

99072005176000

Pursue maintenance claims against a person living abroad

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Modul	Sachverhalt
Leistungsschlüssel	99072005176000
Leistungsbezeichnung I	Pursue maintenance claims against a person living abroad
Leistungsbezeichnung II	Examine and pursue maintenance claims against a person living abroad.
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Kindesunterhalt (072)
Verrichtungskennung	Verfolgung (176)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und

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	Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	24.08.2022
Fachlich freigegeben durch	Thuringian Ministry for Migration, Justice and Consumer Protection
Handlungsgrundlage	https://www.gesetze-im-internet.de/aug_2011/ https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32009R0004&qid=1485156076525&from=DE https://www.bundesjustizamt.de/DE/Themen/Buergerdiensten/AU/HUUE2007/HUUE2007/HUUE2007_node.html https://www.bundesjustizamt.de/SharedDocs/Downloads/DE/AU/UN_Uebereinkommen.pdf?__blob=publicationFile&v=2 https://www.gesetze-im-internet.de/aug_2011/ https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32009R0004&qid=1485156076525&from=DE https://www.bundesjustizamt.de/DE/Themen/Buergerdiensten/AU/HUUE2007/HUUE2007/HUUE2007_node.html https://www.bundesjustizamt.de/SharedDocs/Downloads/DE/AU/UN_Uebereinkommen.pdf?__blob=publicationFile&v=2
Teaser	To enforce maintenance claims against a person obliged to pay maintenance who lives abroad, you can obtain support from the local court. For the enforcement of child support, you can also make use of the assistance of the youth welfare office.
Volltext	If you are entitled to maintenance, it is often difficult to enforce your claim if the person obliged to pay maintenance lives in another country. Against this background, so-called central authorities have been created worldwide in the field of international

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maintenance law, which provide assistance in the cross-border enforcement of maintenance claims. For Germany, the Federal Office of Justice is entrusted with the cross-border enforcement of maintenance claims in accordance with Section 4 (1) of the Foreign Maintenance Act (AUG). In the vast majority of cases handled by the Federal Office of Justice, maintenance beneficiaries are minor children. Under certain circumstances, the Federal Office of Justice can also assist in the cross-border enforcement of spousal maintenance.

Maintenance creditors living in Germany cannot send applications directly to the Federal Office of Justice. Applications must be submitted via the local court - family court - with jurisdiction over the applicant's place of residence at the seat of a higher regional court. Forms are to be used for the application, which can be obtained from the local court. The local court will provide information and advice on the possibilities of recovering maintenance abroad and which documents are required for this. After the application has been submitted in full to the local court, it will forward it to the Federal Office of Justice after an examination. The Federal Office of Justice acts as the central authority under the AUG. It corresponds with the competent authorities abroad during the entire procedure.

The following applies to child support: You can contact the assistance office of the youth welfare office and ask them to enforce the support against the parent living abroad. According to Section 1712, Paragraph 1, No. 2 of the German Civil Code (BGB), the assertion of maintenance claims is one of the tasks of the Youth Welfare Office as a legal advisor. In this context, the adviser acts as the legal representative of the child entitled to maintenance and is thus authorized to complete the application forms provided for in the context of cross-border realization of maintenance and to submit them to the preliminary review court

Erforderliche Unterlagen

All documents from which the maintenance obligation of the person living abroad results. The details depend on which measures are requested, in which state the

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	<p>person obliged to pay maintenance resides and which international agreements are relevant for cooperation with this state.</p>
Voraussetzungen	<ul style="list-style-type: none"> • The forms of the local court must be used. • The requirements for the enforcement of maintenance claims abroad depend on the state in which the person obliged to pay maintenance resides and which international agreements are relevant for the cooperation with this state.
Kosten	<p>The Federal Office of Justice and the foreign receiving and transmitting agencies/central authorities generally work free of charge for the applicants.</p> <p>Costs may be incurred for the translation of documents, but no costs are incurred vis-à-vis government agencies.</p>
Verfahrensablauf	<ul style="list-style-type: none"> • In order to assert child support claims, a guardianship can first be set up. For this purpose, an appointment will be made with the Youth Welfare Office in your area. • Bring to the appointment all documents that may be available in the child support matter (debt instruments, correspondence from a lawyer, etc.). • Contact the local court to obtain the forms with which you can file an application to enforce the maintenance obligation of the person living abroad. • The local court will then contact the Federal Office of Justice, which is the central authority in Germany for foreign maintenance matters. • The Federal Office of Justice then contacts the central authority of the foreign country in which the person liable to pay maintenance resides.
Bearbeitungsdauer	<ul style="list-style-type: none"> • No general information can be given on the processing time. It depends on the procedure in the respective countries, including any court proceedings that may be required. There is no uniformity here; in addition, special features may arise in individual cases. • A longer processing time is to be expected in particular if the foreign authority has to carry out all the investigations into the residence and then court proceedings to determine the amount of maintenance. • Applicants can contribute to speedy processing by

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submitting complete application documents. At the same time, the processing time depends on the individual case and on the cooperation of the person liable for maintenance.

Frist

weiterführende Informationen

Hinweise

Rechtsbehelf

The preliminary review procedure at the Local Court is a judicial administrative procedure (Section 7 (2) AUG). In order to review individual matters, legal recourse is available to the ordinary courts in accordance with sections 23 et seq. of the Introductory Act to the Judicature Act (EGGVG), and an application may be made for a court decision.

Kurztext

- Child support claims against persons living abroad Pursuit
- In order to enforce child support claims against a person obliged to pay maintenance who lives abroad, a guardianship can first be established.
- In doing so, the guardian acts as the legal representative of the child dependent and is thus authorized to complete the application forms provided for in the cross-border child support realization process and submit them to the preliminary review court.
- Procedural Procedure: An appointment is made with the Youth Welfare Office for the establishment of a guardianship. Bring to the appointment all documents that may be available in the child support matter (debt instruments, correspondence from a lawyer, etc.). Contact the local court to obtain the forms with which you can file an application to enforce the maintenance obligation of the person living abroad. The local court will then contact the Federal Office of Justice, which is the central authority in Germany for foreign maintenance matters. The Federal Office of Justice then turns to the central authority of the foreign country in which the person obliged to pay maintenance resides.
- Responsible: the competent family court at the seat

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	of a higher regional court or, for the guardianship, the youth welfare office of your district or independent city.
Ansprechpunkt	To the family court responsible for you at the seat of a higher regional court or, for the guardianship, to the youth welfare office of your district or your independent city.
Zuständige Stelle	The local court - family court - with jurisdiction for you at the seat of a higher regional court (Section 7 (1) AUG - in Thuringia: Jena Local Court), as well as for the guardianship the youth welfare office of your county or independent city.
Formulare	Yes
Ursprungsportal	Unterhaltsansprüche gegenüber einer im Ausland lebenden Person verfolgen, Pursue maintenance claims against a person living abroad