

99046011002000

Determination of divorced maintenance

Heruntergeladen am 13.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013140/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046011002000
Leistungsbezeichnung I	Determination of divorced maintenance
Leistungsbezeichnung II	Receive divorced maintenance
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">Getting maintenance from your former spouse</div> , <div lang="en-x-mtfrom-de">Getting money from your divorced spouse</div> , <div lang="en-x-mtfrom-de">Divorce pension</div> , <div lang="en-x-mtfrom-de">Divorce allowance</div> , <div lang="en-x-mtfrom-de">Life partner maintenance</div> , <div lang="en-x-mtfrom-de">Post-partnership maintenance</div>
Leistungstyp	

Modul	Sachverhalt
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.04.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Section 111 number 8 Law on the procedure in family matters and in matters of voluntary jurisdiction (FamFG) Section 112 No. 1 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) Section 113 paragraphs 1 to 3 and 5 of the Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) §§ 231 to 248 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) §§ 1569 to 1586b German Civil Code (BGB) Section 114 paragraph 1 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 16 Life Partnership Act (LPartG)</p>
Teaser	<p>If you and your former spouse are legally divorced and you are unable to support yourself, you may be able to claim reasonable maintenance from your former partner.</p>
Volltext	<p>In principle, you and your former spouse are obliged to provide for your own maintenance after the divorce. If one spouse cannot support himself with his income and assets after the divorce, he can claim maintenance from the other. However, this is only possible if the other spouse has sufficient income. Maintenance covers all living expenses. If you and your divorced spouse cannot agree on an appropriate level of maintenance, you can assert your claim to divorced maintenance in court by filing a lawsuit. This requires a fee-based application that can only be submitted by a lawyer. The claim must be asserted in a timely manner;</p>

Modul	Sachverhalt
	this can only be done retroactively under certain conditions. For details, please contact a lawyer.
Erforderliche Unterlagen	Proof of income, assets and personal and financial circumstances if necessary, further evidence to be determined by the court where applicable, written assurance that the information provided is truthful and complete
Voraussetzungen	<p>Legally binding divorce of spouses or life partners according to the Life Partnership Act (LPartG)</p> <p>Entitlement existed at the time of divorce</p> <p>Need: The spouse in need of maintenance cannot provide for his or her own maintenance. The need depends on the marital living conditions.</p> <p>Ability to pay: The other spouse is able to contribute from his or her income and assets to the maintenance of the needy partner</p> <p>Existence of a legal maintenance obligation: The maintenance obligation may arise from the fact that the spouse has to look after a child and therefore cannot work (care support), is too old to work (maintenance due to old age), is ill (maintenance due to illness), cannot find work (support due to unemployment), has a job but earns too little (top-up maintenance), undergoes training, further training or retraining, or can demand maintenance for other serious reasons (equitable maintenance).</p>
Kosten	Court costs Legal fees both are essentially based on the value of the proceedings
Verfahrensablauf	An application to claim maintenance for a divorced spouse can only be made by a lawyer. This does not apply to proceedings for the issuance of an interim order. The lawyer you have appointed will determine which family court has local jurisdiction for you. The further course of the court proceedings is essentially governed by the provisions of civil procedure. The court may order you and your former spouse to provide information about your respective income, assets and personal and financial circumstances. If you or your former spouse do not comply with this order within the set deadline, the court can independently make inquiries, for example with employers or insurance companies.

Modul	Sachverhalt
Bearbeitungsdauer	The processing time depends on the circumstances of the individual case. Usually around 3 to 6 months, but in more complex cases it may take longer. Proceedings by way of interim measures usually take between 3 and 6 weeks to process.
Frist	Make your claim in good time, because you are only entitled to maintenance retroactively under certain conditions. As long as the divorce proceedings have not yet been concluded, the claim for post-marital maintenance can also be asserted in conjunction with the divorce if the application is submitted at least two weeks before the oral hearing.
weiterführende Informationen	https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche
Hinweise	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 cost-effective legal advice for people with low incomes at.
Rechtsbehelf	An appeal can be made against a final decision of the court. In order to do so, the value of the subject matter of the appeal must generally exceed EUR 600.00. The complaint must be filed with the issuing court by a lawyer within one month. If the court has only made a provisional decision on maintenance by way of an interim order, there is no legal remedy against this.
Kurztext	Claiming maintenance after divorce Maintenance payments for divorced spouses can only be claimed for the period after the divorce has become final Legal representation is mandatory. This means that you must be represented by a lawyer in court.
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>

Modul	Sachverhalt
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)