

99046008017001, 99046008017001

Legal aid approval for enforcement proceedings

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/121342262/L100002>

| Modul | Sachverhalt |
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| Leistungsschlüssel | 99046008017001, 99046008017001 |
| Leistungsbezeichnung I | Legal aid approval for enforcement proceedings |
| Leistungsbezeichnung II | Legal aid for enforcement proceedings |
| Typisierung | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug |
| Quellredaktion | Nordrhein-Westfalen |
| 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) |

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| Einheitlicher Ansprechpartner | Nein |
| Fachlich freigegeben am | 29.04.2021 |
| Fachlich freigegeben durch | Ministry of Justice of the State of North Rhine-Westphalia |
| Handlungsgrundlage | <p>§§ 114 ff. Code of Civil Procedure (ZPO)</p> <p>§ Section 117 (1) sentence 3 of the Code of Civil Procedure (ZPO)</p> <p>§ Section 119 (2) of the Code of Civil Procedure (ZPO)</p> <p>https://www.gesetze-im-internet.de/zpo/_114.html</p> <p>https://www.gesetze-im-internet.de/zpo/_117.html</p> <p>https://www.gesetze-im-internet.de/zpo/_119.html</p> <p>https://www.gesetze-im-internet.de/zpo/_114.html</p> <p>https://www.gesetze-im-internet.de/zpo/_117.html</p> <p>https://www.gesetze-im-internet.de/zpo/_119.html</p> |
| Teaser | <p>If you are not in a position to finance your enforcement proceedings yourself, you can apply to the court for legal aid under certain conditions. This applies to the creditor who wants to enforce an enforceable claim (e.g. judgment) as well as to the debtor who wants to defend themselves against a specific enforcement measure (e.g. eviction).</p> |
| Volltext | <p>Legal aid offers you, as a person in need, financial support in enforcement proceedings. You can be exempted from paying court and legal fees or repay them in installments. However, you must reimburse the other party's legal fees if you are unsuccessful, even if legal aid is granted. You will only be assigned your own lawyer if representation by a lawyer appears necessary due to the difficulty, scope or importance of the case.</p> <p>You must apply to the court for legal aid. Various conditions must be met for it to be granted. In the case of compulsory enforcement against movable assets, legal aid is granted for all acts of enforcement in the district of the court of enforcement; otherwise, it can only be granted for individual procedural objectives.</p> |

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Erforderliche Unterlagen

- Application to the court (no special form required) in which you explain the intended enforcement or defense against enforcement measures.
- Declaration of personal and financial circumstances (form ZP 1a must be used; please also note the accompanying information sheet).

Voraussetzungen

- Prospects of success

The intended enforcement or defense against an enforcement measure must offer sufficient prospects of success. However, if you are the creditor, the court will take particular account of the fact that the prospects of success of enforcement measures cannot usually be reliably assessed in advance.

- No wantonness

The pursuit or defense of the right must not be wanton. Willfulness exists if a reasonable person in your situation would refrain from pursuing or defending the right if they had to bear the costs themselves. This may be the case in the context of enforcement, for example, if enforcement attempts have already been unsuccessful several times.

- Personal and financial requirements

You must be financially needy, i.e. You cannot afford the costs of the court proceedings or can only afford part of them.

To finance court proceedings, you must also draw on your assets (in particular savings), insofar as this is reasonable for you. An existing legal expenses insurance and organizations of which you are a member and which grant their members legal protection (e.g. trade unions) must also be given priority. The same applies to persons who are obliged to support you, e.g. spouses.

You must also use your (net) income. However, various amounts will be deducted from this in your favor, e.g. housing costs or certain allowances if, for example, you are employed or have to pay maintenance. The exact

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| | calculation of the income to be used can be complicated in individual cases and is carried out by the court on the basis of the information you provide in form ZP 1a. |
| Kosten | There are no court fees in legal aid approval proceedings. If you unsuccessfully appeal against a decision rejecting legal aid, a court fee will be charged for the appeal proceedings. Lawyer's fees may be incurred for the approval procedure and the appeal procedure if you instruct a lawyer for this purpose. |
| Verfahrensablauf | <p>You must apply for legal aid at the local court responsible for the enforcement proceedings in writing or on the record of the court registry. In principle, this is also possible electronically; however, please inform yourself about the necessary requirements for this, a simple e-mail is not sufficient!</p> <p>The application must be accompanied by the declaration of personal and financial circumstances (form ZP 1a).</p> <p>As a rule, the court will decide on the application without an oral hearing.</p> <p>If your application is (partially) rejected, you can appeal against this in many cases with an immediate appeal.</p> |
| Bearbeitungsdauer | |
| Frist | |
| weiterführende Informationen | https://www.justiz.nrw/Gerichte_Behoerden/ordentlich_e_gerichte/Zivilgericht/Prozesskostenhilfe/index.php https://broschueren.justiz.nrw/ https://www.justiz.nrw/BS/formulare/prozesskostenhilfe/index.php |
| Hinweise | |
| Rechtsbehelf | |
| Kurztext | <ul style="list-style-type: none"> • Receiving legal aid in the context of enforcement proceedings • Support for needy persons in the context of |

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| | <p>enforcement proceedings</p> <ul style="list-style-type: none"> • If the requirements are met, the court will grant |
| Ansprechpunkt | |
| Zuständige Stelle | |
| Formulare | Form ZP 1a, Declaration of personal and financial circumstances (must be attached to the application for legal aid) |
| Ursprungsportal | Prozesskostenhilfe Bewilligung für die Zwangsvollstreckung, Legal aid approval for enforcement proceedings |