

# Assertion of the right to maintenance of the mother of a child born out of wedlock

You, as a non-married mother, can claim alimony from the child's father on the occasion of the birth of the common child.

## Competent Department

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

## Basic information

If you, as the mother of the child, cannot agree with the legal father of the child on an appropriate amount of maintenance, you can assert a claim for maintenance on the occasion of the birth in court. The course of such court proceedings is essentially governed by the rules applicable to civil proceedings.

If you, as the mother of the child, cannot be expected to work due to the care or upbringing of the child, you are also entitled to a claim for childcare maintenance for the period of at least 4 months before the birth and at least 3 years after the birth, or longer if necessary, in addition to the existing claim for maintenance for the period of 6 weeks before and 8 weeks after the birth. The father may also be entitled to childcare maintenance from the mother if he looks after the child.

The amount of maintenance is calculated according to the recognized principles of maintenance calculation, which fill in the undefined legal terms of maintenance law. For details, please contact the legal advice professions.

Further information can also be found in the maintenance guidelines of the Higher Regional Courts.

## Requirements

You as a non-married mother of a child can claim maintenance for the period of 6 weeks before and 8 weeks after the birth of the child, as well as care maintenance beyond that, under the following conditions:

- Not married to the child's father.
- Paternity is established or acknowledged.
- You are needy because you cannot work full time due to pregnancy, care or upbringing of the child.
- The child's father is capable of paying.

## What documents do I need?

- Proof of income, assets and personal and economic circumstances
- Court orders, settlements, or documents concerning child support and paternity acknowledgment or determination.

## Procedure

An application for the enforcement of the maintenance on the occasion of the birth can be filed only by a lawyer.

- The further course of the court proceedings is essentially governed by the provisions on civil proceedings.
- The court may order the parties to provide information on their income, assets and personal and economic circumstances. If the parties do not comply with this order, the court can obtain information independently, e.g. from employers or insurance companies.

## Legal bases

- [§ 111 Nummer 8 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\)](#)
- [§ 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 \(FamFG\)](#)
- [§§ 232 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) zur Zuständigkeit und Auskunftspflichten der Beteiligten](#)
- [§ 1615I Absatz 1 Bürgerliches Gesetzbuch \(BGB\)](#)
- [§ 112 Nr. 1 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit \(FamFG\) für Familienstreitsachen](#)

## What deadlines must be paid attention to?

In principle, maintenance can only be claimed for the future. For the past only under certain conditions.

## **How long does it take to process**

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

## **What are the costs?**

- Legal costs
- Lawyer's fees

Both are based on the amount in dispute.