

99072005029000

Heruntergeladen am 09.07.2025

<https://fimportal.de/services/99072005029000>

Modul	Sachverhalt
Leistungsschlüssel	99072005029000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Check maintenance claims against a person living abroad.
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Child support (individuell, 072)
Verrichtungskennung	Prüfung (029)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten

Modul	Sachverhalt
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	30.09.2020
Fachlich freigegeben durch	The Senator for Social Affairs, Youth, Women, Integration and Sport
Handlungsgrundlage	https://www.gesetze-im-internet.de/aug_2011/ https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/AU/HUUE2007/HUUE2007/HUUE2007_node.html
Teaser	If the other parent lives abroad and does not pay maintenance, you can obtain support from the assistance office and the local court and have the maintenance obligation checked and possibly certified.
Volltext	<p>If the parent liable for maintenance lives abroad, then the maintenance must be claimed abroad.</p> <p>Claiming maintenance from a person living abroad is associated with various problems, among other things, it must be clarified how the income conditions and living costs there affect the amount of maintenance. Furthermore, German courts have no authority to issue instructions abroad. Whether a maintenance obligation exists must therefore first be examined.</p> <p>There are international conventions which are intended to simplify international maintenance matters. Central authorities are responsible in almost all countries. In Germany, this is the Federal Office of Justice. However, the application is made via the local court responsible for the place of residence of the person making the application at the seat of a higher regional court. The local court provides information and advice on the possibilities of recovering maintenance abroad and what documents are required for this. Once the application has been submitted in full to the local court, it forwards it to the Federal Office of Justice after an examination. The Federal Office of Justice acts as the central authority under the AUG. It corresponds with the competent</p>

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authorities abroad throughout the entire procedure.

The application is made using a form which you receive from the local court and to which all the necessary documents are attached from which your claim to maintenance can be derived. For child maintenance, you will need in particular your child's birth certificate and an enforceable copy of the maintenance order. The local court will then forward your request to the Federal Office of Justice. From there, the application for the enforcement of maintenance is sent to the respective central authority of the foreign state.

In general, however, the following applies: You can approach the guardianship and ask it to enforce maintenance against the parent living abroad. According to § 1712 Paragraph 1 No. 2 of the German Civil Code (BGB), the assertion of maintenance claims is one of the tasks of the youth welfare office as a guardian. In this context, the assistance officer acts as the legal representative of the maintenance-entitled child and is thus authorised to complete the application forms provided for in the context of the cross-border realisation of maintenance and to submit them to the preliminary review court. The Youth Welfare Office can also take action if it has paid advance maintenance and wishes to take recourse against the debtor abroad.

Erforderliche Unterlagen

- Identity card of the applicant / of the applicant
- Birth certificate of the child
- All documents showing the maintenance obligation of the person living abroad

Voraussetzungen

- The parent liable for maintenance is abroad.
- The application may be made by the parent who is entitled to parental care. If both parents have parental care, the parent in whose care the child is may apply for guardianship.
- The application can also be made before the child is born.
- The child must be a minor.
- The forms of the local court must be used.

Kosten

The establishment of a guardianship is in principle free

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of charge.

The Federal Office of Justice and the foreign receiving and transmitting agencies/central authorities generally work free of charge for the applicants.

Costs may be incurred for the translation of documents, but no costs are incurred vis-à-vis state agencies.

Verfahrensablauf

Make an appointment with the Office for Social Services -Youth Welfare Office-, specialist service assistance/support for minors.

- First of all, a guardianship can be set up. For this purpose, an appointment is made with the assistance office in your area.
- The staff will then invite the applicant to an interview.
- Bring with you all documents that may be available in the matter of maintenance (debt instruments, correspondence from a lawyer, etc.).
- Contact the local court to obtain the forms with which you can apply to enforce the maintenance obligation of the person living abroad.
- The local court will then contact the Federal Office of Justice, which is the central office for foreign maintenance matters in Germany.
- The Federal Office of Justice then contacts the central office of the foreign country in which the person liable to pay maintenance resides.

Bearbeitungsdauer

- No general information can be given on the processing time. It depends on the procedure in the respective countries, including any court proceedings that may be required. There is no uniformity here; in addition, special features may arise from the individual case.
 - A longer processing time is to be expected above all if the foreign authority has to carry out all the investigations into the residence and then court proceedings to determine the amount of maintenance.
 - Applicants can contribute to speedy processing by submitting complete application documents.
- Nevertheless, the processing time will depend on the individual case and also on the cooperation of the person liable for maintenance.

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Frist	The child must still be a minor.
weiterführende Informationen	https://www.bundesjustizamt.de/auslandsunterhalt https://www.hcch.net https://e-justice.europa.eu
Hinweise	
Rechtsbehelf	The guardianship as well as the local court only act in a supporting and mediating capacity in the pursuit of maintenance claims against a person living abroad, which is why no legal remedies can be lodged.
Kurztext	<p>The guardianship helps you if the other parent does not / does not want to pay maintenance. Maintenance claims can be examined and then also determined and notarised.</p> <p>If the parent liable for maintenance lives abroad, then the maintenance must be claimed abroad.</p> <p>For this purpose, in addition to the guardianship, there is a central office, the Federal Office of Justice, which you can contact via the local court.</p>
Ansprechpunkt	The guardianship office responsible for you or the family court responsible for you (see above: responsible office)
Zuständige Stelle	The local court - family court - with jurisdiction for you at the seat of a higher regional court (§7 I AUG), as well as the social services office with jurisdiction for you.
Formulare	Yes
Ursprungsportal	