

99046008017000, 99046008017000

Applying for legal aid or legal aid from the court

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/8967416/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046008017000, 99046008017000
Leistungsbezeichnung I	Applying for legal aid or legal aid from the court
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Bewilligung (017)
SDG-Informationsbereich	
Lagen Portalverbund	Gerichtliche Verfahren, Anzeige und Klage (1150200), Gerichtliche Entscheidungen (2140300)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.11.2018
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/zpo/BJNR005330950.html#BJNR005330950BJNG052302301 https://www.gesetze-im-internet.de/zpo/BJNR005330950.html#BJNR005330950BJNG078701301 https://www.gesetze-im-internet.de/zpo/BJNR005330950.html#BJNR005330950BJNG052302301 https://www.gesetze-im-internet.de/zpo/BJNR005330950.html#BJNR005330950BJNG078701301
Teaser	
Volltext	<p>You can apply for legal aid if you can prove that you are unable to enforce legitimate claims in court or defend yourself against someone else's claims. In family court matters and non-judicial matters, legal aid is called legal aid.</p> <p>For almost all court proceedings, financial support can be granted from the state treasury. Depending on your personal and economic circumstances, you do not have to pay for legal costs or only with partial payments. If necessary, up to 48 monthly installments are due, the amount of which is determined by the court with the approval. Defendants in criminal proceedings generally do not receive legal aid. In criminal cases, only the victim (e.g. as a joint plaintiff) and the plaintiff who prosecutes certain criminal offences in court without the assistance of the public prosecutor's office (private plaintiff) are entitled to file an application.</p> <p>Note: As financial support outside of court proceedings, you will also be provided with advisory assistance upon request.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Passport or identity card • Proof of income or tax assessment • Completed form "Declaration of personal and economic circumstances"

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	<ul style="list-style-type: none"> • Rental agreement (reasonable rental costs are taken into account) • other evidence of expenditure, income and assets
Voraussetzungen	<p>Prerequisites are:</p> <ul style="list-style-type: none"> • You cannot raise the necessary funds due to your personal and economic circumstances. • The intended prosecution or legal defense has a chance of success. • The exercise of rights is not frivolous.
Kosten	<p>Court fees are not payable at first instance in legal aid proceedings. As a rule, legal representation does not receive any separate remuneration for its work in the context of these proceedings.</p> <p>In the event of defeat, the costs of the opposing party for the conduct of the proceedings must usually be reimbursed.</p>
Verfahrensablauf	<p>You can submit the "application for legal aid" informally. In the application, you must describe the dispute in detail and complete. Also indicate any evidence available. They must also attach to the application a declaration of their personal and economic circumstances on the prescribed form.</p> <p>If you need help with the application, you can contact a law firm. The application can also be submitted directly by a lawyer.</p>
Bearbeitungsdauer	
Frist	<p>The authorisation is always valid only for the respective instance. For subsequent proceedings, you will have to apply for legal aid again. This also applies to cases such as</p> <ul style="list-style-type: none"> • enforcement of a judgment after winning a case, • appeal or appeal after a lost case (deadline for filing an application: period for lodging an appeal with the Court of Appeal or Appeal), • Appeal or appeal proceedings at the instigation of your opponent
weiterführende Informationen	

Modul
Sachverhalt
Hinweise

During the court proceedings and within a period of 4 years since the final decision or other termination of the proceedings, you are obliged to inform the court of significant improvements in your economic situation or a change of address without being requested and without delay. In the case of current income, any improvement of more than 100.00 euros (gross) per month that is not only one-time must be reported. If any deductions claimed are reduced, you must also notify us immediately and without being requested to do so if the discharge exceeds 100.00 euros per month not only once.

The granting of legal aid may be revoked in the event of a breach of this obligation, with the result that the entire costs must be paid in arrears.

Rechtsbehelf

Pursuant to § 127 (2) sentence 2 in conjunction with § 567 ZPO , an immediate appeal is available against the refusal of legal aid,

Kurztext
Ansprechpunkt

- the court before which the proceedings are conducted or are to be conducted (trial court)
 - the court competent for enforcement (in the context of enforcement)
- <https://www.justizadressen.nrw.de/og.php?MD=j>
<https://www.justizadressen.nrw.de/og.php?MD=j>

Zuständige Stelle
Formulare
Ursprungsportal

Applying for legal aid or legal aid from the court, Prozesskostenhilfe oder Verfahrenskostenhilfe bei Gericht beantragen