

99046039221000, 99046039221000

# Petition for divorce of a marriage

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/8966301/L100012>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000, 99046039221000
Leistungsbezeichnung I	Petition for divorce of a marriage
Leistungsbezeichnung II	Petition for divorce of a marriage
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Schleswig-Holstein
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
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)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.10.2020
Fachlich freigegeben durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377">https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377</a> <a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_113.html">https://www.gesetze-im-internet.de/famfg/_113.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_121.html">https://www.gesetze-im-internet.de/famfg/_121.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_133.html">https://www.gesetze-im-internet.de/famfg/_133.html</a> <a href="https://www.gesetze-im-internet.de/famgkg/_43.html">https://www.gesetze-im-internet.de/famgkg/_43.html</a>
Teaser	If you want to end your marriage, you can file for a divorce of your marriage.
Volltext	<p>In order to end your existing marriage, you must apply for a divorce in the family court. In doing so, you must be represented by a lawyer. There is no obligation to be represented by a lawyer when agreeing to a divorce petition.</p> <p>The family court will grant the divorce if the legal requirements are met. If both spouses file for divorce by mutual consent or if the respondent agrees to the divorce, the local court will divorce the marriage, provided that the so-called separation year has been lived through. In the case of contentious proceedings, the court decides in accordance with the law on the basis of the facts of the individual case.</p>
Erforderliche Unterlagen	<p>As a rule, the following must be presented for this purpose:</p> <ul style="list-style-type: none"> <li>• Your photo ID</li> <li>• the original or certified copy of your marriage certificate</li> <li>• if applicable, the birth certificates of your minor children in the original or as a certified copy</li> </ul> <p>Please consult a lawyer to find out which documents your lawyer needs from you.</p>
Voraussetzungen	A prerequisite for the divorce of your marriage is that it has failed.

## Modul

## Sachverhalt

The marriage has broken down if your cohabitation no longer exists and you and your spouse cannot be expected to restore it.

By law, this is irrefutably presumed if you and your spouse have been separated for at least three years. In addition, a marriage is presumed to have broken down if you and your spouse have lived apart for one year and you both file for divorce or your spouse consents to the divorce.

If you and your spouse have been separated for less than three years and your spouse does not consent to the divorce, you must show and prove that the marriage has broken down.

The court can divorce the marriage regardless of the duration of the separation if the continuation of the marriage would constitute an undue hardship for you for reasons that lie in the person of your spouse.

## Kosten

- Court costs
- Attorney's fees
- both depend on the value in dispute

## Verfahrensablauf

The divorce petition must be filed with the family court by your lawyer, usually after the separation period of at least one year.

- The court will then serve the petition on the opposing party. There is no attorney requirement for approval of the divorce petition.

- As a rule, the divorce settlement also includes the equalisation of pensions, i.e. the fair division of the pension rights acquired by the spouses during the marriage. To this end, the Local Court will ex officio request you and your spouse to inform it of their pension providers and then ask the pension providers for information on the pension rights acquired by you and your spouse during the marriage.

- In addition, you and your spouse can also file other subsequent matters in the divorce proceedings, e.g. the subsequent matters of equalisation of gains or post-marital maintenance.

- At the hearing on the petition for divorce, you and your spouse will generally be heard in person on the prerequisites for divorce.

- If the requirements for divorce are met, the family court will pronounce a divorce by order.

Modul	Sachverhalt
Bearbeitungsdauer	Because of the given procedure at least 3 months, depending on the individual case.
Frist	None
weiterführende Informationen	For information on divorce see <a href="https://www.bmfsfj.de/">https://www.bmfsfj.de/</a>
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> <li>• Appeal pursuant to §§ 58 et seq. FamFG against the family court decision within one month by a lawyer.</li> </ul>
Kurztext	<ul style="list-style-type: none"> <li>• Divorce petition decision</li> <li>• compulsory representation by a lawyer for the petition for divorce</li> <li>• No compulsion to be represented by a lawyer for the approval of the divorce petition</li> <li>• Failure of the marriage as a prerequisite for divorce               <ul style="list-style-type: none"> <li>• the spouses have been separated for at least three years, or</li> <li>• the spouses have been separated for one year and both spouses apply for divorce or</li> <li>• the other spouse consents to the divorce, or</li> <li>• the petitioning spouse can prove that the marriage has broken down.</li> </ul> </li> <li>• The marriage has broken down if:</li> <li>• The court may divorce the marriage on grounds of hardship regardless of the length of separation.</li> <li>• Competent: Local Court - Family Court -</li> </ul>
Ansprechpunkt	<ul style="list-style-type: none"> <li>• Please consult a lawyer.</li> </ul>
Zuständige Stelle	<ul style="list-style-type: none"> <li>• Local Court - Family Court (Sections 23a (1) sentence 1, 23b (1) GVG)</li> <li>• The Local Court - Family Court - which is competent for you in accordance with § 122 FamFG, will be determined by the lawyer instructed by you.</li> </ul>
Formulare	None
Ursprungsportal	Antrag zur Scheidung einer Ehe, Petition for divorce of a marriage