

99046025002001, 99046025002001

Assertion of child maintenance in faster, simpler court proceedings

Heruntergeladen am 18.07.2025

<https://fimportal.de/xzufi-services/109171406/L100041>

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	Brandenburg
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	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 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 obligor at the family court in a regular (contentious) or also in a simplified maintenance procedure. The simplified procedure must be applied for using a form. It can lead to an enforcement order (maintenance determination order) faster and more cost-effectively than contentious maintenance proceedings.</p> <p>You can ask staff at the Youth Welfare Office or a lawyer for advice on whether this form of procedure is suitable in your case.</p>
Erforderliche Unterlagen	<p>for the applicant/applicant:</p> <ul style="list-style-type: none"> • The form "Antrag auf Festsetzung von Unterhalt nach § 249 FamFG (Vereinfachtes Verfahren)" - available at the youth welfare office or at any local court.

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- A statement on the income and financial circumstances of the child and the parents (if known)
- Any proof and evidence of the income situation

for the respondent:

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

Voraussetzungen

The requirements for the simplified procedure for the determination of maintenance are:

- Maintenance is to be paid for a minor child or for an adult child for the past period of minority.
- No court has already ruled on the child support claim or no legal child support proceedings have yet been initiated in the court.
- There is not yet an enforceable child support order (for example, a Jugendamtsurkunde).
- The requested maintenance for the child is not higher than 1.2 times the minimum maintenance.

You are entitled to assert the claim for maintenance as the

- 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 make the application as the entitled person either in your own name for the child if you are married to the other parent and you live separately or a matrimonial case is pending between you. or in the name of the child as its legal representative.
- You submit the completed and signed application, together with the necessary supporting documents, to your competent family court at the local court.

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- The court will notify the respondent in writing that a child support order has been filed.
- The person liable for maintenance is given 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 narrow circumstances.
- For clarification purposes, the defendant must disclose his or her income and financial circumstances: encloses relevant supporting documents. states 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 whole or in part, or raises no objections or only inadmissible objections, the court will make an order fixing the maintenance accordingly.
- Note: Otherwise, the simplified procedure fails and, on application, is transferred to the contentious procedure.

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/Duesseldorf_er_Tabelle/Tabelle-2020/Duesseldorfer-Tabelle-2020.pdf
<https://www.oberlandesgericht.bremen.de/informationen/unterhaltsleitlinien-1616>
<https://www.bmfsfj.de/>

Hinweise
Rechtsbehelf

Appeal pursuant to §§ 256, 58 et seq. FamFG against the family court decision within one month

Kurztext

- Determination of child support in simplified proceedings
- Application form
- The prerequisites for the simplified procedure are: It concerns maintenance for a minor child or for an adult

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	<p>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.</p> <ul style="list-style-type: none"> • The custodial parent with whom the minor child lives or the person or entity legally representing the child is eligible to file a petition. • Responsible: Local Court - Family Court -
Ansprechpunkt	
Zuständige Stelle	<p>Local court</p> <p>Youth welfare office in the case of guardianship</p>
Formulare	<ul style="list-style-type: none"> • Application for the determination of maintenance in accordance with § 249 FamFG (Simplified Procedure) Objection form
Ursprungsportal	<p>Assertion of child maintenance in faster, simpler court proceedings, Geltendmachung von Kindesunterhalt in einem schnelleren, einfacheren Gerichtsverfahren</p>