

99046017002000

# Childcare maintenance for unmarried mothers and fathers, judicial determination

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Modul	Sachverhalt
Leistungsschlüssel	99046017002000
Leistungsbezeichnung I	Childcare maintenance for unmarried mothers and fathers, judicial determination
Leistungsbezeichnung II	Childcare maintenance for unmarried mothers and fathers, judicial determination
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> <li>• § 1615I Bürgerliches Gesetzbuch (BGB) – Unterhaltsanspruch von Mutter und Vater aus Anlass der Geburt</li> <li>• § 1609 Nr. 2 BGB – Rangfolge mehrerer Unterhaltsberechtigter</li> <li>• § 18 Absatz 1 Nummer 2 Sozialgesetzbuch, Achtes Buch (SGB VIII) – Beratung und Unterstützung bei der Ausübung der Personensorge und des Umgangsrechts</li> <li>• Gesetz zur Geltendmachung von Unterhaltsansprüchen im Verkehr mit ausländischen Staaten</li> <li>• §§ 231 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) - Verfahren in Unterhaltssachen</li> </ul>
Teaser	<p>In the first years of life, children need special care from their parents. If the parents are separated, care is usually the responsibility of one parent alone. According to maintenance law, the other parent may be obliged to pay alimony in this case - even if neither was or is married.</p>
Volltext	<p>Assertion of a claim for maintenance by the mother and father on the occasion of the birth in accordance with section 1615I of the Civil Code (Bürgerliches Gesetzbuch/BGB)</p> <p>In the first years of life, children need special care from their parents. If the parents are separated, care is usually the responsibility of one parent alone. According to maintenance law, the other parent may be obliged to pay alimony in this case - even if neither was or is married.</p>

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Also with regard to the duration of care maintenance, non-married parents are on an equal footing with married and divorced parents. Maintenance payments to the caring parent are eligible for up to three years after the birth of the child - under certain conditions even longer. The decisive factors are the interests of the child and the real possibilities of care.

### Entitlement and amount

There is no fixed amount for childcare maintenance; the amount depends on the standard of living of the person entitled to maintenance, the reference point being the last earned income. In addition, the parent obliged to pay maintenance is entitled to a deductible.

Tip: To determine the claim, the Higher Regional Court of Dresden (Oberlandesgericht Dresden) provides guidance on its website in the current maintenance guidelines based on the so-called Düsseldorfer Tabelle.

Regardless of the maintenance, the child's maintenance claim comes first.

Attention! For the assertion and enforcement of maintenance claims with a foreign connection, you can seek advice from the Dresden Local Court (Amtsgericht Dresden) or the Federal Office of Justice (Bundesamt für Justiz).

## Erforderliche Unterlagen

Within the framework of the court proceedings, evidence of income and assets is required in particular.

Note: The court requests the necessary documents in detail.

## Voraussetzungen

- Indigence: The parent in need of maintenance cannot provide for his or her own maintenance.
- Capacity: The other parent is able to contribute to the maintenance of the needy parent from his or her income and assets.

## Kosten

In court proceedings:

- Court and lawyer's fees - These are based on the

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value of the proceedings as determined by the court.

Tip: If you have a low income, you can apply to the court for counselling assistance and/or legal aid.

## Verfahrensablauf

- If you have questions about maintenance, you can get free advice and support as a single parent from your local youth welfare office (Jugendamt).
- You can also have the amount of your claim determined there.
- Advice is generally provided in connection with an acknowledgement of paternity (notarisation by the Youth Welfare Office).

Application for a court order

If the person obliged to pay alimony does not comply with your written demand, you can assert your claim to maintenance in court. In any case, you should seek legal advice before filing an application.

The application for the court determination of maintenance is usually submitted to the family court by a lawyer you trust.

Tip: If you have a low income, you can apply for counselling and/or legal aid.

## Bearbeitungsdauer

### Frist

Entitlement to childcare maintenance • at the earliest four months before the birth until three years after the birth of the illegitimate child • in certain cases, more than three years (for example, if the child is disabled)  
 Note: Make your claim in good time; retroactive claims can only be enforced under certain conditions. Court proceedings An appeal against a decision on maintenance can be lodged within one month if the value of the object of the appeal exceeds EUR 600.00 or if the local court has allowed the appeal.

## weiterführende Informationen

## Hinweise

Modul	Sachverhalt
Rechtsbehelf	Application to the local court (family court) for the determination of care maintenance
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	