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# Claiming maintenance after divorce

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Modul	Sachverhalt
Leistungsschlüssel	99046011002000
Leistungsbezeichnung I	Claiming maintenance after divorce
Leistungsbezeichnung II	Claiming maintenance after divorce
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

- §§ 1569 folgend Bürgerliches Gesetzbuch (BGB), Viertes Buch - Unterhalt des geschiedenen Ehegatten
- § 137 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) - Verbund von Scheidungs- und Folgesachen
- § 231 folgend FamFG - Verfahren in Unterhaltssachen

#### Teaser

If one spouse is unable to provide for himself or herself with his or her own income and assets after the divorce, this person can claim maintenance from the other.

#### Volltext

Application for post-marital maintenance according to §§ 1569 to 1586b of the German Civil Code (BGB)

If one spouse is unable to provide for himself or herself with his or her own income and assets after the divorce, this person can claim maintenance from the other.

This is particularly the case in old age, illness, unemployment, because of education, if the own income and assets are too low or for other serious reasons.

Single parents are generally entitled to so-called care maintenance for up to three years after the birth. This period can also be extended in individual cases, as long as and to the extent that this is fair. The interests of the child and the existing possibilities of childcare are to be taken into account.

If there is no mutual agreement on the amount and method of payment, the family court decides.

As a rule, post-marital maintenance is determined in the course of the divorce proceedings. However, it can also be asserted or amended after the divorce proceedings have been concluded.

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

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	conditions.
<b>Erforderliche Unterlagen</b>	<p>In the context of the court proceedings: in particular proof of income and assets</p> <p>Note: The court requests the necessary documents in detail.</p>
<b>Voraussetzungen</b>	<ul style="list-style-type: none"> <li>• Indigence: The spouse in need of maintenance cannot provide for his or her own maintenance.</li> <li>• Capacity: The other spouse is able to contribute to the maintenance of the needy partner from his or her income and assets</li> </ul> <p>The obligation to provide maintenance may result from the fact that the spouse</p> <ul style="list-style-type: none"> <li>• has to look after a child and therefore cannot do any work (care maintenance),</li> <li>• is too old for gainful employment (old-age maintenance),</li> <li>• is ill (maintenance due to illness),</li> <li>• is unable to find work (unemployment maintenance),</li> <li>• has a job but earns too little (supplementary maintenance)</li> <li>• is undergoing training, further training or retraining, or</li> <li>• can demand maintenance for other serious reasons (maintenance in equity).</li> </ul>
<b>Kosten</b>	<ul style="list-style-type: none"> <li>• Court and lawyer's fees (depending on the value of the proceedings as determined by the court)</li> </ul> <p>Tip: Payment remission and relief are possible within the framework of the advance on legal costs and legal aid.</p>
<b>Verfahrensablauf</b>	<p>Application for maintenance</p> <p>You assert your claim to post-marital 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. As long as the divorce proceedings have not yet been concluded, the claim for post-marital maintenance can also be asserted in conjunction with</p>

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the divorce, if the application is filed at least two weeks before the oral proceedings.

The family court weighs the following criteria, among others, for its decision:

- marital living conditions, earning and asset situation,
- Neediness (income and payment obligations of the spouse seeking maintenance, obligation to work),
- Capacity of the spouse who is to pay maintenance.

Subsequent adjustment

If the income situation of the person obliged to pay maintenance or the person entitled to maintenance in a marriage changes significantly (this is usually assumed to be the case if there is a change of about ten per cent upwards or downwards), you can have the maintenance payment adjusted. File an application to this effect with the family court.

Tip: To determine the entitlement, the Dresden Higher Regional Court offers guidance in the current maintenance guidelines.

**Bearbeitungsdauer**
**Frist**

An appeal against a decision on post-marital maintenance can be filed 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 post-marital maintenance

**Kurztext**
**Ansprechpunkt**
**Zuständige Stelle**

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Formulare

Ursprungsportal