

99046017002000, 99046017002000

Enforcement of the maintenance claim of the mother of a child born out of wedlock

Heruntergeladen am 13.07.2025

<https://fimportal.de/xzufi-services/412561806/L100040>

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

Modul	Sachverhalt
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	https://www.gesetze-im-internet.de/bgb/_1615l.html 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/_231.html https://www.gesetze-im-internet.de/famfg/_232.html
Teaser	As a non-married mother, you can claim maintenance from the child's father on the occasion of the birth of the joint child.
Volltext	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. If you, as the mother of the child, cannot be expected to work because of the care or upbringing of the child, you are also entitled to a claim for care maintenance for the period of at least 4 months before the birth and 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. Such a claim to care maintenance may also be due to the father against the mother if he looks after the child. The amount of maintenance is calculated according to

Modul	Sachverhalt
	the recognised principles of maintenance calculation, which fill in the undefined legal terms of maintenance law. For details, please contact the legal advice 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 documents concerning maintenance and the acknowledgement or establishment of paternity.
Voraussetzungen	As the unmarried mother of a child, you can claim maintenance for the period of 6 weeks before and 8 weeks after the birth of the child, as well as care maintenance over and above this, subject to 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 father of the child is capable of paying.
Kosten	• Court costs • Attorney's fees • both depend on the value in dispute
Verfahrensablauf	An application for the enforcement 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 with this order, the court may independently obtain information, 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

Modul	Sachverhalt
Frist	In principle, maintenance can only be claimed for the future. For the past only under certain conditions.
weiterführende Informationen	https://www.oberlandesgericht.bremen.de/informationen/unterhaltsleitlinien-1616 https://www.bmfsfj.de/ https://www.oberlandesgericht.bremen.de/informationen/unterhaltsleitlinien-1616
Hinweise	https://oberlandesgericht-braunschweig.niedersachsen.de/startseite/rechtsprechung/unterhaltsrechtliche_leitlinien/unterhaltssachen-65487.html https://oberlandesgericht-celle.niedersachsen.de/startseite/rechtsprechung/rechtsprechung-57561.html https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/rechtsprechung/neue_unterhaltsrechtliche_leitlinien_des_olg_oldenburg/neue-unterhaltsrechtliche-leitlinien-des-oberlandesgerichts-oldenburg-79994.html https://oberlandesgericht-braunschweig.niedersachsen.de/startseite/rechtsprechung/unterhaltsrechtliche_leitlinien/unterhaltssachen-65487.html https://oberlandesgericht-celle.niedersachsen.de/startseite/rechtsprechung/rechtsprechung-57561.html https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/rechtsprechung/neue_unterhaltsrechtliche_leitlinien_des_olg_oldenburg/neue-unterhaltsrechtliche-leitlinien-des-oberlandesgerichts-oldenburg-79994.html
Rechtsbehelf	Appeal pursuant to §§ 58 et seq. FamFG against the decision of the family court within one month by a lawyer.
Kurztext	• Maintenance claim on the occasion of birth fixing • This maintenance can only be claimed by the mother who is not married to the father. • Attorney Compulsion • Prerequisites: No marriage with child's father Paternity established or acknowledged Child's mother needy, because she is not fully employed due to pregnancy, care or education of the child. father of child able to pay • responsible: Local court - family court

Modul	Sachverhalt
Ansprechpunkt	• Please consult a lawyer.
Zuständige Stelle	• The district court responsible for you – family court • The local court responsible for you – Family Court – will determine your office for social services or the lawyer you have instructed. https://www.gesetze-im-internet.de/gvg/_23a.html https://www.gesetze-im-internet.de/famfg/_232.html https://www.gesetze-im-internet.de/gvg/_23a.html https://www.gesetze-im-internet.de/famfg/_232.html
Formulare	None
Ursprungsportal	Enforcement of the maintenance claim of the mother of a child born out of wedlock, Geltendmachung des Unterhaltsanspruchs der Mutter eines nichtehelich geborenen Kindes