

99046039221000, 99046039221000

Divorce

Heruntergeladen am 12.06.2025

<https://fimportal.de/xzufi-services/8966638/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000, 99046039221000
Leistungsbezeichnung I	Divorce
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	Entscheidung (221)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	Scheidung (1020400)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.06.2021
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377 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/_121.html https://www.gesetze-im-internet.de/famfg/_133.html https://www.gesetze-im-internet.de/famgkg/_43.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377 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/_121.html https://www.gesetze-im-internet.de/famfg/_133.html https://www.gesetze-im-internet.de/famgkg/_43.html
Teaser	If you want to end your marriage, you can apply for divorce of your marriage.
Volltext	<p>In order to end your existing marriage, you must apply for divorce in the family court. You must be represented by a lawyer. There is no obligation to be represented by a lawyer in order to approve the divorce petition.</p> <p>The family court pronounces the divorce if the legal requirements are met. In the case of an amicable divorce petition by both spouses or the consent of the respondent to divorce, the district court will dissolve the marriage if the so-called separation year has been experienced. In contentious proceedings, the court within the meaning of the law decides on the basis of the facts of the individual case.</p>
Erforderliche Unterlagen	<p>As a rule, the following must be submitted:</p> <ul style="list-style-type: none"> • Your photo ID • the marriage certificate in the original or in a

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certified copy

- if necessary. the birth certificates of your minor children in the original or in certified copy

Please seek legal advice as to which documents your lawyer requires from you.

Voraussetzungen

The prerequisite for the divorce of your marriage is that it has failed.

The marriage has failed when your cohabitation no longer exists and you and your spouse cannot be expected to restore it.

This is irrefutably presumed by law if you and your spouse have been separated for at least three years. In addition, a marriage is considered to have failed if you and your spouse have been separated for a year and you both file for divorce or your spouse agrees to divorce.

If you and your spouse have been separated for less than three years and your spouse does not consent to the divorce, you must demonstrate and prove that the marriage has failed.

The court may dissolve the marriage, regardless of the duration of the separation, if the continuation of the marriage would constitute an unreasonable hardship for you for reasons relating to the person of your spouse.

Kosten

- Legal expenses
- Lawyer's fees
- both depend on the amount in dispute

Verfahrensablauf

The divorce petition must be filed by your lawyer at the family court, usually after the separation period of at least one year.

- Subsequently, the court serves the application on the respondent of the divorce. There is no obligation to be represented by a lawyer in order to

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approve the divorce petition.

- As a rule, pension equalisation is also to be carried out in the divorce association, i.e. the fair distribution of the pension rights acquired by the spouses during the marriage. For this purpose, the district court will ask you and your spouse ex officio to notify your pension providers and then ask the pension providers for information about the rights acquired by you and your spouse during the marriage.

- In addition, you and your spouse may also bring other follow-up cases in the divorce association, e.g. the follow-up cases of equalisation of accrued gains or post-marital maintenance.

- At the hearing on the divorce petition, you and your spouse will usually be heard in person on the divorce requirements.

- If the conditions for divorce are met, the family court will pronounce the divorce of the marriage by order.

Bearbeitungsdauer

Due to the prescribed procedure at least 3 months, depending on the individual case

Frist

There are no deadlines to observe.

weiterführende Informationen
Hinweise

<https://www.bmfsfj.de/>
<https://www.bmfsfj.de/>

Rechtsbehelf

- Complaint according to §§ 58 ff. FamFG against the family court decision within one month by a lawyer

Kurztext

- Divorce petition decision
 - Obligation to be represented by a lawyer for the application for divorce
 - no obligation to be represented by a lawyer for the approval of the divorce petition
 - Breakdown of marriage as a prerequisite for divorce
 - the marriage has failed if:
 - the spouses have been separated for at least three years, or
 - the spouses have been separated for one year and both spouses apply for divorce, or
 - the other spouse consents to the divorce, or
 - the applicant spouse can prove that the marriage

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	<p>has broken down</p> <ul style="list-style-type: none"> • The court may dissolve the marriage on hardship grounds, regardless of the duration of the separation. • Jurisdiction: District Court – Family Court –
Ansprechpunkt	<p>Please contact a lawyer.</p> <p>As a rule, the district court (family court) in whose district</p> <ul style="list-style-type: none"> • the spouse with whom minor children from the marriage live is habitually resident, or • the spouses have their common habitual residence <p>Jurisdiction will be examined by the lawyer filing the divorce application. For divorces with a foreign element – especially if one spouse is not a German citizen – different rules apply.</p> <p>https://www.justizadressen.nrw.de/og.php?MD=j https://www.justizadressen.nrw.de/og.php?MD=j</p>
Zuständige Stelle	<ul style="list-style-type: none"> • Local Court – Family Court (§§ 23a sec. 1 sentence 1, 23b sec. 1 GVG) • The district court responsible for you pursuant to § 122 FamFG – family court – determines the lawyer commissioned by you.
Formulare	None
Ursprungsportal	Scheidungsverfahren, Divorce