

99046008017000

# legal aid approval

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/S1000020010000002747/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046008017000
Leistungsbezeichnung I	legal aid approval
Leistungsbezeichnung II	legal aid approval
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Legal aid</div>, <div lang="en-x-mtfrom-de">PKH</div>, <div lang="en-x-mtfrom-de">Help for Cost Process</div>, <div lang="en-x-mtfrom-de">assistance with legal proceedings</div>, <div lang="en-x-mtfrom-de">Help for Process</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	

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Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	25.09.2024
Fachlich freigegeben durch	
Handlungsgrundlage	Code of Civil Procedure (ZPO) §§ 114 ff
Teaser	If you are unable to finance a lawsuit or court proceedings yourself, you can, under certain conditions, apply to the court for legal aid or procedural costs.
Volltext	<p>If you want to file a lawsuit, make an application or defend yourself in ongoing proceedings, you usually have to pay legal costs. Legal aid (or procedural aid in family court proceedings) offers you, as a person in need, financial support to carry out court proceedings. This means you can be exempted from paying court and lawyer fees or pay them back in installments. Financial support can be provided from the state treasury for almost all court proceedings. Depending on your personal and financial circumstances, you may not have to pay any legal costs or you may only have to pay in installments. You may be required to pay up to 48 monthly installments, the amount of which will be determined by the court when granting the grant. Defendants in criminal proceedings generally do not receive legal aid. In criminal cases, only the victim (for example as a joint plaintiff) and the plaintiff who is pursuing certain criminal offenses in court without the assistance of the public prosecutor (private plaintiff) are entitled to apply. Legal aid covers court costs. It only covers the costs of your own lawyer if the court has appointed a lawyer. However, this appointment must be specifically requested (application for appointment). You will only be assigned your own lawyer if representation by a lawyer is required by law (for example, before the regional court), this appears necessary due to the difficulty, scope or importance of the case, or if your opponent is represented by a lawyer. Legal aid does not cover the costs of the opposing party (for example, their lawyer's fees). If you</p>

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lose the legal case, you must therefore reimburse the opposing party for their costs, even if you were granted legal aid. The only exception is in labor court disputes.

## Erforderliche Unterlagen

Application for legal aid and procedural costs proof of income or tax assessment rental agreement (reasonable rental costs are taken into account) Other documents regarding expenses, income and assets (e.g. wage certificates, notices regarding unemployment benefits or assistance) as well as documents regarding monthly financial burdens. You or your appointed lawyer must submit the application in writing and provide reasons for it. You can also submit the application during ongoing proceedings, but not once the proceedings have already ended. Completed form "Declaration of personal and financial circumstances" Be sure to fill out the declaration completely and answer every section. The declaration must be dated and signed by you (by hand). You must submit the declaration to the court in German. You can find out which documents and receipts you need to enclose in the information sheets and the instructions for completing the form.

## Voraussetzungen

The procedure must not yet be completed You have no other legal protection There is no entitlement to legal aid or procedural costs if legal expenses insurance or another body would cover the costs. It will also not be granted if someone else has to pay the costs due to a legal maintenance obligation (advance payment of legal or procedural costs). This can be spouses or registered life partners or, in the case of an unmarried child, the parents or one parent. Chance of success The intended legal action (e.g. a lawsuit) or legal defense must offer sufficient prospects of success. In order for legal aid or procedural aid to be granted, the outcome of the proceedings must at least be open, ie your position must be legally defensible and evidence must be possible. If this is only partially the case, legal aid will only be granted in part. You must attach a draft of the intended action or motion to support this point. No malicious legal action The pursuit or defense of the law must not be frivolous. Frivolousness exists when a reasonable person in your situation would refrain from

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pursuing or defending the law if they had to bear the costs themselves. Special personal and economic circumstances You must be financially needy, i.e. you cannot cover the costs of the legal proceedings or can only cover them in part. To finance legal proceedings, you must also draw on your assets (in particular savings) to the extent that this is reasonable for you. You also have to use your (net) income. However, various amounts are deducted from this in your favor, for example housing costs or certain allowances if you are employed or have to pay maintenance. The exact calculation of the income to be used can be complicated in individual cases and is carried out by the court based on the information you provide on form ZP 1a. If the remaining income is less than 20.00 euros, you can be granted legal aid or legal costs aid without paying any installments. If the income you have to use is higher, you will be required to pay installments for a maximum period of 48 months. If your financial situation improves significantly, you may be required to make further payments. If it deteriorates, the installments can be reduced or canceled. If you have been granted legal aid or procedural aid, you must inform the court immediately and without being asked to do so at any time of any changes to your personal and financial circumstances. This also includes a change of address if you move.

## Kosten

There are no court fees in the legal aid granting process. If you lose, you will usually have to reimburse the opposing party for the costs of the litigation. If you appeal against a decision to deny legal aid, but are unsuccessful, you will be charged a court fee for the appeal process. Legal fees will be charged for the approval process and the appeal process if you hire a lawyer for this.

## Verfahrensablauf

You must apply for legal aid or procedural costs at the competent court in writing or for the record of the court office; a simple email is not sufficient! In the application, you must describe the dispute in detail and completely. Also state any evidence you may have. The application must be accompanied by a declaration of personal and financial circumstances (form ZP 1a). Submit the application to the court where the case or

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	<p>proceedings are to be heard. The court will usually decide on the application without a hearing. If you need help with the application, you can contact a law firm or the Hamburg public legal information service. The application can also be submitted directly by a lawyer.</p>
Bearbeitungsdauer	Immediately
Frist	<p>Legal aid or procedural aid are generally not granted retroactively. You should therefore submit your application as early as possible. The approval is always valid only for the respective instance. For subsequent proceedings, you must apply for legal aid or procedural costs again. This also applies to cases such as enforcement of a judgment after a successful trial Appeal or complaint after a lost case (deadline for filing an application: period for filing an appeal with the appeal court) appeal or complaint proceedings at the instigation of your opponent The court checks at regular intervals whether the conditions for granting legal aid or procedural costs aid are still met.</p>
weiterführende Informationen	<p> <a href="https://justiz.hamburg.de/gerichte/gerichte-642690">https://justiz.hamburg.de/gerichte/gerichte-642690</a>  <a href="https://www.hamburg.de/justiz/">https://www.hamburg.de/justiz/</a>  <a href="https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera/">https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera/</a>  <a href="https://www.hamburg.de/oera">https://www.hamburg.de/oera</a>  <a href="https://justiz.de/service/formular/dateien/zp1a.pdf">https://justiz.de/service/formular/dateien/zp1a.pdf</a>  <a href="https://justiz.hamburg.de/contentblob/13936496/213f9694510275a3bd922697f2fb34aa/data/pkh-vordruck.pdf">https://justiz.hamburg.de/contentblob/13936496/213f9694510275a3bd922697f2fb34aa/data/pkh-vordruck.pdf</a>  <a href="https://www.bmj.de/SharedDocs/Downloads/DE/Formular/Formular_Hinweisblatt_Prozess_Verfahrenskostenhilfe.pdf?__blob=publicationFile&amp;v=7">https://www.bmj.de/SharedDocs/Downloads/DE/Formular/Formular_Hinweisblatt_Prozess_Verfahrenskostenhilfe.pdf?__blob=publicationFile&amp;v=7</a>  <a href="https://justiz.hamburg.de/contentblob/13936494/e983fc8d4894ddc586db0bb7f7da3e26/data/pkh-hinweisblatt.pdf">https://justiz.hamburg.de/contentblob/13936494/e983fc8d4894ddc586db0bb7f7da3e26/data/pkh-hinweisblatt.pdf</a> </p>
Hinweise	<p>You are obliged to inform the court, without being asked to do so, immediately and without delay of any significant improvements in your financial situation or any change in your address during the court proceedings and within a period of four years from the final decision or other termination of the proceedings. In the case of ongoing income, any improvement of</p>

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	<p>more than 100.00 euros (gross) per month that is not a one-off must be reported. If the deductions claimed are reduced, you must also report this without being asked and immediately if the relief exceeds 100.00 euros per month on more than a one-off basis. The granting of legal aid or procedural aid may be revoked in the event of a breach of this obligation, with the result that the entire costs must be paid retroactively. Please note: Legal advice is not available at the district court. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.</p>
Rechtsbehelf	<p>If your application is (partially) rejected, you can file an immediate appeal.</p>
Kurztext	<p>Legal aid or procedural aid for lawsuits, applications, ongoing proceedings Can be granted to needy persons. Exemption or payment in installments for own court and lawyer fees Up to 48 monthly installments, the amount of which will be determined by the court upon approval Not for defendants in criminal proceedings Legal aid covers court costs. It only covers the costs of your own lawyer if the court has appointed a lawyer Must be applied for (application for assignment). Appointment only if lawyer is required by law, this because the difficulty of the matter appears necessary the scope of the matter appears necessary the importance of the matter appears necessary Your opponent is represented by a lawyer The costs of the opponent (for example, their lawyer's fees) are not covered by legal aid. If you lose the legal case, you must therefore reimburse the opponent for their costs</p>
Ansprechpunkt	<p>If you want to find out exactly who is responsible for your request, please follow the link to</p> <p>Hamburg Service</p>
Zuständige Stelle	<p>Hamburg District Court</p>
Formulare	
Ursprungsportal	<p>Hamburg Service, Hamburg Service (Currently this link is only available in german)</p>