99046039221000, 99046039221000

Applying for divorce

Modul	Sachverhalt
Leistungsschlüssel	99046039221000, 99046039221000
Leistungsbezeichnung I	Applying for divorce
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Entscheidung (221)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	Scheidung (1020400)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.10.2020
Fachlich freigegen durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR0019508 96.html#BJNR001950896BJNG013002377 https://www.gesetze-im-internet.de/famfg/__111.html https://www.gesetze-im-internet.de/famfg/__113.html https://www.gesetze-im-internet.de/famfg/__114.html https://www.gesetze-im-internet.de/famfg/__121.html https://www.gesetze-im-internet.de/famfg/__133.html https://www.gesetze-im-internet.de/famgkg/__43.html https://www.gesetze-im-internet.de/bgb/BJNR0019508 96.html#BJNR001950896BJNG013002377 https://www.gesetze-im-internet.de/famfg/__111.html https://www.gesetze-im-internet.de/famfg/__113.html https://www.gesetze-im-internet.de/famfg/__114.html https://www.gesetze-im-internet.de/famfg/__121.html https://www.gesetze-im-internet.de/famfg/__133.html https://www.gesetze-im-internet.de/famgkg/__43.html
Teaser	If you want to end your marriage, you can apply for divorce of your marriage.
Volltext	In order to terminate your existing marriage, you must apply for divorce in the family court. You must be represented by a lawyer. There is no obligation for a lawyer to approve the divorce application. The family court pronounces divorce if the legal requirements are met. In the case of an amicable divorce application by both spouses or the consent of the defendant to the divorce, the district court, if the so-called separation year has been lived, will divorce the marriage. In the case of disputed proceedings, the court decides within the meaning of the law on the basis of the factual situation in the individual case.
Erforderliche Unterlagen	As a rule, the following must be submitted for this purpose: • Your photo ID • the marriage certificate in the original or in a certified copy

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	• if necessary. the birth certificates of your minor children in the original or in certified copy Please seek legal advice on what documents your lawyer needs from you.
Voraussetzungen	The prerequisite for the divorce of your marriage is that it has failed. The marriage has failed when your cohabitation no longer exists and you and your spouse cannot be expected to restore it. This is irrefutable by law if you and your spouse have been living apart for at least three years. In addition, a marriage is considered a failure if you and your spouse have been separated for a year and you both apply for divorce or your spouse agrees to divorce. If you and your spouse live apart for less than three years and your spouse does not agree to the divorce, you must demonstrate and prove that the marriage has failed. The court may divorce the marriage regardless of the duration of the separation if the continuation of the marriage would be unreasonable hardship for you for reasons that lie in the person of your spouse.
Kosten	• Legal expenses • Lawyers' fees • both depend on the amount in dispute
Verfahrensablauf	The divorce application must be submitted to the family court by your lawyer, usually after the separation period of at least one year. • Subsequently, the court serves the application of the respondent or .dem the respondent in the divorce. There is no obligation for a lawyer to approve the divorce application. • As a rule, pension equalisation must also be carried out in the divorce association, i.e. the fair distribution of the pension rights acquired by the spouses during the marriage period. For this purpose, the district court will ask you and your spouse ex officio to notify their pension providers and then ask the pension providers for information about the rights acquired by you and your spouse during the marriage period. • In addition, you and your spouse may also bring other follow-up cases in the divorce association, e.B.

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	the subsequent cases of equalisation of gains or post-marital maintenance. • In the appointment for the oral hearing on the divorce application, you and your spouse will usually be heard personally on the divorce requirements. • If the divorce conditions are met, the family court will pronounce the divorce of the marriage by order.
Bearbeitungsdauer	Due to the prescribed procedure at least 3 months, depending on the individual case
Frist	None
weiterführende Informationen	
Hinweise	
Rechtsbehelf	• Complaint pursuant to §§ 58 et seq. FamFG against the family court decision within one month by a lawyer

Kurztext	• Divorce petition decision
	• Obligation to have a lawyer for the application for divorce
	• no obligation for a lawyer to consent to the divorce application
	• Failure of marriage as a prerequisite for divorce
	  • the spouses have been living apart for at least three years, or
	  • the spouses have been separated for one year and both spouses apply for divorce, or
	  • the other spouse consents to the divorce, or
	  • the applicant spouse can prove that the marriage has failed
	• The marriage has failed if:
	• The court may divorce the marriage for hardship reasons, regardless of the duration of the separation.
	• competent: District Court – Family Court –

Ansprechpunkt	Contact the family court.
Zuständige Stelle	
Formulare	None
Ursprungsportal	Scheidung beantragen, Applying for divorce