

99046016002000, 99046016002000

Determination of separation maintenance

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/8964944/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046016002000, 99046016002000
Leistungsbezeichnung I	Determination of separation maintenance
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	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/_1361.html https://www.gesetze-im-internet.de/famfg/_111.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/_269.html https://www.gesetze-im-internet.de/famfg/_270.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/_1361.html https://www.gesetze-im-internet.de/famfg/_111.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/_269.html https://www.gesetze-im-internet.de/famfg/_270.html https://www.gesetze-im-internet.de/famfg/_232.html https://www.gesetze-im-internet.de/famfg/_232.html
Teaser	If you are married or in a registered partnership but live separately, you can claim appropriate maintenance from your partner before the divorce.
Volltext	If you cannot agree on an appropriate amount of maintenance with your separated (spouse or life) partner, you can assert your separation maintenance claim in court. The conduct of such court proceedings is essentially governed by the rules applicable to civil proceedings. The separation maintenance claim is calculated according to the recognised principles of maintenance calculation, which fill in the vague legal concepts of maintenance law. For details, please contact a lawyer. Further information can also be found in the maintenance guidelines of the Higher Regional Courts.

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Erforderliche Unterlagen	• Proof of income, assets and personal and economic circumstances
Voraussetzungen	In principle, a claim for separation maintenance presupposes that: • the spouses or partners live separately, • the need for marital living conditions is determined, • the applicant is in need (the income and payment obligations of the person seeking maintenance as well as the obligation to work are decisive.) • the defendant is capable. For details, please contact a lawyer.
Kosten	• Legal expenses • Lawyer's fees • both depend on the amount in dispute
Verfahrensablauf	An application for separation maintenance can only be filed by a lawyer. • The further course of the judicial proceedings is essentially governed by the rules on civil procedure. • The court serves the application on the defendant. He or she shall be given the opportunity to comment. • Subsequently, the family court determined an amount for maintenance. • The court may order the parties concerned to provide information about their income, assets and personal and economic circumstances. If you and your former (spouse) partner do not comply with this order, the court can independently obtain inquiries, e.g. from employers or insurance companies.
Bearbeitungsdauer	• At least 3 months due to the given procedure, in more complex proceedings possibly longer, depending on the individual case
Frist	You must assert your claim in good time during your separation phase. You are only entitled to maintenance retroactively under certain conditions.
weiterführende Informationen	

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Hinweise	The maintenance law guidelines of the Higher Regional Courts, e.g. the maintenance principles of the Higher Regional Court of Frankfurt am Main For information on separation, see https://www.bmfsfj.de/ https://ordentliche-gerichtsbarkeit.hessen.de/themen-der-ordentlichen-gerichtsbarkeit/familie-und-vormundschaft/unterhalt https://www.bmfsfj.de/ https://ordentliche-gerichtsbarkeit.hessen.de/themen-der-ordentlichen-gerichtsbarkeit/familie-und-vormundschaft/unterhalt
Rechtsbehelf	Complaint according to §§ 58 ff. FamFG against the family court decision within one month by a lawyer
Kurztext	• Determination of separation maintenance • Separation maintenance can only be claimed during the period of separation until the divorce of the marriage or the dissolution of the civil partnership. • Compulsory lawyer • The prerequisite for separation maintenance is: Separated life of spouses or life partners Neediness of the claimant Ability of the defendant to pay. • Jurisdiction: District Court – Family Court –
Ansprechpunkt	Please contact a lawyer.
Zuständige Stelle	The district court responsible for you – family court – determines the lawyer appointed by you.
Formulare	• Forms: none • Online procedure possible: no • Written form required: yes • Personal appearance required: yes
Ursprungsportal	Determination of separation maintenance, Trennungsunterhalt Festsetzung