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# Divorce petition decision

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/S1000020010000000327/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000
Leistungsbezeichnung I	Divorce petition decision
Leistungsbezeichnung II	file for divorce
Typisierung	3b - Bundesaufsichtsverwaltung: Regelung, Land: Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Separation of civil partnership</div>, <div lang="en-x-mtfrom-de">marriage failed</div>, <div lang="en-x-mtfrom-de">separation marriage</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.01.2025
Fachlich freigegeben durch	
Handlungsgrundlage	§§ 1564 Divorce by judicial decision - German Civil Code (BGB)
Teaser	If you want to end your marriage, you can file for divorce.
Volltext	In order to end your existing marriage, you must apply for a divorce in the family court. You must be represented by a lawyer. You are not required to have a lawyer to agree to the divorce application.
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• your photo ID</li> <li>• the marriage certificate in the original or in a certified copy</li> <li>• if applicable, the birth certificates of your minor children in the original or in a certified copy</li> </ul> As a rule, the following must be presented:
Voraussetzungen	The prerequisite for the divorce of your marriage is that it has failed.
Kosten	<ul style="list-style-type: none"> <li>• Court costs</li> <li>• Legal fees</li> <li>• Both are based on the amount in dispute</li> </ul>
Verfahrensablauf	<ul style="list-style-type: none"> <li>• The divorce petition must be submitted to the family court by your lawyer, usually after a separation period of at least one year.</li> <li>• The court then serves the application on the opposing party. There is no obligation to have a lawyer to approve the divorce application.</li> <li>• As a rule, pension equalization must also be carried out in the event of a divorce, i.e. the fair division of the pension entitlements acquired by the spouses during the marriage. To do this, the district court will officially request that you and your spouse provide information about your pension providers and then ask the pension providers for information about the entitlements acquired by you and your spouse during</li> </ul>

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	<p>the marriage.</p> <ul style="list-style-type: none"> <li>• You and your spouse can also bring further ancillary matters in connection with the divorce, for example the ancillary matters of equalization of accrued gains or post-marital maintenance.</li> <li>• At the oral hearing on the divorce petition, you and your spouse will usually be heard in person about the conditions for divorce.</li> <li>• If the conditions for divorce are met, the family court will declare the divorce by order.</li> </ul>
Bearbeitungsdauer	Because of the given procedure, at least 3 months, depending on the individual case
Frist	No
weiterführende Informationen	<a href="https://justiz.hamburg.de/gerichte/amtsgericht-hamburg">https://justiz.hamburg.de/gerichte/amtsgericht-hamburg</a> <a href="https://justiz.hamburg.de/gerichte-segmente/">https://justiz.hamburg.de/gerichte-segmente/</a> <a href="https://anwaltverein.de/de/">https://anwaltverein.de/de/</a> <a href="https://www.anwaltverein.de">https://www.anwaltverein.de</a> <a href="https://www.hamburg.de/service/info/11252327/n0/">https://www.hamburg.de/service/info/11252327/n0/</a> <a href="https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgericht-hamburg/verfahrensarten-und-services/verfahrensarten/familie-636982">https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgericht-hamburg/verfahrensarten-und-services/verfahrensarten/familie-636982</a> <a href="https://www.bmfsfj.de/">https://www.bmfsfj.de/</a> <a href="https://www.bmfsfj.de/">https://www.bmfsfj.de/</a>
Hinweise	A divorce petition must always be submitted to the relevant family court by a lawyer or a specialist in family law. Please see the collection of links below.
Rechtsbehelf	Complaint against the family court decision within one month by a lawyer.
Kurztext	<ul style="list-style-type: none"> <li>• Compulsory lawyer for the application for divorce</li> <li>• no obligation to have a lawyer to consent to the divorce petition</li> <li>• Failure of the marriage as a prerequisite for divorce</li> <li>• The marriage has failed if:               <ul style="list-style-type: none"> <li>• the spouses have been living separately for at least three years or</li> <li>• the spouses have been living separately for one year and both spouses are applying for divorce or</li> <li>• the other spouse consents to the divorce or</li> <li>• the applicant spouse can prove that the marriage has</li> </ul> </li> </ul>

Modul	Sachverhalt
	<p>failed</p> <ul style="list-style-type: none"> <li>• The court may dissolve the marriage for hardship reasons, regardless of the duration of the separation.</li> </ul>
Ansprechpunkt	
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)