

99046039221000, 99046039221000

Request a divorce from a marriage

Heruntergeladen am 11.06.2025

<https://fimportal.de/xzufi-services/9578530/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000, 99046039221000
Leistungsbezeichnung I	Request a divorce from a marriage
Leistungsbezeichnung II	Application for divorce of a marriage
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Entscheidung (221)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.07.2021
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377 https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_113.html https://www.gesetze-im-internet.de/famfg/_114.html https://www.gesetze-im-internet.de/famfg/_121.html https://www.gesetze-im-internet.de/famfg/_133.html https://www.gesetze-im-internet.de/famgkg/_43.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377 https://www.gesetze-im-internet.de/famfg/_111.html https://www.gesetze-im-internet.de/famfg/_113.html https://www.gesetze-im-internet.de/famfg/_114.html https://www.gesetze-im-internet.de/famfg/_121.html https://www.gesetze-im-internet.de/famfg/_133.html https://www.gesetze-im-internet.de/famgkg/_43.html
Teaser	If you want to end your marriage, you can ask for a divorce of your marriage.
Volltext	<p>In order to end your existing marriage, you must file for divorce in family court. In doing so, you must be represented by a lawyer. There is no requirement to be represented by a lawyer for the approval of the divorce petition.</p> <p>The family court pronounces the divorce if the legal requirements are met. If both spouses file for divorce by mutual consent or if the respondent agrees to the divorce, the local court will divorce the marriage, provided that the so-called separation year has been lived through. In the case of contentious proceedings, the court decides in accordance with the law on the basis of the facts of the individual case.</p>
Erforderliche Unterlagen	<p>As a rule, the following must be presented for this purpose:</p> <ul style="list-style-type: none"> • Your photo ID

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- the original or a certified copy of your marriage certificate
- If applicable, the birth certificates of your minor children in the original or as a certified copy.

Please seek legal advice as to which documents your lawyer will need from you.

Voraussetzungen

A prerequisite for the divorce of your marriage is that it has failed.

The marriage has failed if your cohabitation no longer exists and you and your spouse cannot be expected to restore it.

By law, this is irrefutably presumed if you and your spouse have been living apart for at least three years. In addition, a marriage is presumed to have broken down if you and your spouse have lived apart for one year and you both file for divorce or your spouse agrees to the divorce.

If you and your spouse have been living apart for less than three years and your spouse does not consent to the divorce, you must state and prove that the marriage has broken down.

The court may divorce the marriage regardless of the duration of the separation if the continuation of the marriage would cause you undue hardship for reasons related to your spouse.

Kosten

- Court costs
- Legal fees
- both depend on the amount in dispute

Verfahrensablauf

The divorce petition must be filed with the family court by your lawyer, usually after the separation period of at least one year.

- The court then serves the petition on the opposing party to the divorce. There is no requirement to be represented by a lawyer in order for the divorce

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petition to be approved.

- As a rule, the divorce settlement also includes the equalization of pensions, i.e. the fair division of the pension rights acquired by the spouses during the marriage. To this end, the Local Court will ex officio request you and your spouse to inform it of your pension providers and will then ask the pension providers for information on the pension rights acquired by you and your spouse during the marriage.
- In addition, you and your spouse may also file other subsequent matters in the divorce proceedings, e.g. the subsequent matters of equalization of gains or postmarital maintenance.
- At the hearing on the petition for divorce, you and your spouse will generally be heard in person on the prerequisites for divorce.
- If the requirements for divorce are met, the family court will pronounce a divorce by order.

Bearbeitungsdauer

Due to the specified procedure, at least 3 months, depending on the individual case.

Frist

None

weiterführende Informationen

For information on divorce see
<https://www.bmfsfj.de/>
<https://www.bmfsfj.de/>

Hinweise
Rechtsbehelf

- Appeal pursuant to §§ 58 et seq. FamFG against the family court decision within one month by a lawyer.

Kurztext

- Divorce petition decision
 - compulsory representation by a lawyer for the application for divorce
 - no obligation to be represented by a lawyer for the consent to the divorce petition
 - Failure of the marriage as a prerequisite for divorce
 - The marriage is considered to have broken down if
 - the spouses have been living separately for at least three years, or
 - the spouses have been separated for one year and both spouses apply for divorce or
 - the other spouse consents to the divorce, or
 - the petitioning spouse can prove that the marriage

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	<p>has broken down.</p> <ul style="list-style-type: none"> • The court may divorce the marriage on grounds of hardship, regardless of the duration of the separation. • Competent: Local court - family court -
Ansprechpunkt	<ul style="list-style-type: none"> • Please consult a lawyer.
Zuständige Stelle	<ul style="list-style-type: none"> • Local Court - Family Court (§§ 23a (1) sentence 1, 23b (1) GVG) • The local court - family court - responsible for you in accordance with § 122 FamFG, will be determined by the lawyer appointed by you.
Formulare	None
Ursprungsportal	Scheidung einer Ehe beantragen, Request a divorce from a marriage