

99046025002000, 99046025002000

# Applying for child support

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/484296063/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046025002000, 99046025002000
Leistungsbezeichnung I	Applying for child support
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Festsetzung (002)
SDG-Informationsbereich	Geburt, Sorgerecht für Minderjährige, elterliche Pflichten, Vorschriften für Leihmutterschaft und Adoption, einschließlich Stiefkindadoption, Unterhaltspflichten für Kinder bei grenzüberschreitenden familiären Gegebenheiten
Lagen Portalverbund	Nach der Geburt (1010200), Trennung mit Kind

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	(1020500), Scheidung (1020400)
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	24.01.2023
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/">https://www.gesetze-im-internet.de/bgb/</a> <a href="https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_bgbl_//%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_1671795383388">https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_bgbl_//%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_1671795383388</a> <a href="https://www.gesetze-im-internet.de/famfg/index.html">https://www.gesetze-im-internet.de/famfg/index.html</a> <a href="https://www.gesetze-im-internet.de/famfg/index.html">https://www.gesetze-im-internet.de/famfg/index.html</a> <a href="https://www.gesetze-im-internet.de/aug_2011/">https://www.gesetze-im-internet.de/aug_2011/</a> <a href="https://www.gesetze-im-internet.de/famgkg/">https://www.gesetze-im-internet.de/famgkg/</a> <a href="https://www.gesetze-im-internet.de/bgb/">https://www.gesetze-im-internet.de/bgb/</a> <a href="https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_bgbl_//%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_1671795383388">https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_bgbl_//%5B%40attr_id%3D%27bgbl107s3189.pdf%27%5D#_1671795383388</a> <a href="https://www.gesetze-im-internet.de/famfg/index.html">https://www.gesetze-im-internet.de/famfg/index.html</a> <a href="https://www.gesetze-im-internet.de/famfg/index.html">https://www.gesetze-im-internet.de/famfg/index.html</a> <a href="https://www.gesetze-im-internet.de/aug_2011/">https://www.gesetze-im-internet.de/aug_2011/</a> <a href="https://www.gesetze-im-internet.de/famgkg/">https://www.gesetze-im-internet.de/famgkg/</a>
Teaser	
Volltext	<p>Despite all the conflicts in the event of separation or divorce, parents should mutually agree on maintenance claims for the benefit of their children. The legislator does not prescribe fixed rates. However, the so-called Düsseldorf table and the maintenance guidelines of the respective competent higher regional courts provide guidance (under "Further information").</p> <p>If you, as the parents, have reached an agreement, the parent liable for maintenance can voluntarily submit an enforceable payment obligation. This is done with the notarization by the Youth Welfare Office, a notary.</p> <p>If no agreement is reached, the parent with whom the child lives can assert the child's maintenance claim in court (§ 1629 (2) BGB).</p>

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Note: Under certain conditions, the maintenance of a minor child who does not live in the same household as the parent in question can be determined on application under the simplified procedure. The prerequisite is that the maintenance does not exceed 1.2 times the minimum maintenance before the benefits are taken into account (according to § 1612b or § 1612c and according to § 1612a(1) of the Civil Code).

In principle, adult children are only entitled to maintenance if they are in education or are not fully available to the labour market due to illness, i.e. if they are unable to support themselves.

If no or no regular maintenance can be obtained from the person obliged to pay maintenance, children of single parents up to the age of 18 can receive maintenance from the maintenance advance fund. The prerequisite for this is, among other things, that the children over the age of twelve are not dependent on SGB II benefits or that their single parent earns at least 600 euros in receipt of SGB II.

Tip: Expert advice on all questions of child maintenance can be obtained from the Youth Welfare Office in your district. In any case, you should seek advice from a lawyer before submitting your application.

### Erforderliche Unterlagen

- Proof of the other parent's income, Bring a copy to the lawyer
- letters of formal notice and registered letter with acknowledgment of receipt, to a lawyer.
- Possible (reply) letters from the other parent or his/her proxy, to a lawyer.

### Voraussetzungen

Out-of-court request

In order for the maintenance to be calculated, you should ask the other parent in writing by registered letter with acknowledgement of receipt before submitting your application:

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- inform you of the amount of your current income and assets, and
- provide the relevant supporting documents, in particular the employer's pay slips.

If the other parent complies with this request, the responsible youth welfare office can calculate the maintenance on the basis of the income receipts. If the other parent commits in an enforceable deed to the maintenance that will become due in the future, it is no longer necessary to apply for maintenance in court. The parent who is obliged to pay maintenance can have such a document (enforceable title) drawn up before the Youth Welfare Office or before any notary.

Application (by a lawyer or a lawyer)

If the other parent does not provide information about his or her income and assets, or if he or she does not voluntarily undertake to pay maintenance in an enforceable document, an application for maintenance must be submitted to the family court.

You can only apply for child maintenance in court through a lawyer. Your lawyer will inform you about the individual requirements for the maintenance claim.

## Kosten

When initiating the proceedings, court costs and, if applicable, lawyers' fees are incurred. The amount is determined on the basis of the so-called amount in dispute (twelve times the value of the monthly maintenance amount – but not more than the total amount claimed and amounts that were already due when the application was submitted).

In addition, there are expenses incurred by the court for service, interpreters, experts, etc.

If the party liable for maintenance has initiated the court proceedings by failing to provide information about income and assets, or by not providing all or all of the costs, it may be ordered to pay all or part of the costs.

Note: Find out about the possibilities of financial

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support from the state treasury in the form of counselling assistance and legal aid. Under certain conditions, your (divorced) spouse may also be obliged to grant an advance on legal costs.

## Verfahrensablauf

Expert advice on all questions of maintenance can be obtained from the youth welfare office of your city or district. In connection with ongoing divorce proceedings, you should first seek legal advice.

### Application

You submit the application for the judicial determination of child maintenance via your legal representative to the competent district court - family court.

In urgent cases, you have the option of filing an application for a preliminary injunction with the family court.

If you are not in a position to put an exact figure on the amount of maintenance claimed – for example, because the other parent has not provided you with any information on income and assets despite being asked to do so,

can be applied to the court to order the opposing party to provide information.

### Procedure

The court serves the application on the opposing party, who is given the opportunity to comment (response to the application).

In addition, the proceedings are conducted in accordance with the regulations for family disputes – laid down in the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG). In principle, everyone is obliged to present and, if necessary, prove the facts that are favourable to him/her.

The court may order both sides to provide information

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about their income and financial circumstances. If one party does not comply with this obligation, the court is entitled to make inquiries independently, for example from employers, the employment agency, the tax office or insurance companies.

Titling of the amount

The family court calculates child maintenance, which is based on the income of the parties involved and the age of the child. The Higher Regional Courts provide an up-to-date basis for calculation in the maintenance guidelines, to which a maintenance table is attached.

**Bearbeitungsdauer**

At least 3 months due to the prescribed course of proceedings, possibly longer in more complex proceedings, depending on the individual case

**Frist**

In principle, maintenance can only be claimed for the future. For the past only under certain conditions. Deadline for filing an application for a hearing in connection with the divorce case: Filing no later than two weeks before the court date in the divorce proceedings.

**weiterführende Informationen**
**Hinweise**

<https://www.bmj.de/SharedDocs/Publikationen/DE/Kindschaftsrecht.html>  
<https://www.bmfsfj.de/bmfsfj/service/publikationen/die-beistandschaft-73974>  
<https://www.bmfsfj.de/bmfsfj/service/publikationen/der-unterhaltsvorschuss-73764>  
<https://www.bmj.de/SharedDocs/Publikationen/DE/Kindschaftsrecht.html>  
<https://www.bmfsfj.de/bmfsfj/service/publikationen/die-beistandschaft-73974>  
<https://www.bmfsfj.de/bmfsfj/service/publikationen/der-unterhaltsvorschuss-73764>

**Rechtsbehelf**
**Kurztext**

Applying for child support

If you, as the parents, have reached an agreement, the

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parent liable for maintenance can voluntarily submit an enforceable payment obligation.

This is done with the notarization by the Youth Welfare Office, a notary.

If no agreement is reached, the parent with whom the child lives can assert the child's maintenance claim in court (§ 1629 (2) BGB).

Expert advice on all questions of child maintenance can be obtained from the Youth Welfare Office in your district.

In any case, you should seek advice from a lawyer before submitting your application.

Responsible: Family Court at the District Court

## Ansprechpunkt

## Zuständige Stelle

## Formulare

Forms available: No

Informal application possible: Yes

Personal appearance required: No

## Ursprungsportal

Kindesunterhalt beantragen, Applying for child support