

99046025002000

child support determination

Heruntergeladen am 18.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013276/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046025002000
Leistungsbezeichnung I	child support determination
Leistungsbezeichnung II	Have child support determined by the court
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">child support</div>, <div lang="en-x-mtfrom-de">sue for child support in court</div>, <div lang="en-x-mtfrom-de">child support lawsuit</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	15.10.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<p>§§ 1601 ff. German Civil Code (BGB) – Maintenance obligation Law amending maintenance law of 21 December 2007 §§ 231 ff. Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) – Proceedings in Maintenance Matters Law on the Assertion of Maintenance Claims in Relations with Foreign States (AUG) § 51 Law on Court Costs in Family Matters (FamGKG) – Maintenance matters and other family matters concerning maintenance</p>
Teaser	<p>In the event of separation or divorce, you as parents should agree on the maintenance claims of your children. If no agreement is reached, the parent authorized to represent the child can assert the child's maintenance claim in court.</p>
Volltext	<p>Parents are obliged to support their children. If a separated parent looks after a minor child, they generally fulfill their maintenance obligation by raising and caring for the child. The other parent owes cash maintenance. If no out-of-court agreement is reached and the simplified procedure for determining maintenance has also failed, the court will, upon application, determine maintenance for the child in a trial. Since the new maintenance law was introduced, uniform minimum maintenance amounts apply to children in all federal states, staggered according to three age groups. The minimum maintenance is now based on the so-called material subsistence level, which corresponds to twice the tax allowance for children. The child's actual entitlement to maintenance can only be determined on a case-by-case basis. The amount ultimately to be paid does not depend solely on the income of the person liable for maintenance. As a guide, the higher regional courts provide current maintenance guidelines, which also contain a maintenance table ("Düsseldorf Table"). In principle, adult children are only entitled to maintenance if they</p>

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are in training or are not fully available to the labour market due to illness, i.e. cannot support themselves. If no or no regular maintenance is available from the person obliged to pay maintenance, children of single parents up to the age of 18 can receive maintenance from the maintenance advance fund. One of the requirements for this is that the children over the age of 12 are not dependent on SGB II benefits or that their single parent earns at least 600 euros while receiving SGB II benefits.

Erforderliche Unterlagen

Proof of the other parent's income Bring a copy to your lawyer Letter of request to the other parent to pay maintenance and registered letter with return receipt Bring it to the lawyer. Possible (response) letters from the other parent or his/her authorized representative Bring it to the lawyer.

Voraussetzungen

The application for the judicial determination of child support can be made by the parent with custody with whom the child lives or by the person or body that legally represents the child. In order for maintenance to be calculated, you should request the other parent in writing by registered mail with return receipt before submitting the application: To inform you of the amount of his or her current income and assets and to submit the relevant documents, in particular the employer's salary statements. If the other parent complies with this request, the responsible youth welfare office can calculate the maintenance based on the income documents. If the other parent undertakes to pay maintenance in the future in an enforceable document, a maintenance application to the court is no longer necessary. The parent obliged to pay maintenance can have such a document (enforceable title) drawn up before the youth welfare office until the child reaches the age of 21 or before any notary. Application by a lawyer If the other parent does not provide information about his or her income and assets or does not voluntarily commit to paying maintenance in an enforceable document, an application for maintenance must be made to the family court. You can only apply for child support in court through a lawyer. Your lawyer will inform you about the individual requirements for the maintenance

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claim. In urgent cases, it is also possible to file an application for an interim order. You can get expert advice on all questions relating to maintenance from the youth welfare office in your city or district. If you are involved in ongoing divorce proceedings, you should first seek legal advice.

Kosten

When proceedings are initiated, court costs and, if applicable, legal fees are incurred. The amount is determined based on the so-called value in dispute. In addition, there are expenses incurred by the court for delivery of documents, interpreters and experts. If the person obliged to pay maintenance has initiated legal proceedings by failing to provide information about income and assets or by providing incomplete information, the costs may be imposed on him in whole or in part. Note: Find out about the possibilities of financial support from the state treasury (legal aid). Under certain circumstances, your (divorced) spouse may also be obliged to grant an advance on legal costs.

Verfahrensablauf

If the simplified procedure was unsuccessful or does not promise success, the more complex and expensive legal procedure (formerly "maintenance claim") remains. You submit the application for judicial determination of child support to the responsible family court (district court) via your legal representative. If you are unable to accurately quantify the maintenance required – for example, because you do not have any information about the other parent's income and assets – first request information and proof of income in writing. If the written request was unsuccessful, an application can be made to the court to order the other party to provide information. The court serves the application on the opposing party, who is given the opportunity to comment. The proceedings then follow the rules for family disputes. In principle, each party is obliged to present the facts that are favorable to them and, if necessary, to provide evidence. The court can order both parties to provide information about their income and assets. If one party fails to comply with this obligation, the court is authorized to make its own inquiries, for example from employers, the employment agency, the tax office or insurance companies. The family court sets an amount

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	for maintenance based on the income of the parties involved and the age of the child. The higher regional courts provide an up-to-date basis for calculation in the maintenance guidelines, which include a maintenance table.
Bearbeitungsdauer	At least 3 months due to the prescribed procedure, in more complex procedures possibly longer and depending on the individual case.
Frist	In principle, maintenance can only be claimed for the future; for the past only under certain conditions. The deadline for submitting an application for a hearing in conjunction with the divorce case is no later than two weeks before the court date in the divorce proceedings.
weiterführende Informationen	https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera/ https://www.hamburg.de/oera https://www.bmfsfj.de/bmfsfj/service/publikationen/der-unterhaltsvorschuss-73764 https://www.bmfsfj.de/bmfsfj/service/publikationen/der-unterhaltsvorschuss-73764 https://www.bmjbv.de/SharedDocs/Publikationen/DE/Broschueren/Kindschaftsrecht.pdf?__blob=publicationFile&v=11 https://www.bmjbv.de/SharedDocs/Publikationen/DE/Broschueren/Kindschaftsrecht.pdf?__blob=publicationFile&v=11
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
Kurztext	Have child support determined by the court If you as parents have reached an agreement, the parent who is obliged to pay maintenance can voluntarily make an enforceable payment obligation. This is done by having the document certified by the youth welfare office or a notary. If no agreement is reached, the parent with whom the child lives can assert the child's

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	<p>maintenance claim in court. You can obtain expert advice on all questions relating to child support from your district's youth welfare office. A more cost-effective alternative to the process is the simplified maintenance determination procedure. In any case, you should seek advice from a lawyer before submitting your application.</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)