

99072003026000, 99072003026000

Determine a child's maintenance claims and have them certified as a maintenance obligation

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/413654003/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99072003026000, 99072003026000
Leistungsbezeichnung I	Determine a child's maintenance claims and have them certified as a maintenance obligation
Leistungsbezeichnung II	Apply for a maintenance advance in order to receive a financial advance if the other parent is unwilling or unable to pay maintenance (also applies in the event of the death of the partner). • Apply for conservatorship in order to establish and, if necessary, notarize maintenance claims and to obtain assistance in claiming this maintenance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	

Modul	Sachverhalt
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Kindesunterhalt (072)
Verrichtungskennung	Beurkundung (026)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	10.11.2020
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_8/index.html https://www.gesetze-im-internet.de/uhvorschg/ https://www.gesetze-im-internet.de/sgb_8/index.html https://www.gesetze-im-internet.de/uhvorschg/
Teaser	If the other parent does not pay maintenance, you can get support from the guardianship and have the maintenance obligation notarized. The Maintenance Advance Office can help you directly financially and make an advance or replacement of maintenance
Volltext	<p>If one of the parents is in a situation where the other parent does not pay maintenance, possibly because the other parent does not want to or cannot pay (unemployment, death, etc.), the single parent can contact the guardianship for support and to have the maintenance determined. The maintenance advance payment office can advance the maintenance or, in some cases, replace it completely.</p> <p>Even if the father does not want to acknowledge paternity, the mother of the child can set up a guardianship of the Youth Welfare Office to establish paternity and, if the determination is successful, then claim maintenance.</p>

Modul**Sachverhalt**

Parents are obliged to provide maintenance for their children. If one of the parents is not a maintenance parent, the parent with whom the child lives may set up a guardianship. The guardianship can determine the maintenance claim and, if necessary, notarize it. The amount of maintenance depends on the income and financial circumstances.

Once the amount of maintenance to be paid has been determined, this maintenance obligation should be fixed. The stipulation takes place in the form of a special document by the notary at the Youth Welfare Office. This particular document is called a maintenance order. If maintenance is not paid, enforcement can be applied for immediately at the competent local court on the basis of the maintenance order.

A guardianship can be made by visiting the Youth Welfare Office or informally in writing. Such an application can be made even before the birth of the child. Either if the father has yet to be identified or if it is already foreseeable that no maintenance will be paid. All that is required is the identity card or passport of the applicant parent. You should also bring along any other documents that may already be available in the maintenance matter (debt instruments, correspondence from a lawyer, etc.).

If the other parent does not pay maintenance or does not pay sufficient maintenance, your child will be granted maintenance advances in accordance with the Maintenance Advance Act (UVG). An application for an advance on maintenance can be submitted to the Youth Welfare Office.

From 01.01.2024, the following amounts apply:

- for children up to 5 years 230,00 Euro per month
- for children from 6 to 11 years 301,00 Euro per month
- for children from 12 to 17 years 395,00 Euro per month

Modul

Sachverhalt

This money is immediately reclaimed from the defaulting parent through the maintenance advance payment office.

An important prerequisite for the payment of maintenance advances is in particular that your child lives with you and is younger than 18 years of age.

For children after the age of 12, it is also a prerequisite that they themselves are not dependent on benefits according to Book II of the Social Code (SGB II), or that they fall out of the SGB II receipt due to the advance payment of maintenance, or that the single parent earns his or her own income of at least 600 euros gross per month in the SGB II receipt.

If the other parent would be perfectly capable of paying the maintenance for your child, this is an advance on the maintenance that the maintenance advance office recovers from the parent who is actually liable for maintenance.

If the other parent is unable and therefore not obliged to pay maintenance for your child, a loss benefit will be paid.

For foreign nationals who do not have the citizenship of member states of the European Economic Area or Switzerland, eligibility must be checked on a case-by-case basis.

Erforderliche Unterlagen

For the establishment of a conservatorship

- Applicant's identity card
- If applicable, account details
- Birth certificate of the child
- Furthermore, all documents that may already exist are helpful, such as a letter from a lawyer, alimony order, etc.)

To apply for maintenance advances/reimbursements:

- Applicant's identity card or passport
- Birth certificate of the child
- If available: maintenance order, court order or

Modul
Sachverhalt

judgment or proof of service of the maintenance claim

- Bank account details for the transfer of the advance / compensation
- Proof of the date of separation or divorce
- Residence permit, if applicable
- Proof of child benefit
- If applicable, custody decision or declaration of custody
- Acknowledgment of paternity, if applicable
- Proof of the date of separation, e.g. confirmation from the lawyer
- If there are (reminder) letters in connection with the assertion of maintenance claims of the child
- If applicable, proof of income from the child's assets (interest, etc.) and the child's work (e.g. education allowance)

Voraussetzungen

- Child must still be a minor
- You are a single parent and your child lives with you

In addition, in the case of maintenance advances:

- The other parent cannot or does not want to pay child support
- For children after the age of 12, it is also a prerequisite that they themselves are not dependent on benefits according to Book II of the Social Code (SGB II), or that they fall out of receipt of SGB II due to the advance payment of maintenance, or that the single parent earns his or her own income of at least 600 euros gross per month in receipt of SGB II

Kosten

Gebühr: Es fallen keine Kosten an

Verfahrensablauf

Conservatorship:

- The guardianship can then be set up in person or applied for by means of a written, informal application.
- In most cases, it makes sense to go to a personal meeting to set up a conservatorship. For this purpose, an appointment is arranged, which usually lasts 30 to 60 minutes.

Maintenance advance

Modul	Sachverhalt
	<ul style="list-style-type: none"> • The application is made via a form to which all relevant documents must be attached.
Bearbeitungsdauer	<p>Conservatorship: • After a personal meeting (approx. 30 to 60 minutes), the processing usually takes place within 3 weeks. This also depends on the necessary measures. Maintenance advance: • Once a complete application has been submitted, it will be processed immediately.</p>
Frist	The child must still be a minor.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	<p>None.</p> <p>The documentary title of a maintenance claim is based on the agreement of the parties involved. Subsequently, an application for an amendment of the title may be possible. https://www.gesetze-im-internet.de/famfg/_239.html https://www.gesetze-im-internet.de/famfg/_239.html</p>
Kurztext	<ul style="list-style-type: none"> • Obligation to Comply with Maintenance Claims <p>Notarization</p> <ul style="list-style-type: none"> • If one of the parents is unable or unwilling to pay maintenance (even after the death of the partner), the Maintenance Advance Office can make an advance and, if necessary, recover the money from the defaulting parent. • If the father of a child is unknown, a paternity test can be enforced with the help of conservatorship. • If the parents are known, but one of the parents does not pay maintenance, the guardianship supports the parent in whose care the child is. • The guardianship can determine the amount of maintenance and, if necessary, certify it. Applications for guardianship can be submitted even before the birth of a child. • Responsibility: the local youth welfare office
Ansprechpunkt	Youth welfare office

Modul	Sachverhalt
Zuständige Stelle	Youth welfare office
Formulare	Conservatorship: none
Ursprungsportal	Determine a child's maintenance claims and have them certified as a maintenance obligation, Unterhaltsansprüche eines Kindes feststellen und als Unterhaltspflicht beurkunden lassen