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Cross-border placement of a child including foster family

 Germany

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European Judicial Network
(in civil and commercial matters)

1 Which authority is to be consulted and to give prior consent before the cross-border placement of a child within your territory?

Consent must be given by the youth welfare office (*Landesjugendamt* - LJA) responsible for the Land in which placement is planned. Germany has 16 federal states and 17 youth welfare offices (one for each Land, with two in the Land of North Rhine-Westphalia. The addresses can be found at <http://www.bagljae.de/>). If no specific proposal has been made with regard to where a placement is to be made, the determining factor will be the youth welfare office area deemed by the German central authority to have the closest connection. Otherwise, the Land of Berlin has competence (Section 45 of the Act implementing certain legal instruments in the field of international family law [*Gesetz zur Aus- und Durchführung bestimmter Rechtsinstrumente auf dem Gebiet des internationalen Familienrechts*]; International Family Law Act [*Internationales Familienrechtsverfahrensgesetz - IntFamRVG*]).

Land	Address	Telephone number, fax number, email address, website
Baden-Württemberg	Kommunalverband für Jugend und Soziales Baden-Württemberg Dezernat Jugend - Landesjugendamt Lindenspürstraße 39 70176 Stuttgart	Director: Gerald Häcker Tel.: +49 7116375401 Fax: +49 7116375449 Email: gerald.haecker@kvjs.de http://www.kvjs.de/
Bavaria	Zentrum Bayern Familie und Soziales Bayerisches Landesjugendamt Marsstraße 46 80335 Munich	Director: Hans Reinfelder Tel.: +49 89126104 Fax: +49 8912612412 Email: grenzueberschreitendeUnterbringung-blja@zbf.bayern.de http://www.blja.bayern.de/ Director: N.N.
Berlin	Senatsverwaltung für Bildung, Jugend und Wissenschaft Jugend und Familie, Landesjugendamt Bernhard-Weiß-Straße 6 10178 Berlin	Regular representative in federal association (BAG): Dr Sabine Skutta Tel.: +49 30902275580 Fax: +49 30902275011 Email: : sabine.skutta@senbjf.berlin.de http://www.berlin.de/sen/bjw
Brandenburg	Ministerium für Bildung, Jugend und Sport des Landes Brandenburg Abteilung Kinder, Jugend und Sport Heinrich-Mann-Allee 107, 14473 Potsdam	Director: Volker-Gerd Westphal Tel.: +49 3318663700 Fax: +49 33127548490 Email: volker-gerd.westphal@mbjs.brandenburg.de http://www.mbjs.brandenburg.de/

Bremen	Die Senatorin für Soziales, Jugend, Frauen, Integration und Sport Landesjugendamt Bahnhofsplatz 29 28195 Bremen	Director: Christiane Schrader Tel.: +49 4213610 Fax: +49 4214964401 Email: christiane.schrader@soziales.bremen.de https://www.soziales.bremen.de/jugend-familie-1473&nbsp; Director: Gabriele Scholz
Hamburg	Behörde für Arbeit, Gesundheit, Soziales, Familie und Integration Amt für Familie Überregionale Förderung und Beratung/ Landesjugendamt FS 4 Hamburger Straße 43 Hamburg 22083	Fax: +49 40427961745 Email: gabriele.scholz@soziales.hamburg.de Contact person: Alexandra Weidmann Tel.: +49 40428635019 Fax: +49 40427963377 Email: alexandra.weidmann@soziales.hamburg.de www.hamburg.de/gza/ Director: Cornelia Lange Tel.: +49 61132193248 or 3249 Fax: +49 6118173260 Email: cornelia.lange@hsm.hessen.de
Hessen	Hessisches Ministerium für Soziales und Integration Abteilung II6B - Jugendgruppenarbeit Sonnenberger Straße 2/2a 65193 Wiesbaden	Regular representative in federal association (BAG): Susanne Rothenhöfer Tel.: +49 61132193433 Fax: +49 611327193433 Email: susanne.rothenhoefer@hsm.hessen.de http://www.sozialministerium.hessen.de/
Mecklenburg-Vorpommern	Kommunaler Sozialverband Mecklenburg-Vorpommern Landesjugendamt Der Verbandsdirektor Am Grünen Tal 19 19063 Schwerin	Director: Nils Voderberg Contact person: N.N. Tel.: +49 38539689940 Fax: +49 38539689919 Email: voderberg@ksv-mv.de http://www.ksv-mv.de/jugendhilfe/aufgaben.html
Lower Saxony	Niedersächsisches Landesamt für Soziales, Jugend und Familie Außenstelle Hannover Fachgruppe Kinder, Jugend und Familie Schiffgraben 30-32 30175 Hannover	Director: Silke Niepel Tel.: +49 51189701303 Fax: +49 51189701330 Email: silke.niepel@ls.niedersachsen.de http://www.soziales.niedersachsen.de/
North Rhine-Westphalia (Rhineland)	Landschaftsverband Rheinland Dezernat Kinder, Jugend und Familie LVR-Landesjugendamt Kennedy-Ufer 2 50679 Köln	Director: N.N. Tel.: +49 2218094002 Fax: +49 2218094009 Email: LR4Buero@lvr.de http://www.lvr.de/
North Rhine-Westphalia (Westphalia-Lippe)	Landschaftsverband Westfalen-Lippe LWL-Dezernat Jugend und Schule Warendorfer Straße 25 48145 Münster	Director: Birgit Westers Tel.: +49 25159101 Fax: +49 251591275 Email: birgit.westers@lwl.org http://www.lwl.org/LWL/Jugend/Landesjugendamt/LJA/
Rhineland Palatinate	Landesamt für Soziales, Jugend und Versorgung Rheinland- Pfalz Landesjugendamt Rheinallee 97-101 55118 Mainz	Director: Iris Egger-Otholt Tel.: +49 6131967289 Fax: +49 6131967365 Email: egger-otholt.iris@lsjv.rlp.de http://www.lsjv.rlp.de/kinder-jugend-und-familie/

		Director: Hubert Meusel Tel.: +49 6815012057 Fax: +49 6815013416 Email: h.meusel@soziales.saarland.de
	Ministerium für Soziales, Gesundheit, Frauen und Familie C 5 - Kinder- und Jugendhilfe, Landesjugendamt Franz-Josef-Röder-Straße 23	Regular representative in federal association (BAG): Annette Reichmann Tel.: +49 6815013532 Email: a.reichmann@soziales.saarland.de E-Mail: landesjugendamt.soziales.saarland.de
Saarland	66119 Saarbrücken	http://www.landesjugendamt.saarland.de/
	Sächsisches Staatsministerium für Soziales und Verbraucherschutz Landesjugendamt Carolastraße 7a 09111 Chemnitz	Director: Enrico Birkner Tel.: +49 371 24081-101 Email: enrico.birkner@lja.sms.sachsen.de http://www.lja.sms.sachsen.de/
Saxony		
	Landesverwaltungsamt Referat Jugend Landesjugendamt Ernst-Kamieth-Strasse 2 06122 Halle (Saale)	Director: Antje Specht Representative in federal association (BAG): Corinna Rudloff Tel.: +49 3455141625/1855 Fax: +49 3455141012/1719 Email: antje.specht@lvwa.sachsen-anhalt.de ; Corinna.Rudloff@lvwa.sachsen-anhalt.de http://www.sachsen-anhalt.de/startseite/
Saxony-Anhalt		
	Ministerium für Soziales, Jugend, Familie, Senioren, Integration und Gleichstellung des Landes Schleswig- Holstein Landesjugendamt Adolf-Westphal-Straße 4 24143 Kiel	Director: Thorsten Wilke Tel.: +49 4319882617 Fax: +49 4319882618 Email: thorsten.wilke@sozmi.landsh.de http://www.schleswig-holstein.de/MSGFG/DE/MSGFG_node.html
Schleswig-Holstein		
	Thüringer Ministerium für Bildung, Jugend und Sport Abt. 4 - Kinder, Jugend, Sport und Landesjugendamt Werner-Seelenbinder-Str. 7 99096 Erfurt	Director: Martina Reinhardt Tel.: +49 361573411300 Fax: +49 361573411830 Email: martina.reinhardt@tmbjs.thueringen.de http://www.thueringen.de/
Thuringia		

2 Please describe shortly the procedure for consultation and the obtaining of consent (including required documents, deadlines, modalities of the procedure, and other relevant details) for cross-border placement of children within your territory.

Applications for consent relating to the placement of a minor from another EU Member State (with the exception of Denmark) is sent via the central authority of the other EU Member State to the Federal Office of Justice (*Bundesamt für Justiz*) in Germany, which then forwards the application to the competent German youth welfare office.

The German youth welfare office that has local competence will normally grant the request in accordance with Section 46(1) IntFamRVG if

1. carrying out the intended placement in Germany is in the best interests of the child, in particular because they have a particular connection to Germany;
2. the authority in the child's country of origin has submitted a report and, if necessary, medical certificates or assessments setting out the reasons for the intended placement;
3. the child has been heard in the course of the proceedings in the child's country of origin, unless a hearing seemed inappropriate in view of the age or maturity of the child. A hearing that is appropriate to the child's age and stage of development and deals with the subject of placement in Germany is generally deemed to be necessary from the age of 3 years;

4. the appropriate institution or foster family has given its consent and there are no reasons not to proceed with the placement;
5. an approval required under the law on foreign nationals has been granted or promised; and
6. arrangements have been made regarding the assumption of costs (including sufficient health insurance).

The youth welfare office must have the intended granting of consent approved by the family court (*Familiengericht*) at the seat of the higher regional court (*Oberlandesgericht*) within whose jurisdiction the child is to be placed before notifying the requesting foreign authority of the consent (Section 47(1), first sentence, IntFamRVG).

After the approval has been granted or refused, the competent German youth welfare office informs the requesting foreign authority, the German central authority and the institution or foster family where the child is to be placed of the reasoned final decision (Section 46(5) IntFamRVG).

The following information and evidence are required:

- name, address and telephone number of the competent foreign authority placing the child;
- name, date of birth and nationality of the child (copy of identity card or birth certificate);
- (intended) duration of placement;
- reasons/basis in expert opinion for placement in general and placement in Germany in particular (including any previous decisions by a court);
- information concerning the child's state of health (if available: doctors' certificates/assessments);
- name, address and telephone number of the receiving foster institution/foster family in Germany;
- agreement of the foster institution/foster family to placement of the child;
- if available: - determination of suitability for fostering/foster licence of the receiving foster family or operating licence of the receiving institution in accordance with German law;
- contact details of the person(s) with custody;
- evidence that the child has been heard in the course of the proceedings in the child's country of origin, unless a hearing seems inappropriate in view of the age or maturity of the child;
- evidence of clarification of who will assume the costs;
- evidence of the child's health/liability insurance.

All information and evidence must be translated into German.

The right to request further information and/or documents in an individual case is reserved.

3 Has your Member State decided that consent is not required for cross-border placements of children within your territory where the child is to be placed with certain categories of close relatives? If yes, what are the categories of close relatives?

No.

4 Does your Member State have in place any agreements or arrangements for simplifying the consultation procedure for obtaining consent for the cross-border placement of children?

We know of no such arrangements.

We are aware of an agreement between the youth welfare office of the Rhineland regional authority (*Landschaftsverband*) and the Government of the German-speaking community in Belgium.

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