

99046051011000

Heruntergeladen am 24.06.2025

<https://fimportal.de/xzufi-services/172438/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99046051011000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Attachment of income; application for adjustment of the allowance
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	

Modul	Sachverhalt
Fachlich freigegeben am	22.11.2024
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	https://www.gesetze-im-internet.de/zpo/_850f.html https://www.gesetze-im-internet.de/zpo/_850f.html https://www.gesetze-im-internet.de/zpo/_850g.html https://www.gesetze-im-internet.de/zpo/_850g.html https://www.gesetze-im-internet.de/zpo/_850c.html https://www.gesetze-im-internet.de/zpo/_850c.html
Teaser	If your income has been garnished, you can apply for an increase in the amount that cannot be garnished under certain conditions.
Volltext	<p>If a debtor's earned income is seized, they are left with an allowance that serves to secure their livelihood and that of their dependants. In principle, this allowance is based on the garnishment table, which is adjusted annually by the Federal Ministry of Justice. The currently valid garnishment exemption limits for earned income can be found on the website of the Federal Ministry of Justice, which you can access under "Further links".</p> <p>However, if the debtor cannot cover the necessary living expenses for themselves and the persons they are legally obliged to support with the income remaining after the garnishment, they can apply for an adjustment of the exemption amount. To do so, they must prove that they have a need that exceeds their monthly allowance. This may be the case, for example, if the debtor incurs considerable additional costs due to illness or if they have to provide maintenance for more than five people.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • The following documents are required: Proof of income (payslips for the last 3 months, pension or unemployment benefit statement, proof of other income) Proof of maintenance payments made if applicable, proof of special circumstances (e.g. one-off payments, above-average living costs) respective attachment and transfer order
Voraussetzungen	The following requirements must be met for a change

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in the non-garnishable amount:

- The debtor must prove that, if the garnishment exemption limits are applied, the necessary living expenses for himself and for the persons to whom he is legally obliged to provide maintenance are not covered.
- Either special needs of the debtor for personal or professional reasons or the special scope of the debtor's statutory maintenance obligations, in particular the number of dependants, must require the change in the exempt amount.
- The change in the tax-free amount must not conflict with the overriding interests of the creditor.

Kosten

There are no court fees for the proceedings.

Verfahrensablauf

An adjustment of the allowance in the case of an attachment of income requires an application by the debtor. This must be submitted to the enforcement court that issued the attachment order to be amended.

The application can be submitted in writing or electronically. If the application is submitted electronically, a secure transmission channel (e.g. BayernID or electronic citizen and organization mailbox) must be used. Submission by e-mail is not permitted.

Bearbeitungsdauer
Frist

none

weiterführende Informationen

https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Pfaendungsfreigrenzen_Arbeitseinkommen.html?nn=109854
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Hinweise
Rechtsbehelf

Immediate appeal

An immediate appeal may be lodged against decisions of the enforcement court. This must be lodged within

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	an emergency period of two weeks. If the enforcement court considers the immediate appeal to be well-founded, it will dismiss it. Otherwise, it will immediately submit the immediate appeal to the court of appeal for a decision.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal