

99046039221000

# Divorce petition decision

Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/S1000020010000000327/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046039221000
Leistungsbezeichnung I	Divorce petition decision
Leistungsbezeichnung II	Divorce petition decision
Typisierung	3b - Bundesaufsichtsverwaltung: Regelung, Land: Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">District courts, divorces</div> , <div lang="en-x-mtfrom-de">District courts, separations</div> , <div lang="en-x-mtfrom-de">District courts, dissolution of marriage</div> , <div lang="en-x-mtfrom-de">District courts, ÜR divorces</div> , <div lang="en-x-mtfrom-de">District courts, family court</div> , <div lang="en-x-mtfrom-de">divorce</div> , <div lang="en-x-mtfrom-de">District courts, dissolution of civil partnership</div> , <div lang="en-x-mtfrom-de">District courts, dissolution of civil partnership</div> , <div lang="en-x-mtfrom-de">District courts, compulsory</div>

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	lawyer</div>, <div lang="en-x-mtfrom-de">District courts, marriage</div>, <div lang="en-x-mtfrom-de">District courts, living apart</div>, <div lang="en-x-mtfrom-de">District courts, divorce</div>, <div lang="en-x-mtfrom-de">District courts, marriage failure</div>, <div lang="en-x-mtfrom-de">District courts, hardship</div>, <div lang="en-x-mtfrom-de">District courts, divorce petition decision</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	[§§ 1564 ff. German Civil Code (BGB)]( <a href="https://www.gesetze-im-internet.de/bgb/_1564.html">https://www.gesetze-im-internet.de/bgb/_1564.html</a> ) [Section 111 No. 1 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)]( <a href="https://www.gesetze-im-internet.de/famfg/_111.html">https://www.gesetze-im-internet.de/famfg/_111.html</a> ) [Section 113 para. 1 FamFG]( <a href="https://www.gesetze-im-internet.de/famfg/_113.html">https://www.gesetze-im-internet.de/famfg/_113.html</a> ) [Section 114 para. 1 FamFG]( <a href="https://www.gesetze-im-internet.de/famfg/_114.html">https://www.gesetze-im-internet.de/famfg/_114.html</a> ) [Section 121 No. 1 FamFG]( <a href="https://www.gesetze-im-internet.de/famfg/_121.html">https://www.gesetze-im-internet.de/famfg/_121.html</a> ) [§§ 133 ff. FamFG]( <a href="https://www.gesetze-im-internet.de/famfg/_133.html">https://www.gesetze-im-internet.de/famfg/_133.html</a> )

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	<p>[§ 43 Law on Court Costs in Family Matters (FamGKG)](<a href="https://www.gesetze-im-internet.de/famgkg/_43.html#:~:text=Gesetz%20%C3%BCber%20Gerichtskosten%20in%20Familiensachen,Ehegatten%2C%20nach%20Ermessen%20zu%20bestimmen.">https://www.gesetze-im-internet.de/famgkg/_43.html#:~:text=Gesetz%20%C3%BCber%20Gerichtskosten%20in%20Familiensachen,Ehegatten%2C%20nach%20Ermessen%20zu%20bestimmen.</a>)</p>
Teaser	If you want to end your marriage, you can file for divorce.
Volltext	<p>In order to end your existing marriage, you must apply for divorce in the family court. You must be represented by a lawyer. There is no legal requirement to approve the divorce petition.</p> <p>The family court pronounces the divorce, provided that the legal requirements are met. In the case of an amicable application for divorce by both spouses or the consent of the respondent to the divorce, the district court will divorce the marriage if the so-called year of separation has passed. In the case of contentious proceedings, the court decides within the meaning of the law on the basis of the individual circumstances.</p>
Erforderliche Unterlagen	<p>As a rule, the following must be presented for this:</p> <ul style="list-style-type: none"> <li>• Your photo ID</li> <li>• the original or a certified copy of the marriage certificate</li> <li>• if necessary, the original or certified copy of the birth certificates of your minor children</li> </ul> <p>Please seek legal advice as to which documents your lawyer needs from you.</p>
Voraussetzungen	<p>The prerequisite for the divorce of your marriage is that it has failed.</p> <p>The marriage has failed when your relationship no longer exists and you and your spouse cannot be expected to restore it.</p> <p>According to the law, this is irrefutable to suspect if you and your spouse have been separated for at least three years. In addition, a marriage is considered to have failed if you and your spouse have been separated for a year and you both apply for divorce or your spouse agrees to divorce.</p> <p>If you and your spouse have been separated for less</p>

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	<p>than three years and your spouse does not consent to the divorce, you must present and prove that the marriage has failed.</p> <p>The court can divorce the marriage irrespective of the length of the separation if the continuation of the marriage would represent an unreasonable hardship for you for reasons which are personal to your spouse.</p>
Kosten	<ul style="list-style-type: none"> <li>• Court costs</li> <li>• Legal fees</li> <li>• Both are based on the amount in dispute</li> </ul>
Verfahrensablauf	<p>The divorce petition must be submitted to the family court by your lawyer, usually after the separation period of at least one year.</p> <ul style="list-style-type: none"> <li>• The court then serves the application on the divorcee. There is no legal requirement to approve the divorce petition.</li> <li>• As a rule, pension equalization is also to be carried out in the divorce association, ie the fair distribution of the pension entitlements acquired by the spouses during the marriage period. To this end, the district court will ex officio request you and your spouse to notify your pension provider and then ask the pension provider for information about the rights acquired by you and your spouse during the marriage period.</li> <li>• You and your spouse can also file other follow-up matters in the divorce association, e.g. B. the following matters gain compensation or post-marital maintenance.</li> <li>• In the appointment for the oral hearing on the divorce petition, you and your spouse will usually be heard personally about the divorce prerequisites.</li> <li>• If the divorce prerequisites are met, the family court will pronounce the divorce of the marriage by decision.</li> </ul>
Bearbeitungsdauer	Because of the given procedure, at least 3 months, depending on the individual case
Frist	No
weiterführende Informationen	<a href="https://justiz.hamburg.de/gerichte/amtsgericht-hamburg">https://justiz.hamburg.de/gerichte/amtsgericht-hamburg</a> <a href="https://justiz.hamburg.de/gerichte-segmente/">https://justiz.hamburg.de/gerichte-segmente/</a> <a href="https://www.anwaltverein.de">https://www.anwaltverein.de</a>

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Hinweise	<p>A divorce petition must always be submitted to the relevant family court by a lawyer or a specialist in family law. Please see the collection of links below.</p> <p><b>**The probate court does not provide legal advice. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The [Public Legal Advice Service (ÖRA)](<a href="https://www.hamburg.de/oera/">https://www.hamburg.de/oera/</a>) offers low-cost legal advice for people with low incomes.**</b></p>
Rechtsbehelf	Complaint against the family court decision within one month by a lawyer.
Kurztext	<ul style="list-style-type: none"> <li>• Divorce petition decision</li> <li>• Compulsory lawyer for the application for divorce</li> <li>• no legal requirement to approve the divorce petition</li> <li>• Failure of marriage as a prerequisite for divorce</li> <li>• The marriage has failed if:               <ol style="list-style-type: none"> <li>1. the spouses have been separated for at least three years, or</li> <li>2. the spouses have been separated for a year and both spouses apply for divorce or</li> <li>3. the other spouse agrees to the divorce or</li> <li>4. the spouse making the application can prove that the marriage has failed</li> </ol> </li> <li>• The court can divorce the marriage for hardship reasons regardless of the duration of the separation.</li> <li>• responsible: District Court - Family Court -</li> </ul>
Ansprechpunkt	
Zuständige Stelle	Hamburg District Court

Modul	Sachverhalt
Formulare	
Ursprungsportal	Behördenfinder Hamburg, Authority finder Hamburg (Currently this link is only available in german)