

99072003026000, 99072003026000

Obligation to satisfy maintenance claims Notarisation

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/370240175/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99072003026000, 99072003026000
Leistungsbezeichnung I	Obligation to satisfy maintenance claims Notarisation
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	in Bearbeitung
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Kindesunterhalt (072)
Verrichtungskennung	Beurkundung (026)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei

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	grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	07.05.2021
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_8/index.html https://www.gesetze-im-internet.de/uhvorschg/ https://www.gesetze-im-internet.de/sgb_8/_59.html https://www.gesetze-im-internet.de/sgb_8/index.html https://www.gesetze-im-internet.de/uhvorschg/ https://www.gesetze-im-internet.de/sgb_8/_59.html
Teaser	<p>If the other parent does not provide maintenance, you can receive support from the conservatorship and have the maintenance obligation notarized. The maintenance advance payment office can help you directly financially and make an advance or replacement of the maintenance</p>
Volltext	<p>If one parent is in the situation that the other parent does not pay maintenance, possibly because he does not want to pay or may not be able to (unemployment, death, etc.), the single parent can turn to the conservatorship to receive support and have the maintenance determined. The maintenance advance payment office can advance the maintenance or, in some cases, replace it completely.</p> <p>Even if the father does not want to acknowledge paternity, the mother of the child can set up a deputyship of the Youth Welfare Office to determine paternity and then claim maintenance if successful.</p> <p>Parents are obliged to provide maintenance for their children. If one of the parents does not provide maintenance, the parent with whom the child lives may set up a conservatorship. The conservatorship can determine the maintenance claim and possibly certify it. The amount of maintenance depends on the income and financial circumstances.</p>

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Once it is clear how much maintenance is to be paid, this maintenance obligation should be established. The registration takes place in the form of a special certificate by the notary person in the Youth Welfare Office. This special deed is called a maintenance order. If maintenance is not paid, enforcement can be applied for immediately at the competent district court on the basis of the maintenance order.

A conservatorship can be made by appointment at the Youth Welfare Office or informally in writing. Such an application may be made before the birth of the child. Either if the father still has to be determined or it is already foreseeable that no maintenance will be paid. All you need is the identity card or passport of the applicant parent. You should also bring all other documents that may already be available in the maintenance matter (debt instruments, correspondence of a lawyer, etc.).

If the other parent pays no or insufficient maintenance, your child will be granted an advance on maintenance in accordance with the Maintenance Advance Act (UVG). An application for an advance on maintenance can be submitted to the Youth Welfare Office.

From 01.01.2020

- Children from 0 to 5 years are entitled to up to 165.00 euros per month,
- Children from 6 to 11 years per month up to 220,00 Euro and
- Children from 12 years to 17 years from up to 293,00 Euro.

This money is immediately reclaimed from the defaulting parent by the maintenance advance payment office.

An important prerequisite for the payment of advance maintenance is in particular that your child lives with you and is under 18 years of age.

For children after the age of 12, it is also a prerequisite

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that they themselves are not dependent on benefits according to the Second Book of the Social Code (SGB II), or fall out of the SGB II receipt due to the maintenance advance payment or that the single parent earns his own income of at least 600 EURO gross per month in the SGB II reference.

If the other parent would be able to pay maintenance for your child, it is an advance on the maintenance that the maintenance advance office recovers from the parent actually liable for maintenance.

If the other parent is unable and therefore not obliged to pay maintenance for your child, a loss payment will be paid. For foreign nationals who are not citizens of member states of the European Economic Area or Switzerland, eligibility must be checked on a case-by-case basis.

Erforderliche Unterlagen

The establishment of a conservatorship

- Applicant's identity card
- Account details, if applicable
- Birth certificate of the child
- Furthermore, all documents that may already exist are helpful, such as letter from a lawyer, maintenance order, etc.)

To apply for an advance maintenance payment:

- Applicant's identity card or passport
- Birth certificate of the child
- If in the present case: maintenance order, court order or judgment or proof of service of the maintenance claim
- Account details for the transfer of the advance / compensation
- Proof of separation or divorce
- Residence permit, if applicable
- Proof of child benefit
- If applicable, custody decision or custody declaration
- Acknowledgement of paternity, if applicable
- Proof of the time of separation, e.g. confirmation of the lawyer

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	<ul style="list-style-type: none"> • If in the present case (reminder) letter in connection with the assertion of maintenance claims of the child • If applicable, proof of income from the child's assets (interest, etc.) and the child's work (e.g. training allowance)
Voraussetzungen	<ul style="list-style-type: none"> • Child must still be a minor • You are a single parent and your child lives with you <p>In addition, in the case of advance maintenance payments:</p> <ul style="list-style-type: none"> • The other parent cannot or does not want to pay maintenance • For children after the age of 12, it is also a prerequisite that they themselves are not dependent on benefits according to the Second Book of the Social Code (SGB II), or fall out of the SGB II receipt due to the maintenance advance payment or that the single parent earns his own income of at least 600 EURO gross per month in SGB II
Kosten	There are no costs.
Verfahrensablauf	<p>Conservatorship:</p> <ul style="list-style-type: none"> • The conservatorship can then be set up personally or applied for via a written, informal application. • In most cases, a personal interview for the establishment of a conservatorship makes sense. For this purpose, an appointment is arranged, which usually lasts 30 to 60 minutes. <p>Advance maintenance payment</p> <ul style="list-style-type: none"> • The application is made via a form, to which all relevant documents must be attached.
Bearbeitungsdauer	<p>Conservatorship:</p> <ul style="list-style-type: none"> • After a personal meeting (approx. 30 to 60 minutes), the processing usually takes place within 3 weeks. This also depends on the necessary measures. <p>Advance maintenance payment:</p> <ul style="list-style-type: none"> • Once a complete application has been submitted, processing will take place immediately.
Frist	The child must still be a minor.

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weiterführende Informationen	
Hinweise	https://www.bmfsfj.de/bmfsfj/service/publikationen/die-beistandschaft/73974?view=DEFAULT https://www.bmfsfj.de/bmfsfj/themen/familie/familienleistungen/unterhaltsvorschuss/unterhaltsvorschuss-73558 https://www.bmfsfj.de/bmfsfj/service/publikationen/die-beistandschaft/73974?view=DEFAULT https://www.bmfsfj.de/bmfsfj/themen/familie/familienleistungen/unterhaltsvorschuss/unterhaltsvorschuss-73558
Rechtsbehelf	Contradiction
Kurztext	<ul style="list-style-type: none"> • If one parent cannot or does not want to pay maintenance (even after the death of the partner), the maintenance advance payment office can make an advance and, if necessary, recover the money from the defaulting parent. • If the father of a child is unknown, a paternity test can be enforced with the help of conservatorship. • If the parents are known, but one parent does not provide maintenance, the conservatorship supports the parent in whose care the child is. • The conservatorship can determine the amount of maintenance and, if necessary, certify it. Applications for conservatorship can be made before the birth of a child.
Ansprechpunkt	
Zuständige Stelle	
Formulare	<p>Conservatorship</p> <p>Forms: none Online procedure possible: no Written form required: no Personal appearance necessary: yes, in most cases</p> <p>Advance maintenance payment</p> <p>Forms: none Online procedure possible: no Written form required: yes Personal appearance necessary: no, but in many cases a personal appointment is helpful</p>

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Ursprungsportal

Verpflichtung zur Erfüllung von Unterhaltsansprüchen
Beurkundung, Obligation to satisfy maintenance claims
Notarisation