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Applying for child support

Heruntergeladen am 18.07.2025

<https://fimportal.de/xzufi-services/484296063/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046025002000, 99046025002000
Leistungsbezeichnung I	Applying for child support
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
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 Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Nach der Geburt (1010200), Trennung mit Kind

Modul	Sachverhalt
	(1020500), Scheidung (1020400)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	24.01.2023
Fachlich freigegeben durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/ https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_bgbl_//%5B@attr_id='bgbl107s3189.pdf'%5D_1671795383388 https://www.gesetze-im-internet.de/famfg/index.html https://www.gesetze-im-internet.de/famfg/index.html https://www.gesetze-im-internet.de/aug_2011/ https://www.gesetze-im-internet.de/famgkg/ https://www.gesetze-im-internet.de/bgb/ https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_bgbl_//%5B@attr_id='bgbl107s3189.pdf'%5D_1671795383388 https://www.gesetze-im-internet.de/famfg/index.html https://www.gesetze-im-internet.de/famfg/index.html https://www.gesetze-im-internet.de/aug_2011/ https://www.gesetze-im-internet.de/famgkg/
Teaser	In the event of separation or divorce, you as parents should agree on the maintenance claims of your children. If no agreement is reached, the parent entitled to represent the child can assert the child's maintenance claim in court.
Volltext	<p>Despite all conflicts in the event of separation or divorce, parents should reach an amicable agreement on maintenance claims for the benefit of their children. The legislator does not prescribe fixed rates. However, the so-called Düsseldorf table and the maintenance guidelines of the relevant higher regional courts provide guidance (under "Further information").</p> <p>If you as parents have reached an agreement, the parent liable for maintenance can voluntarily submit an enforceable payment obligation. This is notarized by the youth welfare office, a notary or a notary public.</p>

Modul

Sachverhalt

If no agreement is reached, the parent with whom the child lives can assert the child's maintenance claim in court (§ 1629 Para. 2 BGB).

Note: Under certain circumstances, the maintenance of a minor child who does not live in the same household as the claimed parent can be determined in a simplified procedure upon application. The prerequisite is that the maintenance before benefits are taken into account does not exceed 1.2 times the minimum maintenance (in accordance with § 1612b or § 1612c and § 1612a Para. 1 of the German Civil Code).

Adult children are only entitled to maintenance if they are in education or are not fully available to the labor market due to illness and are therefore unable to support themselves.

If no or no regular maintenance can be obtained from the debtor, children of single parents up to the age of 18 can receive maintenance from the maintenance advance fund. One of the prerequisites for this is that the children over the age of twelve are not dependent on SGB II benefits or that their single parent earns at least 600 euros while receiving SGB II benefits.

Tip: You can obtain expert advice on all child maintenance issues from the youth welfare office in your district. In any case, you should seek advice from a lawyer before submitting an application.

Erforderliche Unterlagen

- Proof of the other parent's income, Bring a copy with you to the lawyer
- Letter of demand and registered letter with advice of delivery, bring to the lawyer.
- Possible (reply) letters from the other parent or their authorized representative, to bring with you to the lawyer.

Voraussetzungen

Extrajudicial request

So that maintenance can be calculated, you should send the other parent a written request by registered letter with acknowledgement of receipt before

Modul

Sachverhalt

submitting the application:

- inform you of the amount of his or her current income and assets and
- submit the relevant supporting documents, in particular the employer's payslips.

If the other parent complies with this request, the responsible youth welfare office can calculate the maintenance on the basis of the income documents. If the other parent undertakes to pay future maintenance in an enforceable deed, it is no longer necessary to apply to the court for maintenance. The parent obliged to pay maintenance can have such a deed (enforceable title) drawn up before the youth welfare office or before any notary.

Application (by a lawyer)

If the other parent does not provide information about his or her income and assets or does not voluntarily undertake to pay maintenance in an enforceable document, an application for maintenance must be made to the family court.

You can only apply for child maintenance in court through a lawyer. Your lawyer will inform you about the individual requirements for a maintenance claim.

Kosten

When the proceedings are initiated, court costs and, if applicable, lawyer's fees are incurred. The amount is determined on the basis of the so-called amount in dispute (twelve times the monthly maintenance amount - but no more than the total amount claimed and amounts that were already due when the application was submitted).

In addition, there are expenses incurred by the court for service of process, interpreters, experts, etc.

If the party obliged to pay maintenance caused the court proceedings by not providing information about income and assets or not providing complete information, the costs may be imposed on them in full or in part.

Modul

Sachverhalt

Note: Find out about the possibilities of financial support from the state coffers through legal aid and legal aid. Under certain circumstances, your (divorced) spouse may also be obliged to pay an advance on legal costs.

Verfahrensablauf

You can obtain expert advice on all matters relating to maintenance from the youth welfare office in your town or district. In connection with ongoing divorce proceedings, you should first seek legal advice.

Filing an application

You submit the application for a court order for child maintenance to the competent local court - family court - via your legal representative.

In urgent cases, you have the option of applying to the family court for an interim order.

If you are not in a position to provide a precise figure for the maintenance claimed - for example, because the other parent has not provided you with any information on income and assets despite being requested to do so,

you can apply to the court to order the other party to provide information.

Procedure of the proceedings

The court serves the application on the other party, who is given the opportunity to respond (response to the application).

The proceedings are then conducted in accordance with the regulations for family disputes - laid down in the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction (FamFG). In principle, each party is obliged to present and, if necessary, prove the facts in their favor.

The court can order both parties to provide information about their income and financial

Modul
Sachverhalt

circumstances. If one party does not comply with this obligation, the court is authorized to make independent inquiries, for example with employers, the employment agency, the tax office or insurance companies.

Determination of the amount

The family court calculates child maintenance based on the income of the parties involved and the age of the child. The higher regional courts provide a current calculation basis in the maintenance guidelines, to which a maintenance table is attached.

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. Application deadline for hearing in conjunction with the divorce case: Submission no later than two weeks before the court hearing in the divorce proceedings.

weiterführende Informationen
Hinweise

<https://www.bmj.de/SharedDocs/Publikationen/DE/Kindschaftsrecht.html>
<https://www.bmfsfj.de/bmfsfj/service/publikationen/die-beistandschaft-73974>
<https://www.bmfsfj.de/bmfsfj/service/publikationen/de-r-unterhaltsvorschuss-73764>
<https://www.bmj.de/SharedDocs/Publikationen/DE/Kindschaftsrecht.html>

Rechtsbehelf
Kurztext

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If you as parents have reached an agreement, the parent who is obliged to pay maintenance can voluntarily submit an enforceable payment obligation.

This is notarized by the youth welfare office, a notary or a notary public.

Modul

Sachverhalt

If no agreement is reached, the parent with whom the child lives can assert the child's maintenance claim in court (§ 1629 Para. 2 BGB).

You can obtain expert advice on all child maintenance issues from the youth welfare office in your district.

In any case, you should seek advice from a lawyer before filing an application.

Responsible: Family court at the local court

Ansprechpunkt

To the Family Court at the Local Court

Zuständige Stelle

Family court at the local court

Formulare

Forms available: No

Informal application possible: Yes

Personal appearance necessary: No

Ursprungsportal

Kindesunterhalt beantragen, Applying for child support