

99046016002000, 99046016002000

# Claim separation maintenance

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/393433446/L100008>

| Modul                     | Sachverhalt                                                                                                                                                                                               |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Leistungsschlüssel        | 99046016002000, 99046016002000                                                                                                                                                                            |
| Leistungsbezeichnung I    | Claim separation maintenance                                                                                                                                                                              |
| Leistungsbezeichnung II   |                                                                                                                                                                                                           |
| Typisierung               | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug                                                                                                                                                    |
| Quellredaktion            | Sachsen-Anhalt                                                                                                                                                                                            |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                                                                                                                                                                               |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus                                                                                                                                                                               |
| 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) |
| Lagen Portalverbund       | Scheidung (1020400)                                                                                                                                                                                       |

| Modul                         | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Einheitlicher Ansprechpartner | Nein                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Fachlich freigegeben am       | 05.10.2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Fachlich freigegeben durch    | Senator for Justice and Constitution of the Free Hanseatic City of Bremen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Handlungsgrundlage            | <a href="https://www.gesetze-im-internet.de/bgb/_1361.html">https://www.gesetze-im-internet.de/bgb/_1361.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_113.html">https://www.gesetze-im-internet.de/famfg/_113.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_231.html">https://www.gesetze-im-internet.de/famfg/_231.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_269.html">https://www.gesetze-im-internet.de/famfg/_269.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_270.html">https://www.gesetze-im-internet.de/famfg/_270.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_232.html">https://www.gesetze-im-internet.de/famfg/_232.html</a><br><a href="https://www.gesetze-im-internet.de/bgb/_1361.html">https://www.gesetze-im-internet.de/bgb/_1361.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_113.html">https://www.gesetze-im-internet.de/famfg/_113.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_231.html">https://www.gesetze-im-internet.de/famfg/_231.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_269.html">https://www.gesetze-im-internet.de/famfg/_269.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_270.html">https://www.gesetze-im-internet.de/famfg/_270.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_232.html">https://www.gesetze-im-internet.de/famfg/_232.html</a> |
| Teaser                        | If you are married or in a registered partnership but live separately, you can demand adequate maintenance from your partner before the divorce.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Volltext                      | <p>If you are unable to agree on an appropriate amount of maintenance with your (spouse) partner living in separation, you can assert your claim for separation maintenance in court. The conduct of such legal proceedings is essentially governed by the rules applicable to civil proceedings.</p> <p>The separation maintenance claim is calculated according to the recognized principles of the calculation of maintenance, which fill in the indefinite legal terms of the maintenance right. For details, please contact a lawyer.</p> <p>Further information can also be found in the maintenance guidelines of the Higher Regional Courts.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Erforderliche Unterlagen      | <ul style="list-style-type: none"> <li>• Proof of income, assets as well as personal and</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Modul                        | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | economic circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Voraussetzungen              | <p>A separation maintenance claim presupposes in principle that</p> <ul style="list-style-type: none"> <li>• the spouses or partners live separately,</li> <li>• the need for marital living conditions is determined,</li> <li>• the applicant is in need (Here, the income and payment obligations of the person seeking maintenance as well as the obligation to work for one's own employment are decisive.)</li> <li>• the respondent is efficient.</li> <li>• For details, please contact a lawyer.</li> </ul>                                                                                                                                                                                                                                            |
| Kosten                       | <ul style="list-style-type: none"> <li>• Legal expenses</li> <li>• Lawyers' fees</li> <li>• both depend on the amount in dispute</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Verfahrensablauf             | <p>An application to assert separation maintenance can only be filed by a lawyer.</p> <ul style="list-style-type: none"> <li>• The further course of the judicial proceedings is essentially governed by the provisions on civil proceedings.</li> <li>• The court shall serve the application on the defendant. He or she will be given the opportunity to comment.</li> <li>• Subsequently, the family court set an amount for maintenance.</li> <li>• The court may order the parties 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.B. from employers or insurance companies.</li> </ul> |
| Bearbeitungsdauer            | <ul style="list-style-type: none"> <li>• At least 3 months due to the given procedure, in more complex procedures possibly longer, depending on the individual case</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Frist                        | <p>You must assert your claim in good time during your separation phase. Retroactively, you are only entitled to maintenance under certain conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| weiterführende Informationen |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Modul             | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Hinweise          |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Rechtsbehelf      |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Kurztext          | <ul style="list-style-type: none"> <li>• Separation maintenance Determination</li> <li>• Separation maintenance can only be demanded during the period of separation until divorce</li> <li>• Compulsory lawyer</li> <li>• Prerequisite for separation maintenance is: Separate life of spouses or partners Neediness of the claimant Capacity of the claimant.</li> <li>• competent: District Court – Family Court –</li> </ul> |
| Ansprechpunkt     | Contact the family court.                                                                                                                                                                                                                                                                                                                                                                                                        |
| Zuständige Stelle |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Formulare         | None                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Ursprungsportal   | Claim separation maintenance, Trennungsunterhalt geltend machen                                                                                                                                                                                                                                                                                                                                                                  |