

99046011002000, 99046011002000

Determination of divorce maintenance

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/370642110/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046011002000, 99046011002000
Leistungsbezeichnung I	Determination of divorce maintenance
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)

Modul	Sachverhalt
Lagen Portalverbund	Scheidung (1020400)
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#BJNR001950896BJNG013202377 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/_231.html https://www.gesetze-im-internet.de/famfg/_232.html https://www.gesetze-im-internet.de/famfg/_232.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013202377 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/_231.html https://www.gesetze-im-internet.de/famfg/_232.html https://www.gesetze-im-internet.de/famfg/_232.html
Teaser	If you and your former partner are legally divorced and you are unable to support yourself, you can demand reasonable maintenance from your partner.
Volltext	If you and your divorced partner are unable to agree on an appropriate amount of maintenance, you can assert your claim for maintenance in court. The procedure for such court proceedings is essentially based on the provisions applicable to civil proceedings. The divorcee's maintenance claim is calculated in accordance with the recognized principles of maintenance calculation, which fill out the undefined legal terms of maintenance law. For details, please contact a lawyer. Further information can also be found in the maintenance law guidelines of the higher regional

Modul	Sachverhalt
	courts.
Erforderliche Unterlagen	• Proof of income, assets and personal and financial circumstances
Voraussetzungen	In principle, you and your former spouse are initially obliged to provide for your own maintenance after the divorce. If you are unable to do so after the divorce, you can assert a maintenance claim in accordance with the statutory provisions, provided the following conditions are met: • the spouses are legally divorced, • A statutory maintenance claim exists, e.g. maintenance due to childcare, old age, illness, unemployment, • Entitlement existed at the time of the divorce, • Need according to the marital living conditions, • You must be in need (your income and payment obligations as well as your obligation to work are decisive here), • the other party must be able to pay, • For details, please contact a lawyer.
Kosten	• Court costs • lawyer's fees • both depend on the amount in dispute
Verfahrensablauf	An application to assert a claim for divorce maintenance can only be made by a lawyer. • The further course of the court proceedings is essentially based on the regulations governing civil proceedings. • The court can order you and your former spouse to provide information about your income, assets and personal and financial circumstances. If you or your former spouse do not comply with this order, the court can make independent inquiries, e.g. with employers or insurance companies.
Bearbeitungsdauer	At least 3 months due to the prescribed procedure, possibly longer in more complex procedures, depending on the individual case
Frist	No statutory deadlines

Modul	Sachverhalt
weiterführende Informationen	
Hinweise	The maintenance guidelines of the higher regional courts, e.g. the maintenance principles of the Frankfurt am Main Higher Regional Court For information on the subject of divorce, see https://www.bmfsfj.de/ https://www.bmfsfj.de/ https://ordentliche-gerichtsbarkeit.hessen.de/oberland esgericht-frankfurt-am-main https://www.bmfsfj.de/ https://ordentliche-gerichtsbarkeit.hessen.de/oberland esgericht-frankfurt-am-main
Rechtsbehelf	Appeal pursuant to §§ 58 ff. FamFG against the family court decision within one month through a lawyer
Kurztext	• Determination of divorce maintenance • Divorce maintenance can only be claimed for the period after the divorce has become final • Compulsory attorney • The prerequisite for divorce maintenance is Final divorce of the spouses The requirements of a statutory maintenance claim must be met Neediness of the claimant Ability to pay on the part of the other party to the claim. • Competent court: Local Court - Family Court -
Ansprechpunkt	Please contact a lawyer.
Zuständige Stelle	The local court - family court - responsible for you will determine the lawyer you have appointed.
Formulare	None
Ursprungsportal	Geschiedenenunterhalt Festsetzung, Determination of divorce maintenance