

99046017002000, 99046011002000

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/25531/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99046017002000, 99046011002000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Maintenance; application for determination
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	05.03.2025



Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	<a href="https://www.justiz.bayern.de/media/pdf/lebenslagen/finaledfassung_suedl_2021.pdf">https://www.justiz.bayern.de/media/pdf/lebenslagen/finaledfassung_suedl_2021.pdf</a> <a href="https://www.justiz.bayern.de/media/pdf/lebenslagen/finaledfassung_suedl_2021.pdf">https://www.justiz.bayern.de/media/pdf/lebenslagen/finaledfassung_suedl_2021.pdf</a> <a href="http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG015002377">http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG015002377</a> <a href="http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG015002377">http://bundesrecht.juris.de/bgb/BJNR001950896.html#BJNR001950896BJNG015002377</a> <a href="http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013202377">http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013202377</a> <a href="http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013202377">http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG013202377</a> <a href="http://bundesrecht.juris.de/famfg/BJNR258700008.html#BJNR258700008BJNG003100000">http://bundesrecht.juris.de/famfg/BJNR258700008.html#BJNR258700008BJNG003100000</a> <a href="http://bundesrecht.juris.de/famfg/BJNR258700008.html#BJNR258700008BJNG003100000">http://bundesrecht.juris.de/famfg/BJNR258700008.html#BJNR258700008BJNG003100000</a> <a href="http://www.gesetze-im-internet.de/famgkg/_51.html">http://www.gesetze-im-internet.de/famgkg/_51.html</a> <a href="http://www.gesetze-im-internet.de/famgkg/_51.html">http://www.gesetze-im-internet.de/famgkg/_51.html</a>
Teaser	The Local Court - Family Court is responsible for legal disputes relating to the statutory maintenance obligation based on kinship or marriage.
Volltext	<p>The Local Court - Family Court decides on the following maintenance obligations in the event of a dispute:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3. maintenance claims of the mother or father on the</li> </ol> <p>The claim to child maintenance is of particular importance in family court practice:</p> <p>Children have a maintenance claim against their parents. Parents who look after a minor child generally fulfill their maintenance obligation by caring for and raising the child. In addition, the maintenance claim is generally based on the monthly payment of a sum of money; if the parents separate, the parent who is not caring for the child is therefore generally liable for cash maintenance. If he lives with the child in the same household, he can also provide this maintenance in</p>



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kind, i.e. by providing housing, food, clothing, etc. In the event of a dispute, child maintenance can be claimed before the local court - family court. For proceedings concerning the statutory maintenance obligation of one or both parents towards a minor child, the Local Court - Family Court has exclusive jurisdiction where the child or the parent who legally represents the child is habitually resident. If a matrimonial case of the parents is already pending at first instance, the court of the matrimonial case has exclusive jurisdiction.

The amount of child maintenance is generally based on the "Düsseldorfer Tabelle". This table and the "maintenance guidelines of the family senates in southern Germany" based on it are not binding legal sources; however, for reasons of equal treatment, the family courts in Bavaria regularly follow these recommendations.

Their benchmark values correspond to the statutory minimum maintenance, the amount of which is based on the tax-free minimum subsistence level of the minor child. From January 1, 2023, with an adjusted net income of the person liable for cash maintenance of up to €1,900, the monthly requirement of a child aged 0 to 5 years according to the Düsseldorfer Tabelle is €437, that of a child aged 6 to 11 years €502 and that of a child aged 12 to 17 years €588. For adult children who still live in the household of their parents or one of their parents, the monthly requirement according to the Düsseldorfer Tabelle is €628.

If the net income of the person liable for cash maintenance is higher, the table amounts increase accordingly. The table assumes that the debtor is liable to pay maintenance to two people. In the case of a larger or smaller number of dependants, reductions and supplements are appropriate through classification in lower or higher groups of the table.

The appropriate total maintenance requirement of a student who does not live with his/her parents or a parent is generally € 930 per month.



## Modul

## Sachverhalt

Instead of specifying a fixed amount, a percentage of the so-called minimum maintenance is regularly stated, so that if the minimum maintenance increases, the child's fixed maintenance entitlement also increases without the need to apply to the court for a modification order - as required under previous law (so-called "dynamization of the maintenance title").

If there are several persons entitled to maintenance and the funds available to the person obliged to pay maintenance are not sufficient to pay maintenance to all of them, the claims of minor children and unmarried children of full age who still live with their parents and go to school take precedence over the claims of all other entitled persons.

The child benefit due to the respective child is to be used to cover the child's cash needs, i.e. the child should benefit in full. Half of it must therefore be offset against the child maintenance if the parents live separately and one parent provides childcare maintenance. The amount to be paid by the person obliged to pay maintenance is therefore lower than the above-mentioned amounts in these cases. There is therefore an appendix to the Düsseldorf table in which child benefit has already been taken into account and the actual amount to be paid is shown.

If the parent liable for cash maintenance receives the child benefit, the parent providing care should apply to the relevant family benefits office for a change in payment. As long as the parent liable for cash maintenance is still incorrectly receiving child benefit, full maintenance must be paid and half of the child benefit must also be paid to the child.

## Erforderliche Unterlagen

### Voraussetzungen

If the parent who owes cash maintenance is not prepared to voluntarily certify this obligation (free of charge at any youth welfare office!), the legal representative of the minor child can bring an action against him/her. The local court - family court at which the child or the parent who legally represents the child has his or her habitual residence will decide; if a



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matrimonial matter is pending, the court of the matrimonial matter will decide at first instance. An appeal against the decision of the local court - family court can be lodged with the higher regional court. If maintenance is determined for the first time, this can also be applied for in a simplified procedure before the family courts. In this case, the child can request up to 1.2 times the minimum maintenance. In simplified proceedings, the defendant can only invoke his or her inability to pay maintenance if he or she also provides information about his or her income and assets and documents his or her income for the last twelve months.

**Kosten**

The costs of the court proceedings depend on the value of the proceedings. This corresponds to the amount claimed for the first twelve months after filing the application, but no more than the total amount of the benefit claimed. If maintenance is also claimed for the period before the application is filed, the amounts already due when the application is filed must be added to the value of the proceedings. In many cases, the child will be entitled to legal aid or an advance on legal costs.

**Verfahrensablauf**
**Bearbeitungsdauer**
**Frist**
**weiterführende Informationen**

[https://www.olg-duesseldorf.nrw.de/infos/Duesseldorf\\_er\\_Tabelle/Tabelle-2022/index.php](https://www.olg-duesseldorf.nrw.de/infos/Duesseldorf_er_Tabelle/Tabelle-2022/index.php)  
[https://www.olg-duesseldorf.nrw.de/infos/Duesseldorf\\_er\\_Tabelle/Tabelle-2022/index.php](https://www.olg-duesseldorf.nrw.de/infos/Duesseldorf_er_Tabelle/Tabelle-2022/index.php)  
<https://oberlandesgericht-stuttgart.justiz-bw.de/pb/,Lde/Startseite/Entscheidungen/Unterhaltsrechtliche+Leitlinien>  
<https://oberlandesgericht-stuttgart.justiz-bw.de/pb/,Lde/Startseite/Entscheidungen/Unterhaltsrechtliche+Leitlinien>

**Hinweise**
**Rechtsbehelf**



Modul	Sachverhalt
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal