

99046025002001, 99046025002001

Assertion of child maintenance in faster, simpler court proceedings

Heruntergeladen am 19.07.2025

<https://fimportal.de/xzufi-services/231637415/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99046025002001, 99046025002001
Leistungsbezeichnung I	Assertion of child maintenance in faster, simpler court proceedings
Leistungsbezeichnung II	Assertion of child maintenance in faster, simpler court proceedings
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und

Modul	Sachverhalt
	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	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG014902377 https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_112.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/BJNR25870008.html#BJNR25870008BJNG003300000 https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG014902377 https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_112.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/BJNR25870008.html#BJNR25870008BJNG003300000
Teaser	For a minor child of parents living apart, reasonable maintenance can be demanded from the party liable to pay maintenance.
Volltext	<p>Maintenance for a minor child of separated - married or unmarried - parents can be claimed by the maintenance debtor from the family court in regular (contentious) or simplified maintenance proceedings. The simplified procedure must be applied for using a form. It can lead to an enforcement order (maintenance assessment order) more quickly and cost-effectively than contentious maintenance proceedings.</p> <p>You can seek advice from staff at the youth welfare</p>

Modul	Sachverhalt
	office or a lawyer as to whether this form of procedure is suitable in your case.
Erforderliche Unterlagen	<p>for the applicant:</p> <ul style="list-style-type: none"> • The form "Application for determination of maintenance according to § 249 FamFG (simplified procedure)" - available from the youth welfare office or any local court • A declaration of the child's and parents' income and assets (if known) • Any proof and evidence of the income situation <p>for the defendant:</p> <ul style="list-style-type: none"> • Objection form - available from the local court • Relevant evidence and supporting documents
Voraussetzungen	<p>The requirements for the simplified procedure for determining maintenance are</p> <ul style="list-style-type: none"> • It concerns maintenance for a minor child or for a child of full age for the past period of minority. • No court has already ruled on the maintenance claim or no court maintenance proceedings have yet been initiated. • There is not yet an enforceable maintenance title (e.g. a youth welfare office certificate). • The requested maintenance for the child is not higher than 1.2 times the minimum maintenance. <p>You are entitled to assert the maintenance claim as</p> <ul style="list-style-type: none"> • custodial parent with whom the minor child lives, or • the person or body legally representing the child.
Kosten	<ul style="list-style-type: none"> • court costs • lawyer's fees, if applicable • both depend on the amount in dispute
Verfahrensablauf	<p>You must submit the application using the application form, which can be obtained from the youth welfare office or the local court. The form is also available for download.</p> <ul style="list-style-type: none"> • You submit the application as the authorized person

Modul

Sachverhalt

either in your own name for the child if you are married to the other parent and live separately or a matrimonial matter is pending between you. or on behalf of the child as its legal representative.

- Submit the completed and signed application with the necessary supporting documents to your local family court.
- The court will inform the defendant in writing that an application has been made to set a maintenance payment for the child.
- The debtor has the opportunity to raise objections within one month: The law only provides for objections by the defendant to be considered in simplified maintenance proceedings under strict conditions.
- To clarify this, the defendant must disclose his or her income and financial circumstances: encloses the relevant supporting documents. declare the extent to which he or she is prepared to pay maintenance.
- The court will inform you of any objections and the information provided.
- If the defendant agrees to pay maintenance in full or in part or raises no objections or only inadmissible objections, the court will set the maintenance accordingly by order.
- Note: Otherwise, the simplified procedure has failed and will be transferred to the contentious procedure upon application.

Bearbeitungsdauer

2 Monat(e)
 As a rule
 2 Monat(e)
 Usually
 2 Monat(e)
 Usually
 • Usually approx. two months, depending on the individual case

Frist

Maintenance can only be determined for or from the time when the child was a minor; maintenance for the past can only be demanded under certain conditions.

weiterführende Informationen

Hinweise

Modul	Sachverhalt
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Determination of child maintenance in the simplified procedure • Application form • The prerequisites for the simplified procedure are It concerns maintenance for a minor child or for an adult child for the past period of minority. no court has already ruled on the maintenance claim no court maintenance proceedings have been initiated at the court no enforceable maintenance order the maintenance demanded for the child is not higher than 1.2 times the minimum maintenance. • The custodial parent with whom the minor child lives or the person or body legally representing the child is entitled to apply. • Responsible: Local court - family court -
Ansprechpunkt	For support, please contact the youth welfare office (Beistandschaft) or a lawyer.
Zuständige Stelle	<ul style="list-style-type: none"> • Local Court - Family Court (Sections 23a (1) sentence 1, 23b (1) GVG) • the local court - family court - responsible for you in accordance with §§ 232 f. FamFG
Formulare	<ul style="list-style-type: none"> • Application for determination of maintenance according to § 249 FamFG (simplified procedure) Objection form
Ursprungsportal	Geltendmachung von Kindesunterhalt in einem schnelleren, einfacheren Gerichtsverfahren, Assertion of child maintenance in faster, simpler court proceedings