

# Enforcement of alimony during the separation phase

If you are married or in a registered civil partnership but living separately, you can demand reasonable maintenance from your partner even before the divorce.

## Competent Department

- [Amtsgericht Bremen](#)
- [Amtsgericht Bremen-Blumenthal](#)
- [Amtsgericht Bremerhaven](#)

## Basic information

If you are unable to agree on an appropriate amount of maintenance with your spouse who is separating, you can assert your claim for separation maintenance in court. The course of such court proceedings is essentially based on the rules applicable to civil proceedings.

The claim for separation maintenance is calculated according to the recognized principles of maintenance calculation, which fill out the undefined legal terms of the maintenance law. For details, please contact a lawyer.

Further information can also be found in the maintenance law guidelines of the higher regional courts.

## Requirements

In principle, a claim for separation maintenance presupposes that

- the spouses or partners live separately,
- the need is determined according to the marital living conditions,
- the claimant is needy (the income and payment obligations of the person claiming maintenance as well as the obligation to his/her own gainful employment are decisive here).
- the respondent is capable of paying.
- For details, please contact a lawyer.

## What documents do I need?

- Proof of income, assets and personal and economic circumstances

# Procedure

An application to enforce separation maintenance can only be filed by a lawyer.

- The further course of the court proceedings is essentially governed by the provisions on civil proceedings.
- The court sends the application to the defendant. The respondent is given the opportunity to comment.
- The family court then sets an amount for maintenance.
- The court may order the parties to provide information about their income, assets, and personal and economic circumstances. If you and your former (spouse) partner do not comply with this order, the court can independently obtain information, e.g. from employers or insurance companies.

## Legal bases

- [§ 1361 Bürgerliches Gesetzbuch \(BGB\)](#)
- [§ 111 Nr. 8 des Gesetzes über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) für Ehesachen Unterhaltssachen](#)
- [§ 113 Abs. 1 des Gesetzes über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) für Ehesachen Familienstreitsachen](#)
- [§ 114 Abs. 1 des Gesetzes über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) für Ehesachen Familienstreitsachen](#)
- [§ 231 Abs. 1 Nr. 2 des Gesetzes über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\)](#)
- [§ 269 Abs. 1 Nr. 9 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) für Lebenspartnerschaftssachen](#)
- [§ 270 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) für Lebenspartnerschaftssachen](#)
- [§§ 232 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) zur Zuständigkeit und Auskunftspflichten der Beteiligten](#)

## What deadlines must be paid attention to?

You must assert your claim in good time during your separation phase. You are only entitled to retroactive maintenance under certain conditions.

## How long does it take to process

At least 3 months due to the prescribed procedure, in more complex procedures possibly longer, depending on the individual case.

## **What are the costs?**

- Legal costs
- Lawyer's fees

Both are based on the amount in dispute.