

99046039221000, 99046039221000

Application for divorce of a marriage

Heruntergeladen am 12.06.2025

<https://fimportal.de/xzufi-services/8966301/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000, 99046039221000
Leistungsbezeichnung I	Application for divorce of a marriage
Leistungsbezeichnung II	Application for divorce of a marriage
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
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)

Modul	Sachverhalt
Lagen Portalverbund	Scheidung (1020400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	19.08.2019
Fachlich freigegeben durch	JM
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1564.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/_1564.html https://www.gesetze-im-internet.de/famfg/_133.html https://www.gesetze-im-internet.de/famgkg/_43.html
Teaser	Would you like to divorce your spouse? Then take note of the requirements for filing for divorce.
Volltext	<p>A marriage can be divorced if it has broken down, regardless of the fault of one of the spouses. This is the case if the marital partnership no longer exists and can no longer be expected to be restored.</p> <p>Divorce proceedings are only possible with legal representation. In the case of a divorce by mutual consent, it is sufficient for one spouse to instruct a lawyer. If the spouses do not agree on the divorce and/or subsequent matters (maintenance, custody, etc.), both spouses should be represented by a lawyer.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • petition or divorce petition (from alawyer or alawyer to be submitted) • Photo ID • Marriage certificate in the original or as a certified copy • Birth certificates of your minor children in the original or as a certified copy <p>Possibly required lyour lawyer or lyour lawyer may need further documents from you. I t is thereforetherefore comprehensive legal advice.</p>
Voraussetzungen	The marriage has broken down if the spouses'

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cohabitation no longer exists and it cannot be expected that the spouses will re-establish it. This is irrefutably presumed if

- the spouses have been separated for one year and both spouses apply for divorce or the other spouse agrees to the divorce,
- the spouses have been separated for three years.

In addition, the court can divorce the marriage regardless of the duration of the separation if the continuation of the marriage would represent an unreasonable hardship for the applicant for reasons relating to the other spouse.

Exceptions are possible under certain circumstances.

Kosten

It fall court- and lawyer's fees in accordance with the statutory scale of fees. The amount of the amount of fees is determined by the value of the proceedings is determined by the court and is based on the income- and financial circumstances of the spouses.

Verfahrensablauf

****Legal advice and determination of the divorce petition****

1. Choose a lawyer (if necessary, enquire at the Bar Association or apply for legal aid)
2. Let yourself be advised by your respective lawyer or your lawyer for legal advice
3. Give the lawyer power of attorney (will be prepared by him/her prepared)
4. The lawyer sends you a draft of the divorce petition, which you confirm. which you must confirm must confirm
5. Now request your lawyer or the court requests an advance on court costs and the advance for the lawyer's fee, if applicable that you must transfer

****In court****

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1. After receipt of payment the lawyer files the divorce petition with the competent family court. family court submits.
2. The court sends your spouse the divorce petition and gives him or her the opportunity to, position to comment.
3. As a rule, the court sends questionnaires to both to both spouses in order to determine then come equalization, such as for example claims to pensions or other retirement benefits, to determine.
4. If the information on the pension entitlements is available, shall the court a date for the oral hearing hearing.
5. Your lawyer will represent you in the proceedings, an appearance of both spouses for eone personale hearing is required, however.
6. The family court shall issue the divorce decree if it is the conviction is, that the marriage has failed. In the context are also consequential matters such as pension equalization or custody of children regulated.
7. If both spouses agree to the outcome and are represented by a lawyer represented by a lawyer, the divorce can divorce can become legally binding immediately if both parties waive their right to appeal and immediately. Otherwise becomes the divorce decrees one month after pronouncement legally binding.

Bearbeitungsdauer

Frist

weiterführende Informationen

Hinweise

In the run-up to and as a prerequisite for a divorce, various matters must be settled and deadlines observed. It makes sense to seek advice from a lawyer.

If you do not have the necessary financial means for legal advice or a trial, it is advisable to apply for advice or legal aid from the competent district court.
https://bus.rlp.de/portaldeeplink?tsa_leistung_id=8938439
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Modul	Sachverhalt
Rechtsbehelf	
Kurztext	Divorces dissolve an existing marriage. This happens regardless of the motives of both spouses. In most cases, an application for divorce is preceded by the so-called year of separation.
Ansprechpunkt	The local court responsible for the main place of residence of one or both partners. You can find the family court responsible for your location and your matter at the local court in the local and court directory, which is maintained jointly by the federal government and the federal states. https://www.justizadressen.nrw.de/og.php?MD=j https://www.justizadressen.nrw.de/og.php?MD=j
Zuständige Stelle	
Formulare	
Ursprungsportal	Application for divorce of a marriage, Antrag zur Scheidung einer Ehe