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# Pension adjustment

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013122/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046038000000
Leistungsbezeichnung I	Pension adjustment
Leistungsbezeichnung II	Exclude pension adjustment
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Exclude pension adjustment</div>, <div lang="en-x-mtfrom-de">No compensation for pension entitlements</div>, <div lang="en-x-mtfrom-de">Retaining pension rights in the event of divorce</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	19.04.2024
Fachlich freigegeben durch	
Handlungsgrundlage	Pension Adjustment Act (VersAusglG)
Teaser	If you divorce as a married couple, a pension adjustment will take place. This means that pension entitlements acquired during the marriage will be distributed equally between both spouses. However, you can exclude the pension adjustment.
Volltext	<p>Under German law, when a divorce occurs, an official equalization of the pension rights or entitlements acquired during the marriage takes place. The pension equalization therefore means the equal distribution of pension entitlements that the spouses have acquired during the marriage. The spouses are responsible for each other with regard to their mutual pension provision. Disadvantages resulting from marriage are therefore balanced out by the division of household chores, child-rearing and employment. This is why the person in a marriage who has worked less due to household chores and child-rearing and has therefore acquired fewer pension entitlements is usually entitled to a pension adjustment. Example: One of the people in the marriage worked reduced hours in order to be able to look after the children. Due to the lower income, fewer contributions may have been paid into the pension insurance scheme. This disadvantage is corrected by the pension adjustment. When they reach retirement age, both receive a pension in the amount they would have earned during the marriage. In particular, entitlements from statutory pension insurance, from civil service pensions or professional pensions (for example doctors* or lawyers), from company pension schemes or from private old-age or disability provision must be offset. Capital life insurance policies (except capital benefits under the Pension Certification Act, such as Riester pensions) and accident pensions are not included in the pension adjustment. The respective entitlements that both</p>

**Modul**
**Sachverhalt**

people acquired during their marriage are split in half. Exclusion of pension adjustment The spouses can exclude the pension adjustment in whole or in part through a notarized marriage contract or a court-recorded settlement. You can, for example, make an agreement on the pension adjustment as part of a marriage contract. It is also possible to exclude the pension adjustment during the divorce proceedings. The agreement must be notarized or made in a court-recorded settlement. The family court is generally bound by the agreement. However, the agreement on the pension adjustment must withstand a content and implementation check: If there are appropriate indications, the court will examine whether the agreement disproportionately disadvantages one spouse.

**Erforderliche Unterlagen**

Forms for pension equalization Further documents and evidence on request

**Voraussetzungen**

Divorce or dissolution of civil partnership Through the exclusion agreement, entitlements can only be transferred or established if the relevant regulations permit this and the pension providers concerned agree. The exclusion of pension equalization must not disproportionately disadvantage one of the people in the marriage. The agreement must withstand a review of the content and implementation by the family court.

**Kosten**

The implementation of pension equalization in the event of divorce or dissolution of a civil partnership influences the amount of the procedural costs. No blanket statements can be made regarding the amount of the costs.

**Verfahrensablauf**

The court regulates the pension adjustment ex officio as a so-called follow-up matter together with the divorce proceedings (joint proceedings). A separate application for this is usually not necessary. If the marriage only lasted up to three years, the pension adjustment only takes place at the request of one of the people in the marriage. First, after the completed forms for the pension adjustment have been sent to the family court, the pension information is obtained from the pension insurance providers. The marriage can only be divorced once the information from the

## Modul

## Sachverhalt

pension providers on the pension adjustment is complete and the pension adjustment is ready for a decision. The family court can only separate the pension adjustment and pronounce the divorce in advance under strict conditions. This is the case, for example, if a decision on pension adjustment is not possible before the dissolution of the marriage or if it would delay the divorce pronouncement so exceptionally that the postponement would be an unreasonable hardship. Proceedings Both spouses receive the pension equalization forms when the divorce petition is served. The form should be filled out carefully. If you have any questions about the information required or need help filling it out, please contact the staff at the German Pension Insurance. Send the complete documents to the district court (family court) where the divorce proceedings are pending. The court will ask the pension insurance provider to provide information about your pension entitlements. If there are gaps in your insurance account, the pension insurance provider will contact you to clarify your previous insurance periods. The family court decides who is obliged to make the adjustment and who is entitled to it and determines how the pension adjustment is to be carried out. The pension insurer can only provide information to the family court from a fully clarified account; the spouses are obliged to cooperate.

### Bearbeitungsdauer

The court processing time depends on: the reaction times of the parties involved in the proceedings. Extent and difficulty of the divorce or annulment proceedings.

### Frist

The equalization of assets in the event of divorce or dissolution of a civil partnership is generally carried out ex officio. You must observe all deadlines set by the court during the proceedings.

### weiterführende Informationen

<https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera>  
<https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera>  
<https://www.justizadressen.nrw.de/de/justiz/suche>  
<https://www.justizadressen.nrw.de/de/justiz/suche>

### Hinweise

Legal advice is not available at the district court. Please

Modul	Sachverhalt
	contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.
Rechtsbehelf	Divorced spouses can only subsequently apply for a change to the pension adjustment under certain conditions. The change to the pension adjustment must be expressly requested from the responsible family court, otherwise the old regulation from the divorce decree will remain in place. Calculation or legal application errors as well as overlooked, forgotten or undisclosed rights do not provide the opportunity to subsequently amend or correct the family court's decision to implement the pension adjustment.
Kurztext	Pension equalization is the equal distribution of pension entitlements between both spouses who acquired them during the marriage. The person entitled to this benefit is someone who has worked less, for example due to household management and child-rearing, and has therefore acquired fewer pension entitlements. The spouses can exclude the pension adjustment in whole or in part by means of a notarized marriage contract or a court-recorded settlement. It is still possible to exclude pension equalization even during divorce proceedings. Notarial certification is required
Ansprechpunkt	If you want to find out exactly who is responsible for your request, please follow the link to  Hamburg Service
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)