

99046025002001, 99046025002001

# Enforcement of child support in a faster, simpler court procedure

Heruntergeladen am 18.07.2025

<https://fimportal.de/xzufi-services/412731767/L100040>

| Modul                     | Sachverhalt                                                                                       |
|---------------------------|---------------------------------------------------------------------------------------------------|
| Leistungsschlüssel        | 99046025002001, 99046025002001                                                                    |
| Leistungsbezeichnung I    | Enforcement of child support in a faster, simpler court procedure                                 |
| Leistungsbezeichnung II   | Enforcement of child support in a faster, simpler court procedure                                 |
| 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)                                                                                 |
| 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            | <a href="https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG014902377">https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG014902377</a><br><a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_112.html">https://www.gesetze-im-internet.de/famfg/_112.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_113.html">https://www.gesetze-im-internet.de/famfg/_113.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR25870008BJNG003300000">https://www.gesetze-im-internet.de/famfg/BJNR25870008.html#BJNR25870008BJNG003300000</a> |
| Teaser                        | For a minor child of separated parents, reasonable maintenance may 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 office or a lawyer as to whether this form of procedure is suitable in your case.</p>                                                                                                                                                                                                                                                                                                       |
| Erforderliche Unterlagen      | <p>for the applicant:</p> <ul style="list-style-type: none"> <li>• The form "Application for determination of maintenance according to § 249 FamFG (simplified procedure)" - available from the youth welfare office or</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## Modul

## Sachverhalt

any local court

- A declaration of the child's and parents' income and assets (if known)
- Any proof and evidence of the income situation

for the defendant:

- Objection form - available from the local court
- Relevant evidence and supporting documents

## Voraussetzungen

The requirements for the simplified procedure for determining maintenance are

- 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.

You are entitled to assert the maintenance claim as

- custodial parent with whom the minor child lives, or
- the person or body legally representing the child.

## Kosten

- Court costs
- if applicable, lawyer's fees
- both depend on the value in dispute

## Verfahrensablauf

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.

- You submit the application as the authorized person 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.

**Modul**
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- 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**

- usually about two months, depending on the individual case

**Frist**

Maintenance can only be assessed for or from the time the child is a minor; maintenance for the past can only be claimed under certain conditions.

**weiterführende Informationen**

[https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer\\_Tabelle/Tabelle-2020/Duesseldorfer-Tabelle-2020.pdf](https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer_Tabelle/Tabelle-2020/Duesseldorfer-Tabelle-2020.pdf)  
<https://www.oberlandesgericht.bremen.de/information/en/unterhaltsleitlinien-1616>  
<https://www.bmfsfj.de/>  
[https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer\\_Tabelle/Tabelle-2020/Duesseldorfer-Tabelle-2020.pdf](https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer_Tabelle/Tabelle-2020/Duesseldorfer-Tabelle-2020.pdf)

**Hinweise**

[https://oberlandesgericht-braunschweig.niedersachsen.de/startseite/rechtsprechung/unterhaltsrechtliche\\_leitlinien/unterhaltssachen-65487.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-](https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/rechtsprechung/neue_unterhaltsrechtliche_leitlinien_des_olg_oldenburg/neue-unterhaltsrechtliche-)

| Modul             | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p>leitlinien-des-oberlandesgerichts-oldenburg-79994.htm<br/> <br/> <a href="https://justizportal.niedersachsen.de/startseite/buerger-service/amtliche_formulare_ausfullhilfen_und_hinweisblatter/familienrecht-162044.html">https://justizportal.niedersachsen.de/startseite/buerger-service/amtliche_formulare_ausfullhilfen_und_hinweisblatter/familienrecht-162044.html</a><br/> <a href="https://oberlandesgericht-braunschweig.niedersachsen.de/startseite/rechtsprechung/unterhaltsrechtliche_leitlinien/unterhaltssachen-65487.html">https://oberlandesgericht-braunschweig.niedersachsen.de/startseite/rechtsprechung/unterhaltsrechtliche_leitlinien/unterhaltssachen-65487.html</a><br/> <a href="https://oberlandesgericht-celle.niedersachsen.de/startseite/rechtsprechung/rechtsprechung-57561.html">https://oberlandesgericht-celle.niedersachsen.de/startseite/rechtsprechung/rechtsprechung-57561.html</a><br/> <a href="https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/rechtsprechung/neue_unterhaltsrechtliche_leitlinien_des_olg_oldenburg/neue-unterhaltsrechtliche-leitlinien-des-oberlandesgerichts-oldenburg-79994.htm">https://oberlandesgericht-oldenburg.niedersachsen.de/startseite/rechtsprechung/neue_unterhaltsrechtliche_leitlinien_des_olg_oldenburg/neue-unterhaltsrechtliche-leitlinien-des-oberlandesgerichts-oldenburg-79994.htm</a><br/>  <br/> <a href="https://justizportal.niedersachsen.de/startseite/buerger-service/amtliche_formulare_ausfullhilfen_und_hinweisblatter/familienrecht-162044.html">https://justizportal.niedersachsen.de/startseite/buerger-service/amtliche_formulare_ausfullhilfen_und_hinweisblatter/familienrecht-162044.html</a></p> |
| Rechtsbehelf      | Appeal pursuant to §§ 256, 58 et seq. FamFG against the family court decision within one month                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Kurztext          | <ul style="list-style-type: none"> <li>• Determination of child support in simplified proceedings</li> <li>• Application form</li> <li>• 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 decided on the maintenance claim no legal maintenance proceedings have been initiated with the court No enforceable maintenance title the requested maintenance for the child is not higher than 1.2 times the minimum maintenance.</li> <li>• The custodial parent with whom the minor child lives or the person or entity legally representing the child is eligible to file a petition.</li> <li>• Responsible: Local Court - Family Court -</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Ansprechpunkt     | For support, please contact the Youth Welfare Office (Beistandschaft) or a lawyer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Zuständige Stelle | District Court – Family Court<br><a href="https://www.gesetze-im-internet.de/famfg/_232.html">https://www.gesetze-im-internet.de/famfg/_232.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_232.html">https://www.gesetze-im-internet.de/famfg/_232.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Formulare         | <ul style="list-style-type: none"> <li>• Application for the determination of maintenance in</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Modul           | Sachverhalt                                                                                                                                                        |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | accordance with § 249 FamFG (Simplified Procedure)<br>Objection form                                                                                               |
| Ursprungsportal | Geltendmachung von Kindesunterhalt in einem<br>schnelleren, einfacheren Gerichtsverfahren,<br>Enforcement of child support in a faster, simpler court<br>procedure |