

99066011000000

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/172474/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99066011000000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Attachment protection account; application for adjustment of the allowance
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	

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Fachlich freigegeben am	29.11.2024
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	https://www.gesetze-im-internet.de/zpo/_850c.html https://www.gesetze-im-internet.de/zpo/_850c.html https://www.gesetze-im-internet.de/zpo/_899.html https://www.gesetze-im-internet.de/zpo/_899.html https://www.gesetze-im-internet.de/zpo/_902.html https://www.gesetze-im-internet.de/zpo/_902.html https://www.gesetze-im-internet.de/zpo/_903.html https://www.gesetze-im-internet.de/zpo/_903.html https://www.gesetze-im-internet.de/zpo/_905.html https://www.gesetze-im-internet.de/zpo/_905.html
Teaser	You can apply to adjust the allowance for a garnishment protection account.
Volltext	<p>A garnishment protection account (so-called P-account) is a current account that offers you a certain degree of protection against account garnishment. If you have debts and your creditors apply to have your account seized, you can avoid having your entire balance seized by converting your normal current account into a seizure protection account. A garnishment protection account allows you to dispose of a certain basic allowance each month. The basic allowance is based on the garnishment exemption limits for earned income, which are set annually by the Federal Ministry of Justice. You can view the currently valid basic allowance on the website of the Federal Ministry of Justice, which you can access under "Further links".</p> <p>The purpose of an attachment protection account is to prevent debtors from no longer having the money they need to buy food or pay their rent, for example, if their account is blocked. It is also possible to save up allowances that are not used in one month in the following three months in order to make larger purchases.</p> <p>Under certain conditions, the unattachable credit balance on a garnishment protection account can also be increased above the basic allowance. These</p>

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increases depend on your personal circumstances. For example, you may be liable to pay maintenance to one or more people. Child benefit and other statutory cash benefits for children are also exempt from garnishment in principle.

In order to benefit from an increased garnishment allowance, you must prove to your bank that the additional account balance is a garnishment-free increase. You can prove this by submitting a certificate

- from the family benefits office, the social benefits provider or an institution responsible for granting cash benefits within the meaning of Section 902 sentence 1 of the German Code of Civil Procedure (ZPO),
- your employer or
- a suitable person or body within the meaning of § 305 Para. 1 No. 1 of the Insolvency Code (e.g. debtor advice center)

to conduct.

If it is not possible for you to obtain such a certificate from the aforementioned bodies, or if the increase cannot be obtained via such a certificate because it is an attachment due to maintenance claims, you can file an application with the enforcement court to determine the increase amounts.

Erforderliche Unterlagen

- The following documents are required: Proof from the bank that the account is a seizure protection account consecutive account statements for the last 3 months with current account balance Wage certificates for the last 3 months (if the reason for the increase relates to wages or wage components) notification from the benefit provider about the benefit to be released (if the reason for the increase relates to social benefits, for example) respective attachment and transfer order If applicable, proof of special circumstances (e.g. one-off benefits, new maintenance obligation) If applicable, corresponding proof if your allowance has already been increased (e.g. certificate from family benefits office or employer)

Voraussetzungen

In order to obtain a determination of the increase

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amounts by the enforcement court, you must credibly demonstrate to the enforcement court that you have applied for the issue of a certificate within the meaning of Section 903 (1) sentence 2 ZPO

- first from an office named in Section 903 para. 1 sentence 2 no. 1 ZPO (e.g. family benefits office or social benefits provider) from which you receive a benefit, and subsequently
- another office that is authorized to issue the certificate (e.g. debtor advice center),

but you could not reasonably obtain such a certificate from these offices.

In the case of garnishment due to maintenance claims, you can apply to the enforcement court to set a different amount. This is particularly possible if the circumstances on which the original garnishment order was based have changed (e.g. the maintenance creditor's own income).

Kosten

There are no court fees for the proceedings.

Verfahrensablauf

An adjustment of the allowance for an attachment protection account requires an application by the debtor. This must be submitted to the enforcement court that issued the garnishment order to be amended.

The application can be submitted in writing or electronically via the online procedure provided by the enforcement court. Submission by e-mail is not permitted.

Bearbeitungsdauer
Frist

none

weiterführende Informationen

https://www.bmj.de/DE/themen/wirtschaft_finanzen/zwangsvollstreckung/pfaendungsschutzkonto/pfaendungsschutzkonto_node.html
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Hinweise	
Rechtsbehelf	<p>Immediate appeal</p> <p>An immediate appeal may be lodged against decisions of the enforcement court. This must be lodged within an emergency period of two weeks. If the enforcement court considers the immediate appeal to be well-founded, it will dismiss it. Otherwise, it will immediately submit the immediate appeal to the court of appeal for a decision.</p>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal