

99046039221000

Apply for divorce

Heruntergeladen am 11.06.2025

<https://fimportal.de/xzufi-services/259/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000
Leistungsbezeichnung I	Apply for divorce
Leistungsbezeichnung II	Apply for divorce
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 Ansprechpartner	
Fachlich freigegeben am	

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Fachlich freigegeben durch	
Handlungsgrundlage	<p>Bürgerliches Gesetzbuch (BGB):</p> <ul style="list-style-type: none"> • §§ 1564 ff. Scheidung der Ehe <p>Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG):</p> <ul style="list-style-type: none"> • § 114 Vertretung durch einen Rechtsanwalt • §§ 121 ff. Verfahren in Ehesachen
Teaser	Would you like a divorce?
Volltext	<p>Would you like a divorce?</p> <p>Divorce proceedings take place before the family court.</p> <p>As the applicant, you must be represented by a lawyer.</p> <p>Your spouse does not need legal representation if he or she</p> <ul style="list-style-type: none"> • agrees to the divorce and • does not wish to make any applications themselves (for example applications for maintenance or equalisation of gains).
Erforderliche Unterlagen	depending on the specific individual case
Voraussetzungen	<ul style="list-style-type: none"> • The marriage must have broken down. <p>A marriage has broken down if the spouses are no longer living together and a resumption of the marriage is not to be expected (breakdown of the marriage). This is presumed to be the case if the spouses are at least</p> <ul style="list-style-type: none"> • have been separated for at least one year and both want a divorce or • have been separated for three years. • If you have been separated for less than a year, the court can only divorce you if continuing the marriage would be an unreasonable hardship for you for

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	reasons relating to the other spouse.
Kosten	<p>In divorces where the spouses are in agreement, the court usually orders that the costs be cancelled. This means that each spouse pays their own legal fees and half of the court costs.</p> <p>If you are unable to pay the costs of the proceedings, you can apply for financial assistance (legal aid) for the divorce proceedings.</p> <p>Note: If the spouses have reached another agreement on the costs, the court can approve this in full or in part.</p> <p>If the application for divorce is rejected, the applicant must bear all the costs.</p> <p>Tip: You can obtain specific information about the costs incurred in divorce proceedings from your lawyer.</p>
Verfahrensablauf	<p>Your lawyer must apply for a divorce in your name to the competent authority.</p> <p>They will deliver the divorce petition to your wife or husband.</p> <p>Please note: The date of service of the application is important for pension equalisation and any equalisation of gains. You will receive a questionnaire on pension equalisation at the same time as the application is served. You must complete this and return it to the court.</p> <p>The marriage is divorced as a result of the court's final judgement.</p> <p>You or your wife or husband can lodge an appeal against the divorce decree and the associated decisions with the Higher Regional Court.</p>
Bearbeitungsdauer	
Frist	Please seek legal advice in individual cases.
weiterführende Informationen	

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Hinweise	Please seek legal advice in individual cases.
Rechtsbehelf	Please seek legal advice in individual cases.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	