

99046025002001

Applying for a child maintenance order, simplified procedure

Heruntergeladen am 29.06.2025

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Modul	Sachverhalt
Leistungsschlüssel	99046025002001
Leistungsbezeichnung I	Applying for a child maintenance order, simplified procedure
Leistungsbezeichnung II	Applying for a child maintenance order, simplified procedure
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	

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Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • Familienrecht: §§ 1601 folgend Bürgerliches Gesetzbuch (BGB) – Unterhaltspflicht • §§ 249 folgend Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) – Vereinfachtes Verfahren über den Unterhalt Minderjähriger • Gesetz über Gerichtskosten in Familiensachen (FamGKG)
Teaser	<p>Instead of the tedious and time-consuming path of contentious court proceedings, you have the option of having maintenance for your minor child determined in a simplified procedure.</p>
Volltext	<p>Determining maintenance for a minor child in a simplified procedure</p> <p>Instead of the tedious and time-consuming path of contentious court proceedings, you have the option of having maintenance for your minor child determined in a simplified procedure.</p> <p>As a separated parent with whom the child lives, you can quickly and inexpensively obtain a legally binding and enforceable claim. These proceedings are not conducted by judges, but by Rechtspfleger (judicial officers). You do not have to involve a lawyer in the simplified procedure. To clarify whether this form is suitable in your case, you should seek legal advice or advice from the youth welfare office. The procedure would be inadmissible if, for example, the other parent voluntarily assumed an enforceable obligation upon request (for example, through a free notarisation by the youth welfare office or the local court). You would then have to bear the costs of the proceedings yourself.</p>

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Contact

The Youth Welfare Office (Jugendamt) is available to provide you with advice and assistance in matters of maintenance in order to enforce justified claims. The advice is free of charge.

-> Amt24-Behördenwegweiser

(For example, enter "Jugendamt" and the name of the city or district in the Amt24 search field)

Erforderliche Unterlagen

for applicants:

- Form "Maintenance - Application for Determination with Copy for Respondent and Notification" (available in paper form at the Youth Welfare Office and at any local court)
- Declaration of income and financial circumstances of the child and parents (if known)
- Proof and evidence of income

for the defendant:

- Form "Maintenance - Objections of the Defendant to the Determination with Transcripts for Applicant and Defendant"
- corresponding proofs and supporting documents

Voraussetzungen

- This is maintenance for a minor child or an adult child for the past period of minority.
- The requested maintenance is not higher than 120% of the minimum maintenance (before taking child benefit into account).
- No court maintenance proceedings have been initiated, nor does an enforceable maintenance order already exist (for example, a family court order) - unless the existing maintenance order only needs to be adjusted to the changed child benefit.

The custodial parent with whom the child lives or the person or body legally representing the child is entitled to apply. The application is made for the child either in

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his or her own name, as long as the parents are married to each other, or in the name of the child as his or her legal representative.

Kosten

- Court fees

Note: There are low court fees in the simplified procedure. If you are unable to pay the court costs, check in advance whether you can obtain an advance on legal costs; also enquire at the district court about the possibility of legal aid or legal aid.

Verfahrensablauf

Use the prescribed application form. You can also obtain the form from the youth welfare office or the local court.

- The staff of the Youth Welfare Office or the Local Court will help you to fill in and complete the application.
- Fill out the form conscientiously, sign the application and gather the necessary evidence.
- Submit the complete application documents to your competent family court at the local court.

Tip: You can find more information on the procedure in the information sheet on the application.

Determining the claim

The Rechtspfleger (judicial officer) will examine the maintenance claim on the basis of your application, assess the financial capacity of the other parent and determine the amount of maintenance the child can claim. The amount depends on what income the parent liable for maintenance has.

The amount calculated depends on what is requested in the application:

- a constant monthly amount (static) or
- a variable monthly amount (dynamic)

A dynamic calculation already includes the growing needs of the child as it gets older. In most cases, this saves the parties involved from having to file an action

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for modification at a later date. The calculation is based on age-appropriate minimum maintenance amounts.

Information from the debtor

The court informs the defendant in writing of the requested maintenance payment for the child.

At the same time, the parent liable for maintenance is given the opportunity to raise objections within one month. However, this is only possible to a limited extent. In particular, the objection of not being financially able to pay or only partially able to pay is only admissible if the respondent discloses income and assets in a form and encloses the relevant supporting documents. In addition, the defendant must declare to what extent he or she is willing to pay maintenance.

The Rechtspfleger will inform you, as the applicant, of any objections and the information provided as well as the voluntary payment obligation given.

Decision on the amount of maintenance

If the defendant declares his or her willingness to pay in whole or in part, the Rechtspfleger will set the amount of maintenance accordingly by order. If you, as the applicant, also want to recover the remaining amount that has not been determined, you must apply for transfer to the contentious proceedings.

If the other party raises no or only insignificant objections, the maintenance will also be determined by order.

If the defendant raises significant counter-arguments, the simplified procedure has failed. Maintenance must be claimed in contentious proceedings before the family court judge. An application is required for this.

Note: Before you decide to initiate contentious court proceedings for maintenance, you should give the other party the opportunity to voluntarily provide further information or to voluntarily undertake to pay maintenance (free certification by the youth welfare

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	office or the local court).
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Request to conduct contentious proceedings: If the defendant has raised admissible objections to the maintenance claim, the court shall inform the claimant of this and indicate that contentious proceedings will be conducted at the request of a party.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	