an association or public authority. The person appointed must be suitable for this purpose and, if possible, have the relevant experience, for example in the care of property matters. The wishes of the person concerned for the appointment of a guardian are binding if the proposed person is willing and able to take over the guardianship. If the person concerned does not propose anyone who can be appointed as a guardian or if the desired person is not suitable, the family relationships of the adult, in particular with the spouse, parents and children, their personal ties and the risk of conflicts of interest must be taken into account when selecting the guardian. By drawing up a so-called "care directive", you can ensure in "good times" that your wishes are taken into account when appointing a caregiver, even if you are no longer able to speak for yourself in later court proceedings - for example due to a serious illness (see "Care directive" under "Related topics").

Further information on legal care can be found in the information brochure "The care law", which you can download free of charge under "Related links".

Erforderliche Unterlagen

Voraussetzungen

Guardians are appointed by the guardianship court. As a rule, the guardianship court in whose district the person concerned has their habitual residence is

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responsible. A guardian can be appointed at the request of the person concerned or ex officio (e.g. if the court learns of the person's need for care from an authority or a family member).

Persons concerned are entitled to participate in all proceedings relating to care, even if they are legally incapable. Their applications and appeals can therefore not be rejected on the grounds that legally incompetent persons are not entitled to a decision on the merits.

Before appointing a guardian, the court must hear the person concerned in person, inquire about their wishes and gain a personal impression of them. Exceptions are only possible under very strict conditions. As a rule, guardians may only be appointed after an expert's opinion on the need for guardianship has been obtained.

Kosten

Fees and court expenses (e.g. expert costs) are charged when guardianship is ordered if the assets of the person concerned exceed €25,000 after deduction of liabilities. The value of an appropriate owner-occupied property is not included in the calculation.

Verfahrensablauf
Bearbeitungsdauer
Frist
weiterführende Informationen

<http://www.justiz.bayern.de>
<http://www.justiz.bayern.de>
<http://www.bestellen.bayern.de/shoplink/04004713.htm>
<http://www.bestellen.bayern.de/shoplink/04004713.htm>
<http://www.bestellen.bayern.de/shoplink/04001307.htm>
<http://www.bestellen.bayern.de/shoplink/04001307.htm>

Hinweise
Rechtsbehelf

Complaint

| Modul | Sachverhalt |
|-------------------|----------------------------|
| Kurztext | |
| Ansprechpunkt | |
| Zuständige Stelle | |
| Formulare | |
| Ursprungsportal | BayernPortal, BayernPortal |