Application for divorce of a marriage

If you want to end your marriage, you can ask for a divorce of your marriage.

Competent Department

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

Basic information

In order to end your existing marriage, you must file for divorce in family court. In doing so, you must be represented by a lawyer. There is no requirement to be represented by a lawyer for the approval of the divorce petition.

The family court pronounces the divorce if the legal requirements are met. If both spouses file for divorce by mutual consent or if the respondent agrees to the divorce, the local court will divorce the marriage, provided that the so-called separation year has been lived through. In the case of contentious proceedings, the court decides in accordance with the law on the basis of the facts of the individual case.

Requirements

A prerequisite for the divorce of your marriage is that it has failed.

The marriage has failed if your cohabitation no longer exists and you and your spouse cannot be expected to restore it.

By law, this is irrefutably presumed if you and your spouse have been living apart for at least three years. In addition, a marriage is presumed to have broken down if you and your spouse have lived apart for one year and you both file for divorce or your spouse agrees to the divorce.

If you and your spouse have been living apart for less than three years and your spouse does not consent to the divorce, you must state and prove that the marriage has broken down.

The court may divorce the marriage regardless of the duration of the separation if the continuation of the marriage would cause you undue hardship for reasons related to your spouse.

What documents do I need?

- Identity card or passport
- Marriage certificate

  Original or certified copy

Procedure

The divorce petition must be filed with the family court by your lawyer, usually after the separation period of at least one year.

- The court then serves the petition on the opposing party to the divorce. There is no attorney requirement for approval of the divorce petition.
- As a rule, the divorce settlement also includes the equalization of pensions, i.e. the fair division of the pension rights acquired by the spouses during the marriage. To this end, the Local Court will ex officio request you and your spouse to inform it of your pension providers and will then ask the pension providers for information on the pension rights acquired by you and your spouse during the marriage.
- In addition, you and your spouse may also file other subsequent matters in the divorce proceedings, e.g. the subsequent matters of equalization of gains or postmarital maintenance.
- At the hearing on the petition for divorce, you and your spouse will generally be heard in person on the prerequisites for divorce.
- If the requirements for divorce are met, the family court will pronounce the divorce by order.

Legal bases

- § 111 Nr. 1 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG)
- § 114 Abs. 1 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG)
- §§ 1564 ff. Bürgerliches Gesetzbuch (BGB)
- § 113 Abs. 1 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG)
- § 121 Nr. 1 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG)
- §§ 133 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG)
- § 43 Gesetz über Gerichtskosten in Familiensachen (FamGKG)

More information

Please consult a lawyer.

What deadlines must be paid attention to?

There is no deadline.

How long does it take to process

Due to the specified procedure, at least 3 months, depending on the individual case.

What are the costs?

Court costs and attorney's fees - both are based on the amount in dispute