

99046011002000, 99046011002000

Claiming divorce maintenance

Heruntergeladen am 13.07.2025

<https://fimportal.de/xzufi-services/8665750/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046011002000, 99046011002000
Leistungsbezeichnung I	Claiming divorce maintenance
Leistungsbezeichnung II	Claiming divorce maintenance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	Scheidung (1020400)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	14.12.2021
Fachlich freigegeben durch	Federal Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1569.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
Teaser	If you are legally divorced and are unable to support yourself, you can demand reasonable maintenance from your former spouse.
Volltext	In principle, you and your former spouse are initially obliged to provide for your own maintenance after the divorce. If you are unable to do so after the divorce, you can make a claim for maintenance. If you and your divorced spouse are unable to agree on an appropriate amount of maintenance, you can assert your claim for maintenance in court. For details, please contact a lawyer. Further information can also be found in the maintenance guidelines of the higher regional courts.
Erforderliche Unterlagen	• Proof of income, assets and personal and financial circumstances • If applicable, further supporting documents to be determined by the court • if applicable, written assurance that the information provided is truthful and complete
Voraussetzungen	• the spouses are legally divorced • A statutory maintenance claim exists, e.g. maintenance due to childcare, old age, illness, unemployment, top-up maintenance • Entitlement existed at the time of the divorce • Need according to the marital living conditions • You must be in need. Your income and payment obligations as well as your obligation to work are decisive in this respect. • the other party must be able to pay the claim

Modul	Sachverhalt
Kosten	• Court costs • Attorney's fees • both are essentially based on the value of the proceedings
Verfahrensablauf	An application for the assertion of divorce maintenance can only be made by a lawyer. This does not apply to proceedings for a temporary injunction. Your appointed lawyer will determine which family court has local jurisdiction for you. • The course of the court proceedings is essentially based on the regulations governing civil proceedings. • The court may order you and your former spouse to provide information about your income, assets and personal and financial circumstances. If you or your former spouse do not comply with this order within the set time limit, the court can make independent inquiries, for example with employers or insurance companies.
Bearbeitungsdauer	The processing time depends on the circumstances of the individual case. In main proceedings, the processing time is usually around 3 to 6 months, in more complex proceedings it may be longer. Proceedings by way of interim injunction usually take 3 to 6 weeks to process.
Frist	There are no statutory time limits.
weiterführende Informationen	https://www.bmj.de/DE/themen/gesellschaft_familie/ehe_nichteheliche_gemeinschaft/eherecht/eherecht_no_de.html
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

Modul
Sachverhalt

.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.htm
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Rechtsbehelf

- The court's order on the parties' duty to provide information cannot be appealed independently.
- An appeal may be lodged against a final decision (final ruling) by the court. As a rule, the value of the object of the appeal must exceed EUR 600.00. The appeal must be lodged within one month by a lawyer with the decree court.
- If the court has only made a provisional decision on maintenance by way of an interim order, there is no right of appeal.

Kurztext

- Determination of divorce maintenance
- Divorce maintenance can only be claimed for the period after the divorce has become final
- Compulsory attorney
- The prerequisite for divorce maintenance is Final divorce of the spouses The requirements of a statutory maintenance claim must be met Meaningfulness of the claimant Ability to pay on the part of the other party to the claim
- Responsible: locally competent district court - family court

Ansprechpunkt
Zuständige Stelle

- District Court – Family Court
- The local court responsible for you – family court – will determine 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

Formulare

Forms: none Online procedure possible: no Written form required: yes Personal appearance required: if ordered

Modul	Sachverhalt
Ursprungsportal	Claiming divorce maintenance, Geschiedenenunterhalt geltend machen