

Guidelines for Caregivers in Matters of Guardianship

1. General information

You fulfil an important duty as citizen by taking over guardianship as a caregiver. Guardianship in this context is a voluntary commitment which you are required to conduct conscientiously with a high level of responsibility and exclusively in the interest of the person under your care.

The statutory regulations pertaining to guardianship are set forth in Sections 1882 – 1888 of the German Civil Code [BGB: Bürgerliches Gesetzbuch].

In accordance with Section 1888 BGB various regulations apply accordingly in connection with guardianship (Sections 1821; 1823 – 1824; 1826; 1835 – 1862; 1864 – 1867; 1870 – 1874; 1875 subsection 1; 1876 subsection 1; 1877 – 1881 BGB). Caregivers are recommended to conscientiously read and follow these regulations.

The guardianship court [Betreuungsgericht] will supervise your activities and advise you in all issues related to your office.

You are required to present to the guardianship court at any time upon request information pertaining to the management of your office.

You are responsible vis-à-vis the person under your care for any damage resulting from a culpable breach of obligation on your part; above all if you have failed to enforce claims of the person under your care contrary to your duty. You may take out an insurance providing coverage against risks of this kind. For further information, please contact the guardianship court.

Money of the person under your care shall be invested unless it is required to cover running costs. In particular the investment of such money comes into question on an account with blocking notice at a bank. The guardianship court may permit an alternative investment mode in accordance with Section 1848 BGB.

2. Only in the case of guardianship for an absent person

Within the limits determined by the guardianship court you shall be responsible for administration of the financial affairs on behalf of the absent person and shall be authorised to represent the absent person with regard to financial affairs in so far as this is covered by your duties.

3. Termination of guardianship

Your office shall be terminated

- a) with the annulment of guardianship by the guardianship court,
- b) in the case of guardianship for the purpose of fulfilling individual affairs, once these have been fulfilled,
- c) in the case of guardianship for an absent person on the date on which the court order regarding the declaration of death becomes final and conclusive or the point in time of death of the person in concern is determined.