

99126016088000

Heruntergeladen am 11.06.2025

<https://fimportal.de/xzufi-services/25526/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99126016088000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Guardianship; arrangement
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
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	13.08.2024

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG029600360 http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG029600360
Teaser	The local family court or the local guardianship court is responsible for deciding on guardianships.
Volltext	<p>Guardianship must be ordered in cases where there is no general need for care (see "Guardianship for minors; order" under "Related topics"), but only for specific personal or factual matters. The German Civil Code lists the following types of guardianship:</p> <ul style="list-style-type: none"> • Supplementary guardianship for minors, • Guardianship for minors, • Guardianship for absent persons (an absent adult whose whereabouts are unknown is assigned a guardian in absentia for his or her financial affairs, insofar as they require care), • Guardianship for an unborn child, • guardianship for unknown parties (if it is unknown or uncertain who is the party involved in a matter, a guardian may be appointed for the party involved for this matter, insofar as care is required), • guardianship of collective assets (if assets have been brought together for a temporary purpose by public collection, a guardian may be appointed for the purpose of administering and using the assets if the persons appointed to administer and use the assets have ceased to exist). <p>The scope of the guardian is determined by the court according to the respective need for care.</p> <p>In practice, supplementary guardianship for minors is the most common. This means that minors who are under parental care or guardianship are assigned a guardian for matters that the parents or guardian are unable to deal with for legal or factual reasons.</p>

Modul
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Supplementary guardianship can be considered if one parent is unable to legally represent the child due to a conflict of interest. An example of this is when paternity is contested. If the mother has allowed her own two-year contestation period, which usually begins at birth, to elapse, the child can still contest the claim with legal representation. In the case of joint custody, however, the mother may not represent the child against the other parent. The youth welfare office is then often appointed as a supplementary guardian for this task. Only when the supplementary guardian has been appointed does the time limit for the child to contest begin to run.

Erforderliche Unterlagen
Voraussetzungen

The court decides ex officio on the ordering of guardianship. In the case of supplementary guardianship, the parents or guardian must notify the family court immediately of any circumstances that make it necessary to order guardianship.

The family court decides on the necessity of supplementary guardianship and guardianship for minors and on the necessity of guardianship for a child who has already been conceived. Otherwise, the care court is responsible for ordering guardianship.

Kosten
Verfahrensablauf
Bearbeitungsdauer
Frist
**weiterführende
Informationen**
Hinweise
Rechtsbehelf

Complaint

Kurztext
Ansprechpunkt

Modul	Sachverhalt
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal