

99046044221000

Distribution of household items in case of separation decision

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013210/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046044221000
Leistungsbezeichnung I	Distribution of household items in case of separation decision
Leistungsbezeichnung II	Distribution of household items between separated partners
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">Getting things back from your ex</div>, <div lang="en-x-mtfrom-de">Getting items back from your ex-partner</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	05.07.2024
Fachlich freigegeben durch	
Handlungsgrundlage	§ 1361a German Civil Code (BGB) §§ 200 ff. Law on the Procedure in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for family disputes § 270 Law on the Procedure in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for civil partnership matters Section 111 No. 5 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) Section 269 para. 1 no. 6 Law on the Procedure in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) for civil partnership matters
Teaser	If you are married or in a registered civil partnership but live separately, you can request a distribution of household items for the period of separation.
Volltext	If you and your separated partner cannot agree on the distribution of household items, you can assert a claim for distribution of household items in court. Household items are usually things that are used for the home, the household and the family's life together in the shared household (for example, furniture, dishes, entertainment electronics, shared laundry, sports equipment and works of art). Legal proceedings can be lengthy and costly, so you should always try to reach an amicable settlement first. An out-of-court settlement could also include compensation payments. If the spouses cannot agree on the division, the family court will, upon request, divide the household items. Allocation to household goods: It must be a household item. The household item must belong to both spouses jointly: Household items acquired during the marriage for the joint household are considered to be the joint property of the spouses for the purposes of distribution, unless sole ownership by one spouse is

Modul
Sachverhalt

established (the spouse claiming sole ownership must prove this in the proceedings). Not included in household goods: Things that are intended exclusively as investments (example: shares) Items of personal use (example: clothing) Household items acquired by a spouse before marriage or after separation Whether vehicles are considered "household goods" or "other assets" depends mainly on their use: as household goods: use for predominantly family purposes as other assets: predominantly used by a spouse for commuting to work.

Erforderliche Unterlagen

List of all budget items, including those already distributed and those on which agreement has been reached. if applicable, proof of ownership such as invoices, purchase contracts; proof of use for professional purposes (example: vehicle) A list of how the property should be distributed in the event of a future divorce. The list must be signed by your spouse or life partner. if necessary, evidence as to why items must remain with one of the partners, for example medical certificates.

Voraussetzungen

As a spouse or life partner, you are entitled to the distribution of household items if: You cannot agree on the distribution of the items You are a separated married couple or life partner the items in dispute are household items the item belongs to you personally You do not have to give the item to your partner for use, as he or she needs the item to run a separate household items belonging jointly to the partners are distributed between them according to the principles of equity

Kosten

Court costs if applicable, legal fees both depend on the value of the object

Verfahrensablauf

An application for the distribution of household items in the event of separation must be submitted to the responsible local court - family court. In any case, it is advisable to consult a lawyer before submitting the application. The family court always initially strives for the spouses to reach a mutual agreement on the division of household goods and assets. If an amicable solution is not possible, the family court decides at its own discretion. It must take into account the

Modul

Sachverhalt

circumstances of the individual case and include the welfare of the children in its considerations. In order to facilitate its decision, the court may require each of the spouses to provide detailed information about the items in question. The court will usually discuss the matter with the spouses at a hearing and order the spouses to appear in person. The court decides on the distribution of household items by resolution. It can set an appropriate fee for the use of household items.

Bearbeitungsdauer

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

Frist

You must assert your claim in good time during your separation phase.

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 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

Appeal against the family court decision within one month.

Kurztext

can only be claimed during the period of separation until the divorce (the final distribution for the period after the divorce is regulated in § 1568b BGB)
 Household items are things that are used for the home, the household and the family's life together in the shared household. Household goods: Household items must belong to both spouses jointly Not included in household goods: Capital investments (example: shares) Items of personal use (example: clothing)
 Household items acquired by a spouse before marriage or after separation Whether vehicles are "household goods" or "other assets" depends on their use: Household goods: Use for predominantly family

Modul	Sachverhalt
	purposes Other assets: predominantly used by a spouse for commuting to work.
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)