

Support - Application for the establishment of a support procedure

You can request the establishment of a legal guardianship procedure at the competent local court - guardianship court. The person concerned has the right to file an application.

Competent Department

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

Basic information

Guardianship is the legal representation of people who are temporarily or permanently unable to manage their own affairs due to mental illness or a physical, mental or psychological disability. The purpose of guardianship law is to provide the persons concerned with the necessary protection and legal care, while at the same time preserving for them the greatest possible degree of self-determination. The guardianship court has exclusive jurisdiction over persons of full age.

Requirements

Suggestion or request, presence of a disease according to the description.

What documents do I need?

- Written application by a party to the proceedings

Written application by a party to the proceedings

- Medical certificate

If possible, a medical certificate should be submitted with the application (e.g. family doctor, specialist).

Procedure

- After receipt of the suggestion/application, a file is created at the guardianship court and submitted to the responsible district judge. On the basis of the judge's order, a medical opinion is regularly obtained and the guardianship authority is heard.

- Before the guardianship is set up, the judge hears the person concerned in person in order to form his own impression. Only when the personal hearing has taken place and all requirements have been met is legal guardianship established.
- In particularly urgent cases, a provisional guardianship can also be set up under certain conditions (e.g. danger to life and limb)
- the hearing of the person concerned then takes place as soon as possible after the guardianship has been set up.
- In principle, anyone can become a guardian if he or she is confident that he or she can comprehensively look after the interests of the person concerned. However, this also presupposes suitability, which is checked in particular as part of the investigation by the guardianship authority. As far as possible, the court appoints the person suggested by the person concerned. If the person concerned does not propose a suitable person and no voluntary guardian (e.g. family members, friends, acquaintances) is available, a professional guardian (e.g. social pedagogues, social workers, lawyers) is appointed. These have suitable training for this and are particularly well versed in the management of guardianships, usually having worked for many years.
- At least every seven years, the guardianship judge reviews the need for guardianship ex officio. Once the judicial decision on the establishment of the guardianship has been made, the guardian is committed to the office by the guardianship officer. At the same time, the guardian's identity card is handed over, which can be used for legitimization purposes (e.g. with credit institutions, health insurance companies, pension providers). A commitment interview is only held with volunteer guardians. During the interview, comprehensive explanations of the law on guardianship are given, and leaflets are also provided for further study of the subject matter. Reference is made to offers of assistance.

Legal bases

- [§§ 1814 ff Bürgerliches Gesetzbuch \(BGB\)](#)

More information

If possible, a medical certificate is to be submitted with the application (e.g. family doctor, specialist).

In principle, statements, applications or other requests must be submitted to the court in writing.

What are the costs?

The judicial guardianship proceedings generally trigger a cost sequence. The court charges fees in accordance with a separate federal law on costs. A check is carried out to determine whether the person concerned is to share in the costs of the proceedings.

For this purpose, proof of personal and financial circumstances must be provided at the request of the court. Court costs include both fees (for the activities of the guardianship court) and expenses (e.g. fees of the expert and the guardian ad litem). A differentiation must be made here when considering an allowance:

An allowance with regard to fees is taken into account ex officio in the amount of

25,000.00 euros. If assets of less than 25,000.00 euros are available, no fees are incurred by the court.

In contrast, an allowance of 5,000.00 euros applies to certain expenses (fees of the guardian ad litem).