

99046039000000, 99046039000000

# Divorce

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/8664502/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046039000000, 99046039000000
Leistungsbezeichnung I	Divorce
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	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Scheidung (1020400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	

**Modul**
**Sachverhalt**
**Fachlich freigegeben durch**
**Handlungsgrundlage**

<http://www.gesetze-im-internet.de/bgb/index.html>  
<http://www.gesetze-im-internet.de/zpo/index.html>  
<http://www.gesetze-im-internet.de/bgb/index.html>  
<http://www.gesetze-im-internet.de/zpo/index.html>

**Teaser**
**Volltext**

In the case of divorce, the principle of disruption applies. After that, a marriage can be divorced if it has failed.

The marriage has failed when the cohabitation of the spouses no longer exists and the spouses cannot be expected to restore it. This shall be irrebuttably presumed if:

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

In addition, the court may dissolve the marriage, regardless of the duration of the separation, if the continuation of the marriage would constitute undue hardship for the applicant for reasons relating to the person of the other spouse.

Spouses must be represented in divorce proceedings by a lawyer, i.e. they must also file the divorce petition in this way.

If a spouse does not wish to file his or her own applications as part of the divorce proceedings, he or she may agree to the divorce without appointing a lawyer.

Information on this topic can also be found on the website of the Federal Ministry of Justice.  
[https://www.bmj.de/DE/Themen/FamilieUndPartnerschaft/FamilieUndPartnerschaft\\_node.html\\_node.html](https://www.bmj.de/DE/Themen/FamilieUndPartnerschaft/FamilieUndPartnerschaft_node.html_node.html)  
[https://www.bmj.de/DE/Themen/FamilieUndPartnerschaft/FamilieUndPartnerschaft\\_node.html\\_node.html](https://www.bmj.de/DE/Themen/FamilieUndPartnerschaft/FamilieUndPartnerschaft_node.html_node.html)

Modul	Sachverhalt
Erforderliche Unterlagen	Documents are required. Please contact the competent authority.
Voraussetzungen	
Kosten	Fees may apply. Please contact the relevant authority.
Verfahrensablauf	
Bearbeitungsdauer	
Frist	Deadlines may have to be observed. Please contact the competent authority.
weiterführende Informationen	
Hinweise	Even in the run-up to a divorce, many matters have to be settled and formalities have to be completed. It makes sense to seek advice from a lawyer here as well.
Rechtsbehelf	
Kurztext	
Ansprechpunkt	<p>Jurisdiction lies with the district court in whose district the spouses have their common habitual residence.</p> <p>In the absence of such residence, the district court in whose district one of the spouses with the minor children has habitual residence has jurisdiction. If there are no joint minor children, either the district court of the former joint habitual residence has jurisdiction if one of the spouses still has his or her centre of life in his district. Otherwise, the district court in whose district the respondent usually resides has jurisdiction.</p> <p>Your lawyer will inform you about the details.</p>
Zuständige Stelle	
Formulare	
Ursprungsportal	Divorce, Ehescheidung