

# Order of parental custody in case of endangerment of the child's welfare

The proceedings are initiated ex officio by the competent family court, in particular on the basis of suggestions by the youth welfare office, which in turn acts on the basis of reports from neighbors, educators, teachers or relatives, for example.

## Competent Department

- [Amtsgericht Bremen](#)
- [Amtsgericht Bremen-Blumenthal](#)
- [Amtsgericht Bremerhaven](#)

## Basic information

The family court may issue orders and intervene in custody if the physical, psychological or mental well-being of a child is endangered and the parents with custody rights are not willing or able to put a stop to this risk to the child's well-being.

In the event of an intervention in custody, only those areas of parental care may be withdrawn whose withdrawal is necessary to avert the risk to the child's welfare.

If parts of the custody are withdrawn, a guardian is appointed for the areas. If custody is withdrawn in its entirety, the child is assigned a guardian.

## Requirements

Pursuant to Sections 1666 and 1666a of the German Civil Code (BGB), the family court can always take measures, up to and including deprivation of custody of the child, if the child's physical, mental or psychological well-being is at risk and the parents are unwilling or unable to avert the risk and this risk cannot be countered in any other way, including through public assistance. This must be a present danger to such an extent that it can be predicted that, if the circumstances continue unchanged, the child will almost certainly suffer considerable harm. Because of the parental educational priority, the child's well-being must be endangered in a sustained and serious manner. The proceedings are initiated by the competent family court ex officio, in particular on the basis of suggestions by the youth welfare office, which in turn acts on the basis of reports from neighbors, educators, teachers or relatives, for example.

## What documents do I need?

- The family court decides which documents are required in the exercise of the so-called Amtsermittlungsgrundsatz (principle of official investigation).

## Procedure

- The proceedings are initiated by the family court ex officio, in particular on the basis of suggestions by the youth welfare office, which in turn acts on the basis of reports from neighbors, educators, teachers or relatives, for example. The family court will investigate the facts of the case and, among other things, hear the parties involved and, if necessary, conduct further investigations, such as obtaining an expert opinion.
- As a rule, the court appoints a so-called procedural counsel. This ensures that the needs of the child are safeguarded during the proceedings and that the child does not become a mere object of the proceedings.

## Legal bases

- [§§ 151 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\)](#)
- [§ 1666 Bürgerliches Gesetzbuch \(BGB\)](#)

## What deadlines must be paid attention to?

None.

## How long does it take to process

At least 3 months due to the prescribed procedure, longer in more complex procedures if necessary.

## What are the costs?

Court fees

If applicable: attorney's fees, costs of a guardian ad litem, costs of an expert witness.

The family court shall decide on the bearing of costs at its reasonable discretion.

In case of indigence, legal aid can be applied for.