

99046017002000

# Applying for childcare maintenance for unmarried mothers and fathers

Heruntergeladen am 13.07.2025

<https://fimportal.de/xzufi-services/434-99046017002000/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99046017002000
Leistungsbezeichnung I	Applying for childcare maintenance for unmarried mothers and fathers
Leistungsbezeichnung II	Applying for childcare maintenance for unmarried mothers and fathers
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Bürgerliches Gesetzbuch (BGB):</p> <ul style="list-style-type: none"> <li>• § 1361 Unterhalt bei Getrenntleben</li> <li>• § 1578 Maß des Unterhalts</li> <li>• § 1603 Leistungsfähigkeit</li> <li>• § 1609 Rangfolge mehrerer Unterhaltsberechtigter</li> <li>• § 1615I Unterhaltsanspruch von Mutter und Vater aus Anlass der Geburt</li> </ul> <p>Sozialgesetzbuch, Achtes Buch (SGB VIII):</p> <ul style="list-style-type: none"> <li>• § 18 Beratung und Unterstützung bei der Ausübung der Personensorge und des Umgangsrechts</li> </ul>
Teaser	In the first few years of life, children need special attention from their parents.
Volltext	<p>In the first few years of life, children need special attention from their parents. If the mother and father are separated, one parent is usually solely responsible for caring for the child. In this case, the other parent may be obliged to make maintenance payments not only for the child, but also for the caring parent. The same applies if neither parent was or is married. The prerequisite is that the caring parent cannot be expected to work due to the care or upbringing of the joint child. This is usually the case during the first three years of the child's life. The caring parent's entitlement to carer's maintenance exists alongside the child's entitlement to child maintenance.</p> <p>Amount of childcare maintenance</p> <p>There is no fixed amount for carer's maintenance. Rather, the amount of maintenance depends on the circumstances of the individual case. The decisive criteria are the position in life of the person entitled to maintenance for their needs and the ability of the</p>

## Modul

## Sachverhalt

person obliged to pay maintenance.

As a rule, the requirement is at least EUR 1,200.

The prerequisite for a maintenance claim is that the person obliged to pay maintenance is able to pay. The parent liable for maintenance is entitled to at least a deductible.

A distinction is made between

- the necessary,
- the reasonable and
- the marital deductible.

According to the Süddeutsche Leitlinien (South German Guidelines), the deductible in the case of childcare maintenance is calculated at an amount between the appropriate deductible and the necessary deductible. At present, this is generally EUR 1,600 for employed maintenance debtors and EUR 1,475 for non-employed maintenance debtors, which includes costs for accommodation and heating of EUR 580.00. Maintenance obligations to other entitled persons such as children, the spouse or the divorced spouse must also be taken into account.

If there are several dependants and the debtor is not in a position to provide maintenance for all of them, priority is given to unmarried minors and unmarried children up to the age of 21 as long as they live in the household of their parents or one of their parents and are in general education. All fathers and mothers who look after children have second priority. This applies regardless of whether the couple was married or not. Spouses and divorced spouses who have been married for a long time are treated equally to caring parents.

## Erforderliche Unterlagen

As part of the court proceedings, evidence of income and assets is required in particular. The court requests the necessary documents in detail.

## Voraussetzungen

- The requirements of § 1615I BGB are met.
- The parent in need of maintenance cannot provide for his or her own maintenance (neediness) and

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	<ul style="list-style-type: none"> <li>• the other parent is in a position to contribute to the maintenance of the parent in need from their income and assets (ability to pay).</li> </ul>
Kosten	<p>Court and lawyer's fees are incurred in court proceedings.</p> <p>Find out about the possibilities of financial support from the state through counselling assistance and legal aid.</p>
Verfahrensablauf	<p>Amicable settlement</p> <p>As a single parent, you can obtain free advice and support from the local youth welfare office if you have any questions about maintenance. You can also have the amount of your entitlement determined there. Advice is also provided in connection with the recognition of paternity (notarisation by the youth welfare office).</p> <p>Assert the maintenance claim in writing and first endeavour to reach an amicable settlement. The Youth Welfare Office will notarise a voluntary commitment. With the document ("enforceable title"), your claim can also be enforced immediately in the event of a dispute.</p> <p>Application for maintenance</p> <p>If the person obliged to pay maintenance does not fulfil your claim, you can assert your claim in court. You must be represented by a lawyer in the court proceedings.</p> <p>A significant change in the circumstances that were decisive for the maintenance claim in an earlier enforcement order may entitle you to amend the order.</p>
Bearbeitungsdauer	
Frist	Assert your claim in good time. Claims can only be enforced retroactively under certain conditions.
weiterführende Informationen	

Modul	Sachverhalt
Hinweise	Please seek legal advice in individual cases.
Rechtsbehelf	Please seek legal advice in the event of a negative court decision.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	