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Legal aid approval

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/121342261/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99046008017000, 99046008017000
Leistungsbezeichnung I	Legal aid approval
Leistungsbezeichnung II	Granting of legal aid
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Bewilligung (017)
SDG-Informationsbereich	
Lagen Portalverbund	Gerichtliche Verfahren, Anzeige und Klage (1150200), Gerichtliche Entscheidungen (2140300)
Einheitlicher Ansprechpartner	Nein

Modul	Sachverhalt
Fachlich freigegeben am	29.04.2021
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	§§ 114 ff. Code of Civil Procedure (ZPO) https://www.gesetze-im-internet.de/zpo/_114.html https://www.gesetze-im-internet.de/zpo/_114.html
Teaser	If you are not in a position to finance a lawsuit or court proceedings yourself, you can apply for legal aid or legal aid from the court under certain conditions. This support is also available for appeal proceedings [appeal, revision, (immediate) complaint] and in the context of enforcement proceedings.
Volltext	<p>Legal aid (or legal aid in family court proceedings) offers you, as a person in need, financial support to carry out court proceedings. You can be exempted from paying court and lawyer's fees or repay them in installments. However, you must reimburse the other party's legal fees if you are unsuccessful, even if legal aid is granted (exception: labor court proceedings in the first instance). You will only be assigned your own lawyer if representation by a lawyer is required by law (e.g. before the regional court), if this appears necessary due to the difficulty, scope or importance of the case or if your opponent is represented by a lawyer.</p> <p>You must apply to the court for legal aid. Various conditions must be met for it to be granted.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Application to the court (no special form required), in which you describe the facts of your life and explain your position, stating the evidence. • Declaration of personal and financial circumstances (form ZP 1a must be used; please also refer to the accompanying information sheet).
Voraussetzungen	<ul style="list-style-type: none"> • Prospects of success <p>The intended legal action (e.g. a lawsuit) or legal defense must offer sufficient prospects of success. For legal aid or legal aid to be granted, the outcome of the proceedings must at least be open, i.e. Your position</p>

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must be legally defensible and it must be possible to provide evidence. If this is only partially the case, legal aid will only be granted in part.

- No wantonness

The pursuit or defense of the right must not be wanton. Willfulness exists if a reasonable person in your situation would refrain from pursuing or defending the legal action if they had to bear the costs themselves.

- Personal and financial requirements

You must be financially needy, i.e. You cannot afford the costs of the legal proceedings or can only afford them in part.

To finance court proceedings, you must also draw on your assets (in particular savings), insofar as this is reasonable for you. Any existing legal expenses insurance and organizations of which you are a member and which provide legal protection for their members (e.g. trade unions) must also be given priority. The same applies to persons who are obliged to support you, e.g. spouses.

You must also use your (net) income. However, various amounts will be deducted from this in your favor, e.g. housing costs or certain allowances if you are employed or have to pay maintenance, for example. The exact calculation of the income to be deducted can be complicated in individual cases and is carried out by the court on the basis of the information you provide in form ZP 1a.

If your assessable income is less than 20.00 euros, you may be granted legal aid or legal aid in installments. If your income is higher, you will be required to pay installments for a maximum period of 48 months. If your financial circumstances improve significantly, you may be obliged to make further payments. If they deteriorate, the installments can be reduced or canceled.

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Kosten	<p>There are no court fees in legal aid approval proceedings. If you unsuccessfully appeal against a decision rejecting legal aid, a court fee will be charged for the appeal proceedings. Lawyer's fees may be incurred for the approval procedure and the appeal procedure if you instruct a lawyer for this purpose.</p>
Verfahrensablauf	<p>You must apply to the competent court for legal aid in writing or on the record at the court registry. In principle, this is also possible electronically; however, please inform yourself about the necessary requirements for this, a simple e-mail is not sufficient!</p> <p>The application must be accompanied by the declaration of personal and financial circumstances (form ZP 1a).</p> <p>Submit the application to the court where the lawsuit or proceedings are to be conducted. As a rule, the court will decide on the application without an oral hearing.</p> <p>If your application is (partially) rejected, you can in many cases lodge an immediate appeal against this.</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	<p>https://broschueren.justiz.nrw/ https://www.justiz.nrw/Gerichte_Behoerden/ordentlich_e_gerichte/Zivilgericht/Prozesskostenhilfe/index.php https://www.justiz.nrw/BS/formulare/prozesskostenhilfe/index.php</p>
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Applying for legal aid or legal aid for court proceedings • Support for needy persons for the conduct of legal proceedings • Granted by the court if the requirements are met
Ansprechpunkt	

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Zuständige Stelle	
Formulare	Form ZP 1a, declaration of personal and financial circumstances (must be attached to the application for legal aid)
Ursprungsportal	Legal aid approval, Prozesskostenhilfe Bewilligung