

99046039221000

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/12099/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Divorce; application
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	28.02.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377 http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG013002377 http://bundesrecht.juris.de/famfg/ http://bundesrecht.juris.de/famfg/ http://bundesrecht.juris.de/famgkg/index.html http://bundesrecht.juris.de/famgkg/index.html
Teaser	The Local Court - Family Court - has jurisdiction for applications for divorce or annulment of a marriage or for a declaration of the existence or non-existence of a marriage (matrimonial matters).
Volltext	<p>Matrimonial matters are decided by the local court - family court - in whose district one of the spouses and all joint minor children have their habitual residence. This also applies if only some of the joint minor children live with the spouse and no joint minor children live with the other spouse. Otherwise, the court in whose district the spouses last lived together has jurisdiction if one of the spouses still has their habitual residence in this district. If none of these cases apply, the court in whose district the defendant has their habitual residence has jurisdiction, or alternatively the court in the applicant's habitual residence. Divorce is the most important matrimonial matter. A marriage can only be divorced by a court decision at the request of one or both spouses. The only ground for divorce is the "breakdown" of the marriage. According to the statutory provisions, a marriage has broken down if the spouses' cohabitation no longer exists (diagnosis) and it cannot be expected that the spouses will restore it (prognosis). In order to determine that the marital partnership no longer exists, the marital attitude of the spouses is of primary importance. If one spouse does not wish to continue the marriage with the other, the cohabitation no longer exists. The duration of the separation is of key importance in determining whether the marriage can be expected to be restored. The law specifies certain conditions under which the breakdown of the marriage</p>

Modul
Sachverhalt

is irrefutably presumed. On the one hand, the presumption of breakdown applies if the spouses have been separated for one year and both spouses apply for divorce or the respondent agrees to the divorce. On the other hand, the presumption of breakdown also applies after three years of separation if the other spouse does not agree to the divorce.

Erforderliche Unterlagen
Voraussetzungen

A written application for divorce signed by a lawyer (petition) is required for a divorce. The divorce petition can also be submitted as an electronic document. The petitioner must be represented in the divorce proceedings by a licensed lawyer (obligation to be represented by a lawyer). The respondent does not necessarily need a lawyer if he or she does not wish to make any substantive applications in the divorce proceedings (e.g. in the case of a divorce by mutual consent).

Kosten

If the application for divorce is successful, the costs of the divorce are generally offset against each other. This means that each party bears their own costs (e.g. lawyer's fees) and each party is responsible for half of the court costs.

Verfahrensablauf
Bearbeitungsdauer
Frist
**weiterführende
Informationen**
Hinweise
Rechtsbehelf

Complaint

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare

Modul	Sachverhalt
Ursprungsportal	BayernPortal, BayernPortal