

99046017002000, 99046017002000

# Assertion of the right to maintenance of the mother of a child born out of wedlock

Heruntergeladen am 14.07.2025

<https://fimportal.de/xzufi-services/217986272/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99046017002000, 99046017002000
Leistungsbezeichnung I	Assertion of the right to maintenance of the mother of a child born out of wedlock
Leistungsbezeichnung II	Assertion of the right to maintenance of the mother of a child born out of wedlock
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)

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SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	29.09.2020
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/_1615l.html">https://www.gesetze-im-internet.de/bgb/_1615l.html</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/_112.html">https://www.gesetze-im-internet.de/famfg/_112.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/_231.html">https://www.gesetze-im-internet.de/famfg/_231.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_232.html">https://www.gesetze-im-internet.de/famfg/_232.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1615l.html">https://www.gesetze-im-internet.de/bgb/_1615l.html</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/_112.html">https://www.gesetze-im-internet.de/famfg/_112.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/_231.html">https://www.gesetze-im-internet.de/famfg/_231.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_232.html">https://www.gesetze-im-internet.de/famfg/_232.html</a>
Teaser	You, as a non-married mother, can claim alimony from the child's father on the occasion of the birth of the common child.
Volltext	<p>If you, as the mother of the child, cannot agree with the legal father of the child on an appropriate amount of maintenance, you can assert a claim for maintenance on the occasion of the birth in court. The course of such court proceedings is essentially governed by the rules applicable to civil proceedings.</p> <p>If you, as the mother of the child, cannot be expected to work due to the care or upbringing of the child, you are also entitled to a claim for childcare maintenance for the period of at least 4 months before the birth and</p>

## Modul

## Sachverhalt

at least 3 years after the birth, or longer if necessary, in addition to the existing claim for maintenance for the period of 6 weeks before and 8 weeks after the birth. The father may also be entitled to childcare maintenance from the mother if he looks after the child.

The amount of maintenance is calculated according to the recognized principles of maintenance calculation, which fill in the undefined legal terms of maintenance law. For details, please contact the legal counseling professions.

Further information can also be found in the maintenance guidelines of the Higher Regional Courts.

## Erforderliche Unterlagen

Proof of income, assets and personal and economic circumstances. Important are also Court orders, settlements or deeds concerning maintenance and paternity acknowledgement or establishment.

## Voraussetzungen

You as a non-married mother of a child can claim maintenance for the period of 6 weeks before and 8 weeks after the birth of the child, as well as care maintenance beyond that, under the following conditions:

- Not married to the child's father.
- Paternity is established or acknowledged.
- You are needy because you cannot work full time due to pregnancy, care or upbringing of the child.
- The child's father is capable of paying.

## Kosten

- Court costs
- Legal fees
- both depend on the amount in dispute

## Verfahrensablauf

An application for the assertion of maintenance on the occasion of the birth can only be filed by a lawyer.

- The further course of the court proceedings is essentially governed by the provisions on civil proceedings.
- The court may order the parties to provide information on their income, assets and personal and economic circumstances. If the parties do not comply

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	with this order, the court can obtain information independently, e.g. from employers or insurance companies.
Bearbeitungsdauer	At least 3 months due to the prescribed procedure, possibly longer in more complex procedures, depending on the individual case
Frist	In principle, maintenance can only be claimed for the future. For the past only under certain conditions.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Appeal pursuant to §§ 58 et seq. FamFG against the family court decision within one month by a lawyer or attorney-at-law
Kurztext	<ul style="list-style-type: none"> <li>• Child support claim on the occasion of birth fixing</li> <li>• This maintenance can only be claimed by the mother who is not married to the father.</li> <li>• Compulsory attorney</li> <li>• Prerequisites: No marriage with child's father Paternity established or acknowledged Child's mother needy, because of pregnancy, care or education of the child not fully employed Father of child able to pay</li> <li>• Responsible: Local court - family court</li> </ul>
Ansprechpunkt	• Please consult a lawyer.
Zuständige Stelle	<ul style="list-style-type: none"> <li>• The local court - family court - responsible for you (§§ 23a Para. 1 Sentence 1, 23b Para. 1 GVG)</li> <li>• The local court - family court - responsible for you in accordance with Section 232 (3) No. 1 FamFG is determined by your Social Services Office or the lawyer you have instructed.</li> </ul>
Formulare	None
Ursprungsportal	Assertion of the right to maintenance of the mother of a child born out of wedlock, Geltendmachung des Unterhaltsanspruchs der Mutter eines nichtehelich geborenen Kindes