

## DÜSSELDORF TABLE<sup>1</sup>

As of 01 January 2016

### A. Child maintenance

	Net income of person responsible for maintenance (Notes 3, 4)	Age groups in years (§ 1612a clause 1 German Civil Code)				Percentage rate	Control requirement amount (Note 6)
		0 - 5	6 - 11	12 - 17	from 18		
<u>All amounts in Euros</u>							
1.	up to 1,500	335	384	450	516	100	880/1080
2.	1,501 - 1,900	352	404	473	542	105	1,180
3.	1,901 - 2,300	369	423	495	568	110	1,280
4.	2,301 - 2,700	386	442	518	594	115	1,380
5.	2,701 - 3,100	402	461	540	620	120	1,480
6.	3,101 - 3,500	429	492	576	661	128	1,580
7.	3,501 - 3,900	456	523	612	702	136	1,680
8.	3,901 - 4,300	483	553	648	744	144	1,780
9.	4,301 - 4,700	510	584	684	785	152	1,880
10.	4,701 - 5,100	536	615	720	826	160	1,980
over 5,101		according to circumstances of the individual case					

#### Notes:

1. The table has no legal force, but represents simply a guideline. It shows the monthly maintenance needs relating to two persons entitled to be maintained without regard to order of priority. The need is not identically equal to the amount payable; this amount is determined taking into consideration the notes below.

In case of a greater/smaller number of persons entitled to maintenance, reductions or surcharges should be applied by classification in lower or higher groups. Note 6 should be observed. In order to cover the necessary minimum requirements of all concerned - including the spouse - reclassification should be made if necessary into the lowest group of the table. If the available income is still insufficient, the priority of the children in the sense of note 5 clause 1 shall prevail. If applicable a deficiency calculation among the persons entitled to maintenance having all first priority must be carried out in accordance with Section C.

2. The target rates of the 1<sup>st</sup> income group correspond to the minimum requirements **according to the Regulation on the Determination of the Minimum Maintenance for Minor Children under § 1612a section 1 German Civil Code of 03 December, 2015 (Federal Law Gazette I 2015, 2188)**. The percentage rate expresses the increase of the target rate of the relevant income group in comparison to the minimum requirements (= 1<sup>st</sup> income group). The amounts calculated by multiplying the amount of the rounded minimum requirement by the percentage rate are rounded up in accordance with § 1612 a clause 2 p. 2 German Civil Code.

<sup>1</sup> The new table and the notes are based on co-ordinating discussions held between judges of all of the Provincial High Courts and the Maintenance Commission of the Deutscher Familiengerichtstag e.V.

3. Occupational expenses, which can be distinguished from private living costs by means of objective criteria, are to be deducted from the income, although in the case of sufficient grounds, a fixed amount of 5% of the net income - at least 50 Euros, or less for short part-time work, and a maximum of 150 Euros monthly - can be estimated. If the occupational expenses exceed the fixed amount, they must be substantiated.
4. Debts eligible of being taken into account may as a rule be deducted from the income.
5. The necessary personal requirement (retained amount)
  - with respect to minor, unmarried children,
  - with respect to unmarried children of full age up to the age of 21 who still live in the same household as the parents or one of the parents, and who are still attending school full-time,

is 880 Euros monthly for unemployed persons responsible for maintenance, and 1,080 Euros monthly for employed persons responsible for maintenance. This includes up to 380 Euros for accommodation including apportionable incidental costs and heating. The retained amount can be increased appropriately if this amount is substantially exceeded in individual cases, and this is unavoidable.

The appropriate personal requirement, especially with respect to other children of full age, is as a rule at least 1,300 Euros per month. This includes rent (including heating) of up to 480 Euros.

6. The control requirement amount of the person responsible for maintenance from group 2 is not identical with the personal requirements. It shall ensure a balanced distribution of the income between the person responsible for maintenance and the children entitled to maintenance. If this amount, after taking into account further obligations to provide maintenance, is below this level, the amount indicated in the Table for the next group below which does not fall below the control requirement amount is to be used.
7. In the case of children of full age who still live in the same household as the parents or one of the parents, the maintenance is determined using the 4<sup>th</sup> age group of the Table.

The appropriate total maintenance requirement of a student, who is not living in the same household as the parents or one of the parents, is as a rule **735** Euros per month. This amount includes up to **300** Euros for accommodation including apportionable incidental costs and heating. This requirement rate can also be used for a child with its own household.

8. The apprenticeship pay for a child undergoing occupational training that still lives in the same household as the parents or one of the parents, should as a rule be reduced by an additional training-related requirement of 90 Euros per month before reconciliation.
9. The requirement amounts (see Notes 1 and 7) do neither include contributions to health care and nursing care insurance nor tuition fees.
10. The child allowance payable for the relevant child may, in accordance with § 1612 b German Civil Code, be reconciled against the amount shown in the Table (requirement).<sup>2</sup>

## **B. Spouse's maintenance**

- I. Monthly maintenance guidelines for an entitled spouse without children also entitled to maintenance (§§ 1361, 1569, 1578, 1581 German Civil Code):

1. against a person responsible for maintenance who is in employment:

- a) if the entitled person has no income:  $\frac{3}{7}$  of the reconcilable occupational income plus  $\frac{1}{2}$  of the reconcilable other income of the person responsible for maintenance, to the upper limit of the full maintenance amount, measured according to the marital circumstances to be taken into account;
- b) if the entitled person also has an income:  $\frac{3}{7}$  of the difference between the reconcilable occupational income of the spouses to the upper limit of the full marital requirement; for other reconcilable income, the halving principle shall apply;

c) if the entitled person is in employment,  
although there is no obligation for her/him to do so: in accordance with § 1577 clause 2 German Civil Code;

2. against a person responsible for maintenance who is not in employment (e.g. a pensioner): as for 1 a, b, or c, although 50%.

## II. Continued applicability of earlier law:

1. Monthly maintenance guidelines for the entitled spouse, according to marital law (EheG), without children entitled to maintenance:

- a) §§ 58, 59 EheG: as a rule as for I,
- b) § 60 EheG: as a rule ½ of the maintenance under I.
- c) § 61 EheG: appropriately up to the rates of I.

2. In the case of spouses who divorced prior to 03 Oct.1990 in the former East Germany, the DDR-FGB should be taken into account in conjunction with the Agreement Ordinance (Art. 234 § 5 EGBGB (Introductory Act to the German Civil Code)).

III. Monthly maintenance target rates for an entitled spouse, if the marital circumstances are still subject to maintenance obligations toward children:

As for I and II 1, although the child maintenance (amount payable; see Note C and Appendix) is principally deducted from the net income in advance.

IV. Monthly personal requirements (retained amount) with respect to a separated and a divorced spouse entitled to maintenance:

regardless of whether employed or not employed 1,200 Euros  
This amount includes up to 430 Euros for accommodation including apportionable incidental costs and heating.

V. Subsistence minimum of the spouse entitled to maintenance, including the extra requirement due to separation, generally:

- 1. if employed: 1,080 Euros
- 2. if not employed: 880 Euros

VI. 1. Monthly personal requirements of the divorced or from the person responsible for maintenance separated spouse, regardless of whether employed or not employed:

- a) with respect to a subordinate divorced spouse 1,200 Euros
- b) with respect to not privileged children of full age 1,300 Euros
- c) with respect to the parents of the person responsible for maintenance 1,800 Euros

2. Monthly personal requirements of the spouse living in a joint household with the person who is obliged to provide maintenance, regardless of whether employed or not employed:

- a) with respect to a subordinate divorced spouse 960 Euros
- b) with respect to not privileged children of full age 1,040 Euros
- c) with respect to the parents of the person responsible for maintenance 1,440 Euros  
(see Note D I)

## Notes on I - III:

With regard to occupational expenses and debts capable of being taken into account, Notes A 3 and 4 also apply accordingly for a person entitled to maintenance who is also in employment. Those occupational expenses which according to objective criteria cannot be clearly distinguished from private living costs, are included at a fixed rate in the working person's bonus of  $\frac{1}{7}$ .

### C. Cases of deficiency

If the income is not sufficient to cover the requirements of the person responsible for maintenance and the equally ranking persons entitled to maintenance (so-called cases of deficiency), the amount remaining after deduction of the necessary personal requirements (retained amount) of the person responsible for maintenance should be distributed equally between the persons entitled to maintenance in proportion to their relevant contribution amounts.

The contribution amount for the child maintenance corresponds to the amount payable by the person responsible for maintenance. This corresponds to the remaining requirement after deduction of the child allowance or of the income from the required maintenance.

**Example:** Adjusted net income of the person responsible for maintenance (M): 1,350 EUR. Maintenance for three children entitled to maintenance aged 18 years (K1), 7 years (K2) and 5 years (K3), students who live with the former wife and mother (F), who is not entitled to maintenance and not obligated to provide maintenance in cash to the children. F receives the child allowance.

Necessary personal requirements of M:		1,080 EUR
Distribution amount:	1,350 EUR - 1,080 EUR =	270 EUR
Total of contribution amounts of persons entitled to maintenance:		
<b>326 EUR (516 - 190) (K1) + 289 EUR (384 - 95) (K2) + 237 EUR (335 - 98) (K3) =</b>		<b>852 EUR</b>
<b>Maintenance:</b>		
<b>K 1:</b>	<b>326 x 270 : 852 =</b>	<b>103.31 EUR</b>
<b>K 2:</b>	<b>289 x 270 : 852 =</b>	<b>91.58 EUR</b>
<b>K 3:</b>	<b>237 x 270 : 852 =</b>	<b>75.11 EUR</b>

### D. Maintenance of relatives and maintenance in accordance with § 1615 I German Civil Code

- I. Appropriate retained amount with respect to parents: at least 1,800 EUR per month (including 480 EUR rent and heating), plus half of any excess income; in case of taking advantage of living in a joint household as a rule 45% of any excess income. The appropriate maintenance for the spouse living with the person responsible for maintenance is determined by the marital circumstances (halving principle), although it must be at least 1,440 EUR (including 380 EUR for rent and heating).
- II. Requirements of the mother and father of an illegitimate child (§ 1615 I German Civil Code): according to the circumstances of the parent caring for the child, as a rule at least 880 EUR.

Appropriate retained amount for the mother and father of an illegitimate child (§§ 1615 I, 1603 clause 1 German Civil Code): regardless of whether employed or not employed: 1,200 EUR.

This amount includes up to 430 EUR for accommodation including apportionable incidental costs and heating.

### E. Transitional regulation

**Conversion of dynamic orders on child maintenance under § 36 no. 3 EGZPO (Introductory Act for the German Code of Civil Procedure):** If child maintenance has to be provided as percentage of the respective standard rate the order will stay in effect. **An amendment is not necessary.** The previous percentage of the standard rate will be substituted by a new percentage of the minimum maintenance (effective as from 01 Jan. 2008) which has to be determined separately for the age group applicable in each case and which has to be limited to one decimal place (§ 36 no. 3 EGZPO). The percentage is calculated once on the basis of the circumstances existing on 01 Jan. 2008 and remains unchanged even at a subsequent shift to another age group (Judgment of the Federal Court of Justice of 18 April 2012 - XII ZR 66/10 - FamRZ 2012, 1048). The requirement amount follows from the multiplication of the new percentage by the minimum maintenance of the respective age group and shall be rounded up to full Euros (§ 1612a clause 2 p. 2 German Civil Code). The amount payable results from the requirement amount which has been reduced or increased by the proportional child allowance.

One has to distinguish between **four different cases:**

1. The order requires the deduction of half of the child allowance (for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> child EUR 77.00, from the 4<sup>th</sup> child EUR 89.50) or a partial deduction of the child allowance (§ 36 no. 3 a EGZPO).

$$\frac{(\text{Previous amount payable} + \frac{1}{2} \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

**Example for 1<sup>st</sup> age group**

$$\frac{(196 \text{ Euros} + 77 \text{ Euros}) \times 100}{279 \text{ Euros}} = 97.8 \% \quad 279 \text{ Euros} \times 97.8\% = 272.86 \text{ Euros, rounded up to 273 Euros}$$

**Amount payable: 273 Euros ./. 77 Euros = 196 Euros**

2. The order requires the addition of half of the child allowance (§ 36 no. 3 b EGZPO).

$$\frac{(\text{Previous amount payable} - \frac{1}{2} \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

**Example for 1<sup>st</sup> age group**

$$\frac{(273 \text{ Euros} - 77 \text{ Euros}) \times 100}{279 \text{ Euros}} = 70.2 \% \quad 279 \text{ Euros} \times 70.2\% = 195.85 \text{ Euros, rounded up to 196 Euros}$$

**Amount payable: 196 Euros + 77 Euros = 273 Euros**

3. The order requires the deduction of the full child allowance (§ 36 no. 3 c EGZPO).

$$\frac{(\text{Amount payable} + 1/1 \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

**Example for 2<sup>nd</sup> age group**

$$\frac{(177 \text{ Euros} + 154 \text{ Euros}) \times 100}{322 \text{ Euros}} = 102.7 \% \quad 322 \text{ Euros} \times 102.7\% = 330.69 \text{ Euros, rounded up to 331 Euros}$$

**Amount payable: 331 Euros ./. 154 Euros = 177 Euros**

4. The order neither requires a deduction nor an addition of the child allowance (§ 36 no. 3 d EGZPO).

$$\frac{(\text{Amount payable} + 1/2 \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

**Example for 3<sup>rd</sup> age group**

$$\frac{(329 \text{ Euros} + 77 \text{ Euros}) \times 100}{365 \text{ Euros}} = 111.2 \% \quad 365 \text{ Euros} \times 111.2\% = 405.88 \text{ Euros, rounded up to 406 Euros}$$

**Amount payable: 406 Euros ./. 77 Euros = 329 Euros**

### Appendix: Table of amounts payable

The following tables show the amounts payable after deduction of the respective child allowance shares (half of the child allowance in case of minor children, full child allowance in case of full aged children). As from 01 January 2016 the child allowance for a first and second child corresponds to 190 Euros, for the third child to 196 Euros and for the fourth and any further child in each case to 221 Euros (Federal Law Gazette I 2015, 1202 et seq.).

<b>1<sup>st</sup> and 2<sup>nd</sup> child</b>		0 - 5	6 - 11	12 - 17	18 and older	%
1.	up to 1,500	240	289	355	326	100
2.	1,501 - 1,900	257	309	378	352	105
3.	1,901 - 2,300	274	328	400	378	110
4.	2,301 - 2,700	291	347	423	404	115
5.	2,701 - 3,100	307	366	445	430	120
6.	3,101 - 3,500	334	397	481	471	128
7.	3,501 - 3,900	361	428	517	512	136
8.	3,901 - 4,300	388	458	553	554	144
9.	4,301 - 4,700	415	489	589	595	152
10.	4,701 - 5,100	441	520	625	636	160

<b>3rd child</b>		0 - 5	6 - 11	12 - 17	18 and older	%
1.	up to 1,500	237	286	352	320	100
2.	1,501 - 1,900	254	306	375	346	105
3.	1,901 - 2,300	271	325	397	372	110
4.	2,301 - 2,700	288	344	420	398	115
5.	2,701 - 3,100	304	363	442	424	120
6.	3,101 - 3,500	331	394	478	465	128
7.	3,501 - 3,900	358	425	514	506	136
8.	3,901 - 4,300	385	455	550	548	144
9.	4,301 - 4,700	412	486	586	589	152
10.	4,701 - 5,100	438	517	622	630	160

<b>From the 4<sup>th</sup> child</b>		0 - 5	6 - 11	12 - 17	18 and older	%
1.	up to 1,500	224.50	273.50	339.50	295	100
2.	1,501 - 1,900	241.50	293.50	362.50	321	105
3.	1,901 - 2,300	258.50	312.50	384.50	347	110
4.	2,301 - 2,700	275.50	331.50	407.50	373	115
5.	2,701 - 3,100	291.50	350.50	429.50	399	120
6.	3,101 - 3,500	318.50	381.50	465.50	440	128
7.	3,501 - 3,900	345.50	412.50	501.50	481	136
8.	3,901 - 4,300	372.50	442.50	537.50	523	144
9.	4,301 - 4,700	399.50	473.50	573.50	564	152
10.	4,701 - 5,100	425.50	504.50	609.50	605	160