99046008000000

Apply for an advance on legal costs of the spouse or partner

Heruntergeladen am 29.06.2025
https://fimportal.de/xzufi-services/1362-99046008000000/L100022

Modul	Sachverhalt
Leistungsschlüssel	99046008000000
Leistungsbezeichnung I	Apply for an advance on legal costs of the spouse or partner
Leistungsbezeichnung II	Apply for an advance on legal costs of the spouse or partner
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
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 freigegen durch	
Handlungsgrundlage	Bürgerliches Gesetzbuch (BGB): • § 1360 a Absatz 4 Umfang der Unterhaltspflicht • § 1361 Absatz 4 Unterhalt bei Getrenntlebenden Gesetz über die Eingetragene Lebenspartnerschaft (LPartG): • § 5 Verpflichtung zum Lebenspartnerschaftsunterhalt Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG): • § 246 Besondere Vorschriften für die einstweilige Anordnung
Teaser	Are you unable to finance a necessary legal dispute yourself?
Volltext	Are you unable to finance a necessary legal dispute yourself? Then in certain cases you can request an advance on costs from your spouse or registered partner. Example: The Wifewife wants a divorce. She only has a low income, whereas her husband has a fairly good income. In this case, the husband may be obliged to grant his wife an advance on the costs of the divorce proceedings. The advance on costs takes precedence over the state's legal aid. You can receive an advance on costs for disputes between you, such as a divorce, or for disputes with other people if they concern personal matters. Please note: You may have to repay the advance on

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	costs after the proceedings have been concluded. It is best to seek advice from a lawyer on this point.
Erforderliche Unterlagen	Enquire at the responsible office.
Voraussetzungen	• There is a marriage or a registered civil partnership. • It is a legal dispute in a personal matter (e.g. a family matter). • Entitlement to an advance on procedural or legal costs is subject to the following conditions the neediness of the person making the claim and the ability to pay of the person obliged to make the advance and a sufficient prospect of success of the intended legal action and a lack of wilfulness, as the claim only exists according to the principles of "equity".This means that the right to an advance is not only cancelled in the case of actions/applications that have no prospect of success from the outset, but also in the case of those that are to be regarded as wilful.Example: If there is no prospect of actually enforcing the claim by way of compulsory enforcement after winning the case, then you are not entitled to an advance on procedural or legal costs. Please contact a lawyer for further advice.
Kosten	Seek advice from a lawyer.
Verfahrensablauf	You can assert your claim for an advance out of court or in court. You can also apply for a temporary injunction. Please note: Seek advice from a lawyer beforehand.
Bearbeitungsdauer	
Frist	The claim is not time-bound.
weiterführende Informationen	
Hinweise	The advance on costs takes precedence over support from the state coffers(legal aid). In the event of an application for legal aid, the court will check whether an advance on costs against the spouse or civil partner

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	is a priority. Children are also entitled to an advance on costs from their parents or grandparents. Ask a lawyer for more information.
Rechtsbehelf	Seek legal advice in the event of a negative court decision.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	