

99072005176000

Pursuing maintenance claims against a person living abroad

Heruntergeladen am 09.07.2025

<https://fimportal.de/xzufi-services/370425469/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99072005176000
Leistungsbezeichnung I	Pursuing maintenance claims against a person living abroad
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	Kindesunterhalt (072)
Verrichtungskennung	Verfolgung (176)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption,

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	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/aug_2011/ https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/AU/HUUE2007/HUUE2007/HUUE2007_node.htm https://www.gesetze-im-internet.de/aug_2011/ https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/AU/HUUE2007/HUUE2007/HUUE2007_node.htm
Teaser	If the other parent lives abroad and does not provide maintenance, you can get support from the conservatorship and support from the district court.
Volltext	<p>If the parent liable for maintenance lives abroad, the maintenance must be claimed abroad.</p> <p>Claiming maintenance from a person living abroad is associated with various problems, including clarifying how the income situation and living costs there affect the amount of maintenance. Furthermore, German courts abroad have no authority to issue instructions.</p> <p>There are international conventions designed 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 district court responsible for the place of residence of the applicant at the seat of a higher regional court. The district court informs and advises on the possibilities for the recovery of maintenance abroad and which documents are required for this. After the application has been submitted in full to the district court, it forwards it to the Federal Office of Justice after an examination. The</p>

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Federal Office of Justice acts as the central authority under the AUG. It corresponds with the competent authorities abroad throughout the procedure.

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

In general, however, you can contact the conservatorship and ask them to claim maintenance against the parent living abroad. According to § 1712.1 no. 2 of the German Civil Code (BGB), the assertion of maintenance claims is one of the tasks of the Jugendamt as an adviser. In this case, the adviser acts as the legal representative of the dependent child and is therefore entitled to complete the application forms provided for in the context of cross-border maintenance recovery and to submit them to the pre-examination court. The Youth Welfare Office can also take action if it has paid an advance on maintenance and wishes to take recourse against the maintenance debtor abroad.

Erforderliche Unterlagen

- Applicant's identity card
- Birth certificate of the child
- All documents from which the maintenance obligation of the person living abroad arises

Voraussetzungen

- The parent liable for maintenance is abroad.
- The application may be made by the parent who has parental authority. If both parents are entitled to it, the parent in whose care the child is entitled may apply for conservatorship.
- The application may also be made before the birth of the child.
- The child must be a minor.
- The forms of the district court must be used.

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Kosten

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

Costs may be incurred for the translation of documents, but there are no costs to government agencies.

Verfahrensablauf

Make an appointment with the youth welfare office of your district or your independent city.

- First, a conservatorship can be established. For this purpose, an appointment will be made with the conservatorship in your area.
- The staff will then invite the applicant for an interview.
- Bring all documents that may be available in the maintenance matter (debt instruments, correspondence of a lawyer, etc.).
- Contact the district court for the forms with which you can apply for an application for the maintenance obligation of the person living abroad.
- The district court then turns to 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 where the person liable for maintenance resides.

Bearbeitungsdauer

- No general information can be given for the processing time. It depends on the course of proceedings in the respective countries, including any necessary legal proceedings. There is no uniformity here; in addition, special features may arise from the individual case.
- A longer processing time is to be expected, especially if the foreign authority has to carry out all investigations into the residence and then a court case for the titulation of maintenance.
- Applicants can contribute to speedy processing by providing complete application documents. Nevertheless, the processing time remains case-by-case and also depends on the cooperation behaviour of the person liable for maintenance.

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Frist	The child must still be a minor.
weiterführende Informationen	
Hinweise	<p>Further information and documents are available on the Internet.</p> <p>Useful information can also be found on the website of the Hague Conference on Private International Law.</p> <p>The forms for applications under the EC Ordinance can be found on the website of the European Union under Dynamic forms/Forms maintenance obligations. https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/AU/AU_node.html https://www.hcch.net https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/AU/AU_node.html https://www.hcch.net</p>
Rechtsbehelf	The conservatorship and the district court only support and mediate in the pursuit of maintenance claims against a person living abroad, which is why no appeals can be lodged.
Kurztext	<p>The conservatorship helps you if the other parent does not / does not want to provide maintenance. Maintenance claims can be determined and notarized.</p> <p>If the parent liable for maintenance lives abroad, the maintenance must be claimed abroad.</p> <p>In addition to the conservatorship, there is a central office, the Federal Office of Justice, which you can contact via the district court.</p>
Ansprechpunkt	The conservatorship or family court responsible for you.
Zuständige Stelle	The district court responsible for you - family court - at the seat of a higher regional court (§ 7 I AUG), as well as the youth welfare office responsible for you in your district or your district-free city.
Formulare	• Forms: yes

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	<ul style="list-style-type: none"> • Online procedure possible: no • Written form required: yes • Personal appearance required: yes
Ursprungsportal	Unterhaltsansprüche gegenüber einer im Ausland lebenden Person verfolgen, Pursuing maintenance claims against a person living abroad