

99046016002000

# Request separation maintenance

Heruntergeladen am 08.07.2025

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Modul	Sachverhalt
Leistungsschlüssel	99046016002000
Leistungsbezeichnung I	Request separation maintenance
Leistungsbezeichnung II	Request separation maintenance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

## Modul

## Sachverhalt

### Fachlich freigegeben durch

#### Handlungsgrundlage

- § 1361 Absatz 1 Bürgerliches Gesetzbuch (BGB), Viertes Buch – Unterhalt bei Getrenntleben
- §§ 231 folgend Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) - Verfahren in Unterhaltssachen

#### Teaser

The economically weaker spouse should be protected from a deterioration of his or her financial circumstances during the separation phase. If there is no amicable agreement on separation maintenance for the needy person, the family court decides on the application.

#### Volltext

Application for maintenance in case of separation

The economically weaker spouse should be protected from a deterioration of his or her financial circumstances during the separation phase. If there is no amicable agreement on separation maintenance for the needy person, the family court decides on the application.

The calculation is based on the assumption that, after deducting debts and child maintenance, both spouses are entitled to half of all financial resources during the marriage (principle of halving). Certain amounts must at least remain with the person obliged to pay maintenance (deductible), which may reduce the maintenance claim.

The spouses are obliged to provide each other with information on income and assets. In case of refusal, the relevant information can be demanded in court (in the course of the maintenance proceedings).

The maintenance guidelines of the Dresden Higher Regional Court provide guidance for determining the claim.

Note: Make your claim in good time, because you are only entitled to retroactive maintenance under certain conditions.

## Modul

## Sachverhalt

Contact

a legal representation of your choice

→ Anwaltssuche Rechtsanwaltskammer Sachsen

## Erforderliche Unterlagen

Within the framework of the court proceedings, proof of income and assets is required in particular. The court shall request the necessary documents in detail.

## Voraussetzungen

- The spouses live permanently separated.
- Both have different incomes.
- Separation maintenance has been demanded and claimed in vain.

The entitlement to separation maintenance exists irrespective of the reason for the separation. Only under certain circumstances ("gross inequity") can the claim to maintenance be reduced or completely waived (example: the person in a marriage is already living in a new, solidified cohabitation).

## Kosten

- Court and lawyer fees

Tip: The fees are calculated according to the value of the proceedings as determined by the court. Payment waivers and reductions are possible within the framework of the advance on legal costs and legal aid.

## Verfahrensablauf

You assert your claim for separation maintenance in court by filing an application for maintenance. You must be represented in the maintenance proceedings by a lawyer who submits the application to the competent court.

The family court weighs up the following criteria, among others, in order to reach a decision:

- marital living conditions, earning and asset situation
- Necessity (income and payment obligations of the person in a marriage seeking maintenance, obligation to work)
- Capacity of the person in a marriage who is to pay maintenance

**Modul**
**Sachverhalt**

Note: Separation maintenance is not the same as post-marital maintenance (spousal maintenance). Both are to be claimed separately in court.

**Bearbeitungsdauer**
**Frist**

The decision on separation maintenance only applies to the period of separation, before a divorce. In the course of divorce proceedings, the court decides on any post-divorce claims for post-marital maintenance (spousal maintenance) if this is requested. Appeal An appeal against a decision on maintenance can be lodged with the Higher Regional Court within one month. You must also be represented by a lawyer in the maintenance proceedings before the Higher Regional Court.

**weiterführende Informationen**
**Hinweise**
**Rechtsbehelf**

Application to the family court for maintenance in the event of separation

**Kurztext**
**Ansprechpunkt**
**Zuständige Stelle**
**Formulare**
**Ursprungsportal**