

99046016002000, 99046016002000

Claim separation maintenance

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/213481416/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99046016002000, 99046016002000
Leistungsbezeichnung I	Claim separation maintenance
Leistungsbezeichnung II	Enforcement of alimony during the separation phase
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	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	Scheidung (1020400)

Modul	Sachverhalt
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/bgb/_1361.html https://www.gesetze-im-internet.de/famfg/_231.html https://www.gesetze-im-internet.de/bgb/_1361.html https://www.gesetze-im-internet.de/famfg/_231.html
Teaser	If you are married or in a registered civil partnership but living separately, you can demand reasonable maintenance from your partner even before the divorce.
Volltext	<p>If you are separated as spouses, one spouse can demand reasonable maintenance from the other even before the divorce. The same applies if you live in a civil partnership. If no amicable agreement is reached on separation maintenance for the needy partner, this can be claimed before the family court.</p> <p>Before you decide to apply to court, you should give the person liable for maintenance the opportunity to voluntarily pay the maintenance owed.</p> <p>For the calculation of reasonable maintenance, the living conditions during the marriage or the registered civil partnership are decisive (living, earning and financial circumstances). In order to calculate the amount of alimony, the spouses' net income relevant for alimony must be determined. Certain items are deducted (e.g. child support). An employment bonus is also taken into account to compensate for the additional professional expenses of the person obliged to pay alimony. The calculated amount is divided in half (principle of halving). A certain minimum amount must remain for the person liable to pay maintenance (deductible).</p> <p>The spouses living separately are obliged to provide each other with information about their income. In the</p>

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	<p>event of refusal, the relevant information can be claimed by way of an action for disclosure.</p> <p>In any case, you should seek advice from a lawyer before filing an application. The details of alimony law are complex, so expert advice is highly recommended.</p>
Erforderliche Unterlagen	In particular, evidence of income and assets is required as part of the court proceedings.
Voraussetzungen	<p>In principle, a claim for separation maintenance presupposes that</p> <ul style="list-style-type: none"> • the spouses or partners live separately, • the need is determined according to the marital living conditions, • the claimant is needy (the income and payment obligations of the person claiming maintenance as well as the obligation to his/her own gainful employment are decisive here). • the respondent is capable of paying. • For details, please contact a lawyer.
Kosten	<ul style="list-style-type: none"> • Court costs • Legal fees • both depend on the amount in dispute, which is set by the court
Verfahrensablauf	<p>An application to assert a claim for separation maintenance at the family court can only be filed by a lawyer.</p> <ul style="list-style-type: none"> • The further course of the court proceedings is governed by the provisions of the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG), which in this respect largely refers to the provisions of the Code of Civil Procedure. In principle, each party is obliged to present and, if necessary, prove the facts favorable to him or her. • The court sends the application to the defendant. The defendant is given the opportunity to comment. As a rule, the court sets a date for the oral hearing. • The family court sets an amount for maintenance in its decision (order).
Bearbeitungsdauer	<ul style="list-style-type: none"> • At least 3 months due to the prescribed procedure, in

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	more complex procedures possibly longer, depending on the individual case
Frist	You must assert your claim in good time during your separation phase. You are only entitled to retroactive maintenance under certain conditions.
weiterführende Informationen	
Hinweise	The decision on separation maintenance only applies to the period of separation (before the divorce). You must assert a possible claim for post-marital maintenance on your own.
Rechtsbehelf	Appeal pursuant to §§ 58 et seq. FamFG against the family court decision within one month by a lawyer or attorney-at-law
Kurztext	<ul style="list-style-type: none"> • Separation maintenance fixing • Separation maintenance can be demanded in the time of the separation up to the divorce • Obligation to be represented by a lawyer • The prerequisite for separation maintenance is: Separation of the spouses or partners indigence of the claimant Capability of the claimant to pay. • 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 (Sections 23a (1) Sentence 1, 23b (1) Judicature Act) • The local court - family court - responsible for you in accordance with §§ 232 f. FamFG will be determined by the lawyer appointed by you.
Formulare	None
Ursprungsportal	Claim separation maintenance, Trennungsunterhalt geltend machen