

99046025002001, 99046025002001

Child maintenance - apply for determination in a simplified procedure

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/345235136/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046025002001, 99046025002001
Leistungsbezeichnung I	Child maintenance - apply for determination in a simplified procedure
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche

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	Pflichten, Vorschriften für Leihmutterchaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	22.06.2021
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG015002377 https://www.gesetze-im-internet.de/famfg/_249.html https://www.gesetze-im-internet.de/famgkg/_28.html https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_112.html https://www.gesetze-im-internet.de/famfg/_113.html https://www.gesetze-im-internet.de/famfg/_114.html https://www.gesetze-im-internet.de/famfg/_232.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG015002377 https://www.gesetze-im-internet.de/famfg/_249.html https://www.gesetze-im-internet.de/famgkg/_28.html https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_112.html https://www.gesetze-im-internet.de/famfg/_113.html https://www.gesetze-im-internet.de/famfg/_114.html https://www.gesetze-im-internet.de/famfg/_232.html
Teaser	For a minor child of separated parents, reasonable maintenance can be demanded from the parent liable for maintenance.
Volltext	Maintenance for a minor child of separated - married or unmarried - parents can be claimed by the maintenance debtor from the family court in regular (contentious) or simplified maintenance proceedings. The simplified procedure must be applied for using a form. It can lead to an enforcement order (maintenance assessment order) more quickly and cost-effectively than contentious maintenance proceedings.

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You can seek advice from staff at the youth welfare office or a lawyer as to whether this form of procedure is suitable in your case.

Erforderliche Unterlagen

for the applicant:

- The form "Application for determination of maintenance according to § 249 FamFG (simplified procedure)" - available from the youth welfare office or any local court
- A declaration of the child's and parents' income and assets (if known)
- Any proof and evidence of the income situation

for the defendant:

- Objection form - available from the local court
- Relevant evidence and supporting documents

Voraussetzungen

The requirements for the simplified procedure are

- It concerns maintenance for a minor child who does not live in the household of the parent being claimed.
- It is the first determination of maintenance, i.e. court maintenance proceedings are not yet pending, no other court has already ruled on the maintenance claim or there is not yet an enforceable maintenance title (e.g. a youth welfare office certificate).
- The requested maintenance for the child is not higher than 1.2 times the minimum maintenance.

You are entitled to assert the maintenance claim as the

- custodial parent with whom the minor child lives, or
- the person or body legally representing the child.

Kosten

- Court fees (usually half a court fee for the decision on the application for determination)
- Attorney's fees for the appointment of attorneys
- The amount of the court fees and, if applicable, lawyers' fees depends on the value of the proceedings.

Verfahrensablauf

You must submit the application using the application form, which can be obtained from the youth welfare office or the local court. The form is also available for

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download.

- You submit the application as the authorized person either in your own name for the child, if you are married to the other parent and you live separately or a matrimonial matter is pending between you, or on behalf of the child as its legal representative.
- Submit the completed and signed application with the necessary supporting documents to your local family court.
- The court will inform the defendant in writing that an application has been made to set a maintenance payment for the child.
- The debtor has the opportunity to raise objections within one month: The law only provides for objections by the defendant to be considered in simplified maintenance proceedings under strict conditions.
- To clarify this, the defendant must disclose his or her income and financial circumstances: encloses the relevant supporting documents, declare the extent to which he or she is prepared to pay maintenance.
- The court will inform you of any objections and the information provided.
- If the defendant agrees to pay maintenance in full or in part or raises no objections or only inadmissible objections, the court will set the maintenance accordingly by order.
- Note: Otherwise, the simplified procedure has failed and will be transferred to the contentious procedure upon application.

Bearbeitungsdauer

The processing time is usually around two months, depending on the individual case.

Frist

Maintenance can only be determined for or from the time of the child's minority; maintenance for the past can only be demanded under certain conditions.

weiterführende Informationen
Hinweise

The maintenance guidelines of the Higher Regional Courts, e.g. the maintenance principles of the Higher Regional Court of Frankfurt am Main.

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For information on the subject of maintenance see
<https://www.bmfsfj.de/>
https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer_Tabelle/
<https://ordentliche-gerichtsbarkeit.hessen.de/oberland/esgericht-frankfurt-am-main>
<https://www.bmfsfj.de/>
https://www.olg-duesseldorf.nrw.de/infos/Duesseldorfer_Tabelle/
<https://ordentliche-gerichtsbarkeit.hessen.de/oberland/esgericht-frankfurt-am-main>

Rechtsbehelf
Kurztext

- Determination of child maintenance in the simplified procedure
- Application form
- The requirements for the simplified procedure are It concerns maintenance for a minor child or for an adult child for the past period of minority. no court has already ruled on the maintenance claim no court maintenance proceedings have been initiated at the court no enforceable maintenance order the maintenance demanded for the child is not higher than 1.2 times the minimum maintenance.
- The custodial parent with whom the minor child lives or the person or body legally representing the child is entitled to apply.
- Responsible: Local court - family court -

Ansprechpunkt

For support, please contact the youth welfare office (Beistandschaft) or a lawyer.

Zuständige Stelle

Jurisdiction lies with the local court - family court responsible for you.

Formulare

- Forms: yes Application for determination of maintenance according to § 249 FamFG (simplified procedure) Objection form
- Online procedure possible: no
- Written form required: yes
- Personal appearance required: no

Ursprungsportal

Child maintenance - apply for determination in a simplified procedure, Kindesunterhalt - Festsetzung im vereinfachten Verfahren beantragen