

99046016002000

Applying for separation maintenance

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/1436-99046016002000/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99046016002000
Leistungsbezeichnung I	Applying for separation maintenance
Leistungsbezeichnung II	Applying for separation maintenance
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	
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Bürgerliches Gesetzbuch (BGB):</p> <ul style="list-style-type: none"> • § 1361 Unterhalt bei Getrenntleben <p>Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG):</p> <ul style="list-style-type: none"> • §§ 231 ff. Verfahren in Unterhaltssachen
Teaser	Are you still married but living apart? Then one person can demand reasonable maintenance from the other even before the divorce.
Volltext	<p>Are you still married but living apart? Then one person can demand reasonable maintenance from the other even before the divorce.</p> <p>The same applies if you are still living in a registered civil partnership.</p> <p>You are obliged to provide each other with information about your income. If you refuse to do so, the relevant information can be claimed in court by means of an application for information.</p> <p>If you cannot agree on the amount of separation maintenance, you can submit an application to the family court.</p> <p>Please note: You must be represented by a lawyer in maintenance proceedings.</p> <p>Before you submit an application to the court, you should give the person obliged to pay maintenance the opportunity to pay the maintenance owed voluntarily. It is best to seek legal advice on this.</p> <p>Basis of calculation</p>

Modul
Sachverhalt

The living conditions during the marriage or registered civil partnership are decisive for the calculation of appropriate maintenance. This includes income and assets.

The calculation of maintenance is complicated. Please seek legal advice.

Note: Separation maintenance is maintenance for the period before the divorce. Maintenance that is payable after a divorce or dissolution of a civil partnership must be claimed in separate proceedings.

Erforderliche Unterlagen

Proof of income and assets

Voraussetzungen

- They are permanently separated.
- The claimant is in need. The decisive factors are the income and payment obligations of the partner seeking maintenance and the obligation to be gainfully employed.
- The defendant is able to pay.

In any case, you should seek advice from a lawyer before submitting an application.

Kosten

Court and lawyer's fees according to value in dispute

Verfahrensablauf

Your application must be submitted to the court by a lawyer.

The court will serve the application on the defendant. They are given the opportunity to comment.

A hearing is often held at the court.

The court may require the parties involved to provide information about their income and assets. If the parties involved do not fulfil this obligation, the court can make enquiries independently, for example with employers, the employment agency or insurance companies.

If the parties to the proceedings are unable to agree on maintenance, the court will make a decision.

Modul	Sachverhalt
Bearbeitungsdauer	
Frist	Please note: Make your claim in good time. You are only entitled to retroactive maintenance under certain conditions. In urgent cases, you have the option of applying for a temporary injunction.
weiterführende Informationen	
Hinweise	If your income situation changes at a later date, you can request the amendment of a maintenance title under certain conditions.
Rechtsbehelf	Please seek legal advice in individual cases.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	