

99046008017000

# Apply for legal aid or legal aid from the court

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/6000486/L100009>

| Modul                     | Sachverhalt  |
|---------------------------|--|
| Leistungsschlüssel        | 99046008017000   |
| Leistungsbezeichnung I    | Apply for legal aid or legal aid from the court        |
| Leistungsbezeichnung II   | Apply for legal aid or legal aid from the court        |
| 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             |  |

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| Ansprechpartner            |   |
| Fachlich freigegeben am    |   |
| Fachlich freigegeben durch |   |
| Handlungsgrundlage         | <ul style="list-style-type: none"> <li>• §§ 114 bis 127 Zivilprozessordnung (ZPO) – Prozesskostenhilfe im Zivilprozess</li> <li>• §§ 1360a Absatz 4, 1361 Absatz 4 Satz 4 Bürgerliches Gesetzbuch (BGB) – Prozesskostenvorschussanspruch gegen Ehegatten, Lebenspartner oder Eltern</li> <li>• §§ 76 bis 78, 246 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) – Verfahrenskostenhilfe in Familiensachen (außer Ehe- und Familienstreitsachen) und in Angelegenheiten der freiwilligen Gerichtsbarkeit; einstweilige Anordnung zur Zahlung eines Kostenvorschusses für ein gerichtliches Verfahren</li> <li>• § 11a Arbeitsgerichtsgesetz (ArbGG) – Beiordnung eines Rechtsanwalts, Prozesskostenhilfe im arbeitsgerichtlichen Verfahren</li> <li>• § 142 Absatz 1 Finanzgerichtsordnung (FGO) – Prozesskostenhilfe im finanzgerichtlichen Verfahren</li> <li>• § 172 Absatz 3 Satz 2, § 379 Absatz 3 und § 397a Strafprozessordnung (StPO) – Beistand und Prozesskostenhilfe in Strafverfahren (für durch eine Straftat Verletzte, Privatkläger und Nebenkläger)</li> <li>• § 73a Sozialgerichtsgesetz (SGG) – Prozesskostenhilfe im sozialgerichtlichen Verfahren</li> <li>• § 166 Verwaltungsgerichtsordnung (VwGO) – Prozesskostenhilfe im verwaltungsgerichtlichen Verfahren</li> <li>• § 28 Absatz 3 Gerichtskostengesetz (GKG) – Erstattung von Auslagen</li> <li>• §§ 1076 f. Zivilprozessordnung (ZPO) – Prozesskostenhilfe in der EU</li> <li>• §§ 10, 10a Gesetz über Rechtsberatung und Vertretung für Bürger mit geringem Einkommen (BerHG) – Bei grenzüberschreitenden Streitigkeiten</li> <li>• §§ 20 ff. Auslandsunterhaltsgesetz (AUG) – Verfahrenskostenhilfe</li> <li>• Signaturgesetz (SigG)</li> <li>• Sächsische E-Justizverordnung (SächsEJustizVO)</li> </ul> |

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| Teaser                   | If you cannot afford to go to court, you can get legal aid under certain conditions. You may have to pay the costs covered by legal aid back to the state.   |
| Volltext                 | <p>If you cannot afford to go to court, you can get legal aid under certain conditions. You may have to pay the costs covered by legal aid back to the state.</p> <p>Court proceedings are often expensive. You can apply for legal aid (PKH) if you cannot pay the legal costs. In certain proceedings, legal aid is also called legal aid (VKH) (hereafter referred to synonymously as legal aid - PKH).</p> <p>You may be granted legal aid by the court with or without payments. You have to pay a maximum of 48 monthly instalments.</p> <p>In addition to the legal aid granted, you may also be assigned legal representation upon application. You can choose the lawyer yourself.</p> <p>You must apply for legal aid for each case separately, i.e. also for the compulsory execution or for each instance (e.g. district court and regional court).</p> <p>Attention! The granting of legal aid only applies to your share of the costs. If you have to reimburse costs to the opposing party, you are not protected by legal aid. In this case, you have to pay the opposing party's costs.</p> <p>If you submit an isolated PKH application, this may not be sufficient to meet deadlines in individual cases.</p> |
| Erforderliche Unterlagen | <ul style="list-style-type: none"> <li>• Form "Declaration of personal and economic circumstances" (via Rechtspfleger, advising lawyers or as an online form in Amt24)</li> <li>• Attach the completed form "Declaration of personal and economic circumstances" to the application.</li> <li>• Make all statements truthfully and accurately and compile the necessary evidence.</li> <li>• State the subject matter of the dispute and your evidence.</li> </ul>   |
| Voraussetzungen          | You will receive legal aid if  |

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- You are indigent,
- Your intended legal action or legal defence has a chance of success, and
- Your legal action is not wanton.

### Indigence

You are indigent if you cannot pay the costs of the proceedings yourself. When submitting your application, you must provide information about your financial circumstances and prove them. You must primarily use your income and assets to cover the costs. You are not entitled to assistance if an insurance company or another body pays the costs. This could be, for example

- a legal expenses insurance
- a liability insurance in the context of defence against claims for damages
- a tenants' association
- a trade union

### Prospects of success

According to the court's assessment, there must be more than a slight chance of success. For this purpose the court will make a prognosis.

### No wanton litigation

Before you make the application, you should consider whether you would also take legal action if you had to pay the costs yourself.

### Advance payment of costs for dependants

Legal aid will not be granted to you if the following persons have to pay the costs because of legal maintenance obligations:

- Your spouse
- Your registered civil partner, or
- in the case of an unmarried child, one or both parents

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On application, the family court will regulate the obligation to advance costs by temporary order.

## Kosten

- Court costs: none
- Lawyer's fees: if applicable

Lawyers' fees may apply if your lawyer represents you only in the grant proceedings and not in the proceedings for which you are applying for legal aid. The fees depend on the value of the proceedings for which you are applying for legal aid (it is not possible to give a specific figure).

## Verfahrensablauf

### Application

You must apply for legal aid. You can make the application yourself or have it submitted by a lawyer. You must expressly apply for legal aid if you wish to be represented by a lawyer.

The application must be made

- in writing to the competent court
- on the record at the court's legal application office or
- electronically via this online portal (see -> Online application).
- Enclose the completed form "Declaration of personal and financial circumstances" with the application.
- Make all statements truthfully and accurately and compile the required evidence.
- State the subject matter of the dispute and your evidence.

If you need help with the application, you can contact the court's legal application office or the legal representation you have engaged.

### Examination

The court will examine your application.

If necessary, the court will request further documents from you.

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### Bearbeitungsdauer

#### Frist

The grant is only valid for the respective instance. For subsequent proceedings, you must apply for legal aid again. This also applies to cases such as • Enforcement of a judgement after a case has been won, • Appeal or appeal after a lost case (time limit for application: period for lodging an appeal with the court of appeal or appeal court), • Appeal or complaint proceedings at the instigation of your litigant

### weiterführende Informationen

#### Hinweise

Counselling and legal aid for proceedings in other EU Member States

You can also apply for legal aid for civil or commercial disputes that you have to conduct in another EU member state - except Denmark - because your opponent lives or is permanently resident there. You can apply to the authorities there, provided that you have the necessary means.

Whether you are granted assistance depends on the law of the state in which the case is decided. The district court responsible for your place of residence in Germany will assist you in submitting your application.

#### Submitting an application

You can apply for legal aid in another EU Member State at the local court that has jurisdiction for your place of residence or online in Amt24 (Forms & Online Services).

The district court will check whether the application is complete and whether the necessary annexes are attached. The district court will have the necessary translations made and send the application to the competent authority in the state of the trial court.

#### Costs

These services are usually free of charge, but you must

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reimburse expenses such as translation costs if

- You later withdraw the application
- the transmission of the application to the state of the trial court is refused, or
- You are not granted legal aid in the EU country concerned.

For your cross-border application for legal aid and also with a view to an out-of-court settlement of the dispute in the other EU state (exception: Denmark), you can also apply for legal aid if necessary.

Asserting maintenance claims abroad

Within the scope of application of the Foreign Maintenance Act (AUG), the local court of Dresden is the competent local court for receiving and transmitting applications for cross-border legal aid in the Free State of Saxony. Lower eligibility requirements for legal aid apply in some cases. For example, a person who has not yet reached the age of 21 can receive legal aid regardless of your financial circumstances. However, if you are unsuccessful in the court proceedings, the court may, under certain circumstances, demand reimbursement of the costs incurred through legal aid.

**Rechtsbehelf**

non applicable

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