

99046017002000

Maintenance claim on the occasion of birth determination

Heruntergeladen am 13.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013274/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046017002000
Leistungsbezeichnung I	Maintenance claim on the occasion of birth determination
Leistungsbezeichnung II	Assertion of the maintenance claim of the mother of a child born out of wedlock
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">money from the child's father</div> , <div lang="en-x-mtfrom-de">maintenance from the child's father</div> , <div lang="en-x-mtfrom-de">Money for Child from Father</div> , <div lang="en-x-mtfrom-de">money for child care</div> , <div lang="en-x-mtfrom-de">money for child care</div>
Leistungstyp	

Modul	Sachverhalt
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	15.10.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<p>§1361 German Civil Code (BGB) (maintenance in the event of separation) § 1578 German Civil Code (BGB) (Measure of maintenance) § 1603 German Civil Code (BGB) (ability to pay) § 1609 German Civil Code (BGB) (Ranking of multiple maintenance recipients) § 1615I German Civil Code (BGB) (maintenance claim of mother and father on the occasion of birth) § 18 Social Code, Book Eight (SGB VIII) (advice and support in the exercise of personal custody and visitation rights) § 111 No. 8 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for family disputes § 112 No. 1 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for family disputes § 113 para. 1 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for family disputes § 114 para. 1 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for family disputes § 231 para. 1 no. 3 of the Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for family disputes §§ 232 ff. Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) on jurisdiction</p>
Teaser	As an unmarried mother, you can claim maintenance from the child's father on the occasion of the birth of your child.
Volltext	In the first years of their lives, children require special attention from their parents. If the parents live separately, the care is usually the responsibility of one

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parent alone. According to maintenance law, the other parent may be obliged to pay maintenance in this case - even if both were or are not married. If you, as the mother of the child, are unable to work because of the care or upbringing of your child, you are entitled to maintenance from the child's father for a period of 6 weeks before and 8 weeks after the birth. In addition, maintenance payments to the parent who looks after the child can be made from at least four months before the birth up to three years after the birth of the child. To do this, this parent must be looking after the child and therefore unable to work. The father can also be entitled to maintenance from the mother. The child's needs and the real possibilities of care are decisive. If you cannot agree on an appropriate level of maintenance, you can file a claim for maintenance in court. There is no fixed amount for maintenance for childcare; the amount depends on the standard of living of the person entitled to maintenance, based on their last earned income. In addition, the parent obliged to pay maintenance is allowed to keep part of their income for themselves.

Erforderliche Unterlagen

Evidence of income, assets and personal and financial circumstances. Also important are court orders, settlements or documents regarding maintenance and the recognition or determination of paternity.

Voraussetzungen

As an unmarried mother of a child, you can claim maintenance for a period of 6 weeks before and 8 weeks after the birth of the child, as well as additional maintenance for care, under the following conditions: No marriage with the child's father. Paternity has been established or acknowledged. You are in need because you cannot work full-time due to pregnancy, caring for or raising a child. The child's father is capable of performing his duties. The right to maintenance from four months before to three years after the birth can be claimed by the person who cares for the child and is therefore unable to work. Need: The parent in need of maintenance cannot provide for his or her own maintenance. Ability to pay: The other parent is able to contribute to the maintenance of the needy parent from his or her income and assets.

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Kosten	court costs legal fees both depend on the value in dispute
Verfahrensablauf	<p>Request in writing from the person who is obliged to support you to pay you. If you have questions about maintenance, you as a single parent can receive free advice and support from the local youth welfare office. There you can also have the amount of your claim determined. If you do not know the income of the other parent, you can ask him or her to provide you with information about it. If the person obliged to pay maintenance does not comply with your written request, you can take legal action to enforce your claim for maintenance. In any case, you should seek legal advice before submitting your application. If you live in Hamburg and have a low income, you can also arrange a consultation with the lawyers at the Public Legal Information Service. The application initiating the legal proceedings can only be submitted to the family court by a lawyer. If you have a low income, you can apply for legal aid or legal costs assistance. You can find help for your search for a lawyer under Links. The further course of the court proceedings is essentially governed by the provisions of civil procedure. The court can order the parties to provide information about their income, assets and personal and financial circumstances. If the parties do not comply with this order, the court can make inquiries independently, for example from employers or insurance companies.</p>
Bearbeitungsdauer	At least 3 months due to the prescribed procedure, in more complex procedures possibly longer, depending on the individual case.
Frist	at the earliest four months before the birth until three years after the birth of the illegitimate child in certain cases over three years (for example, if the child is disabled) Make your claim in good time; claims can only be enforced retroactively under certain conditions.
weiterführende Informationen	https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera

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	https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer_Tabelle/index.php https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer_Tabelle/Tabelle-2023/Duesseldorfer-Tabelle-2023.pdf https://www.hamburg.de/branchenbuch/hamburg/10233492/n0/ https://www.hamburg.de/branchenbuch/hamburg/10233492/n0/
Hinweise	Legal advice is not available at the district court. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. Affordable legal advice for people with low incomes is provided by the Public Legal Advice (ÖRA).
Rechtsbehelf	Complaint against the family court decision within one month by a lawyer
Kurztext	<p>Assertion of the maintenance claim of the mother of a child born out of wedlock: The claim for maintenance for six weeks before and eight weeks after the birth can only be asserted by the mother who is not married to the father. mandatory legal representation</p> <p>Requirements: No marriage with child's father</p> <p>Paternity established or acknowledged</p> <p>Child's mother in need because she is not fully employed due to pregnancy, care or upbringing of the child</p> <p>child's father capable</p> <p>Entitlement to maintenance: The claim for maintenance from four months before to three years after the birth can be asserted by the person who cares for the child and is therefore unable to work.</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	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)