

99046008017002, 99046008017002

Advance of legal costs of the spouse or partner for a legal dispute

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/9578606/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99046008017002, 99046008017002
Leistungsbezeichnung I	Advance of legal costs of the spouse or partner for a legal dispute
Leistungsbezeichnung II	
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	Bewilligung (017)
SDG-Informationsbereich	nicht SDG-relevant
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	13.02.2015
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	• § Section 1360 a (4) of the German Civil Code (BGB) (scope of the maintenance obligation) • § Section 1361 (4) of the German Civil Code (BGB) (maintenance for separated spouses) • § Section 5 of the Registered Civil Partnership Act (LpartG) • § Section 246 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction - FamFG - (special provisions for temporary injunctions)
Teaser	
Volltext	If you are not in a position to finance a necessary legal dispute yourself, your spouse or partner may be obliged to grant you an advance on legal costs, provided this is equitable. The spouse entitled to maintenance can request an advance on costs both for disputes between themselves, e.g. for divorce, and for certain disputes with a third party. A lawyer can provide you with details. The advance on costs follows from the duty of solidarity in the marriage and is part of the maintenance obligation. The regulations also apply to registered civil partnerships. If the claim for an advance on costs can be enforced promptly, it has priority over support from the state coffers (legal aid). Note: Children are also entitled to an advance on legal costs from their parents (including the parent with care) or grandparents. Ask a lawyer about the details in individual cases.
Erforderliche Unterlagen	

Modul	Sachverhalt
Voraussetzungen	• existing marriage or registered civil partnership • Legal dispute in a personal matter (e.g. family matter) • Neediness of the entitled person • Ability of the obligor to pay • the intended legal action must be neither wanton nor without sufficient prospect of success.
Kosten	In the case of independent court proceedings, court and lawyer's fees vary depending on the amount in dispute.
Verfahrensablauf	If you find that you cannot afford the costs, please contact a lawyer in good time to find out whether you are entitled to an advance on costs. Note: The advance on costs may have to be repaid after the proceedings have been concluded. Whether this is the case depends on the individual case.
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Advance of legal costs of the spouse or partner for a legal dispute, Prozesskostenvorschuss des Ehegatten oder Lebenspartners für einen Rechtsstreit