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Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/50605/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99071001001000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Homes for minors; application for an operating license
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	20.12.2024

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Fachlich freigegeben durch	Bayerisches Staatsministerium für Familie, Arbeit und Soziales (Bavarian Bavarian State Ministry for Family, Labour and Social Affairs)
Handlungsgrundlage	http://www.gesetze-im-internet.de/sgb_8/_45.html http://www.gesetze-im-internet.de/sgb_8/_45.html http://www.gesetze-im-internet.de/sgb_8/_45a.html http://www.gesetze-im-internet.de/sgb_8/_45a.html http://www.gesetze-im-internet.de/sgb_8/_46.html http://www.gesetze-im-internet.de/sgb_8/_46.html http://www.gesetze-im-internet.de/sgb_8/_47.html http://www.gesetze-im-internet.de/sgb_8/_47.html http://www.gesetze-im-internet.de/sgb_8/_48.html http://www.gesetze-im-internet.de/sgb_8/_48.html http://www.gesetze-im-internet.de/sgb_8/_48a.html http://www.gesetze-im-internet.de/sgb_8/_48a.html https://www.gesetze-bayern.de/Content/Document/BayV_2162_A_13401 https://www.gesetze-bayern.de/Content/Document/BayV_2162_A_13401
Teaser	Operators of homes and day care centers for minors require an operating license in accordance with § 45 SGB VIII.
Volltext	The provider of a home, day care center or other facility in which children and young people are cared for all or part of the day or receive accommodation requires a permit to operate the facility in accordance with Section 45 SGB VIII. Facilities requiring a permit include • Educational assistance homes and integration assistance homes, • Day care centers for educational assistance and integration assistance, • Homes for children and young people with disabilities, • Day care centers for the disabled, • residential homes for pupils and young people, boarding schools, provided they are not subject to school supervision.

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A permit is not required for

- operates a youth leisure facility, a youth education facility, a youth hostel or a school hostel,
- operates a school hostel that is subject to school supervision under state law,
- operates a facility that performs tasks for children or young people outside of youth welfare if it is subject to corresponding statutory supervision or serves to accommodate children or young people within the framework of the hotel and catering industry.

The operating license can be subject to ancillary provisions and conditions and is usually only issued after an on-site inspection. The local youth welfare office in whose area the facility is located will be involved in the inspection.

Erforderliche Unterlagen

- Child and youth welfare - Application for operating licence according to § 45 SGB VIII
- Information on home management, educational management and inter-group services

(see form "Annex A" under "Forms")

- Information on the group staff (pedagogical specialists and assistants)

(see form "Annex B" under "Forms")

- Room program

(see form "Annex room program" under "Forms")

- Pedagogical concept

(with information on measures for quality development and assurance)

- Facility-based protection and participation concept
- Floor plans with details
- Extract from the register of associations or

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	commercial register • Evidence of formal qualifications of management • Extended certificate of good conduct of the facility management • Decision on the building permit for new buildings or the change of use for existing buildings • Rental agreement, lease agreement or purchase agreement, transfer agreement
Voraussetzungen	Permission must be granted if the welfare of the children and young people in the home or in the day care center for child and youth welfare or integration assistance is guaranteed. This can generally be assumed if • the spatial, technical, economic and personnel requirements for the operation of the facility in accordance with its purpose and concept are met, • social and linguistic integration and a health-promoting living environment are supported in the facility and the preventive health care and medical care of the children and young people are not made more difficult, and • the development, application and review of a concept for protection against violence, suitable procedures for self-representation and participation as well as the possibility of complaints in personal matters within and outside the facility are guaranteed in order to safeguard the rights and well-being of children and young people in the facility.
Kosten	
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	https://www.blja.bayern.de/imperia/md/content/blvf/bayerlandesjugendamt/schriften/fachliche_empfehlungen_2014_34.pdf https://www.blja.bayern.de/imperia/md/content/blvf/bayerlandesjugendamt/schriften/fachliche_empfehlungen_2014_34.pdf https://www.blja.bayern.de/imperia/md/content/blvf/b

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[ayerlandesjugendamt/fachliche_empfehlungen_betreutes_wohnen_gemass_ss_34_und_ss_41_sgb_viii.pdf](https://www.blja.bayern.de/imperia/md/content/blvf/bayerlandesjugendamt/fachliche_empfehlungen_betreutes_wohnen_gemass_ss_34_und_ss_41_sgb_viii.pdf)
https://www.blja.bayern.de/imperia/md/content/blvf/bayerlandesjugendamt/fachliche_empfehlungen_betreutes_wohnen_gemass_ss_34_und_ss_41_sgb_viii.pdf
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https://www.blja.bayern.de/imperia/md/content/blvf/bayerlandesjugendamt/fachliche_empfehlungen_betreutes_wohnen_gemass_ss_34_und_ss_41_sgb_viii.pdf
<https://www.blja.bayern.de/service/bibliothek/fachliche-empfehlungen/tagesgruppen.php>
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http://www.bagljae.de/assets/downloads/5b362538/116_beteiligungschancen-in-der-heimerziehung_2.pdf
http://www.bagljae.de/assets/downloads/5b362538/116_beteiligungschancen-in-der-heimerziehung_2.pdf

Hinweise

The following additional requirements and tasks must be ensured during the ongoing operation of a facility once an operating license has been issued:

- The responsible specialists of the authorities issuing the operating license (home supervision) have the right and the duty (also unannounced) to inspect the ongoing operation of the facility according to the requirements of the individual case and in particular in the event of danger.
- The provider of the facility must notify the authority issuing the operating license of any events or developments that are likely to impair the welfare of the children and young people.
- The provider must notify the competent authority issuing the operating license of the commencement of operation of a facility requiring a license. The following

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information must be provided:

- Name and address of the provider,
- Type and location of the facility,
- Number of places available
- Names and professional qualifications of the manager and care staff.
- Changes to the above information and changes to the concept must be reported immediately by the provider of the facility.
- If the operation of a facility requiring a permit is about to be closed, the responsible authority issuing the operating permit must be notified by the provider.
- The provider of the facility must report the number of occupied places to the authority issuing the operating license once a year.
- The authority issuing the operating permit may prohibit the operator of a facility requiring a permit from continuing to employ the manager, an employee or other staff member in full or for certain functions or activities if facts justify the assumption that they do not have the necessary aptitude for their work.

Rechtsbehelf

Kurztext

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal

BayernPortal, BayernPortal