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## Marriage-related maintenance obligation: spouses, in-laws.....

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The maintenance obligation is a material aid due to a spouse who is unable to provide for his or her livelihood. It is regarded as a duty of relief, manifested by a conjugal assistance. It can be provided by children, sons and daughters-in-law. The amount varies depending on the resources of the contributor and the needs of the applicant.

### What is it about?

The maintenance obligation is a material aid due to a spouse who is unable to provide for his or her livelihood. It is regarded as a duty of relief, manifested by a conjugal assistance.

The maintenance obligation may be fulfilled in kind (e.g.: free accommodation, food) or a pension paid in cash.

### Who is involved?

Répondez aux questions successives et les réponses s'afficheront automatiquement

Husband or wife

The maintenance obligation is due to the spouse.

In the event of separation of body or fact, the duty of relief shall be maintained.

The family judge shall determine the maintenance for the spouse who is in need, unless that person is responsible for the separation and has seriously breached his obligations.

The maintenance obligation ends in the event of divorce.

Stepparents

The obligation to support includes the parents of the spouse.

Son-in-law

The obligation to support extends to the spouse of the child. Thus, sons and daughters-in-law are obliged to provide for their in-laws and vice versa.

 **Please note :** the person who pays the maintenance obligation can be discharged by the judge when the person who requests it has himself seriously failed to fulfill his obligations towards the debtor (violence, abandonment...).

### Terms

Creditor's need

The person claiming the food aid (the creditor) must be in need. He must be unable to provide for himself by his personal property or his work.

The need is food, that is to say, it understands all that is necessary for daily life. This includes food, clothing, heating, lighting, housing, health, but also the cost of final hospitalization.

Debtor Resources

The person who is being asked to help (the debtor) must have sufficient income. All its resources will be taken into account.

### Request

In case of disagreement

The JAF may be seized, in order to determine the maintenance obligation, in particular in the event of disagreement between the parties.

The request is made by the spouse creditor in need by assignment by bailiff against his spouse debtor or the direct-line ally who is the debtor of the obligation.

The competent judge shall be the JAF of the court in which the creditor or of the court in which the debtor resides.

The judge may also be seised by petition delivered or addressed to the Registry, together or by a party only.

The applicant spouse must prove that he or she is in need and establish that his or her spouse or ally Online has sufficient resources to pay him support.

It is up to the debtor to prove the charges he invokes to exonerate himself (not to pay).

The judge shall sit on the date on which he decides to assess needs and resources and shall take into account the situation of the parties (age, family responsibilities, state of health, etc.).

The assistance of a lawyer is not compulsory.

If the applicant spouse has been assisted by a third, the debtor may request a refund from the debtor spouse.

Who shall I contact

- ▶ [Court of Justice or Proximity](https://www.justice.fr/recherche/annuaires) [↗ \(https://www.justice.fr/recherche/annuaires\)](https://www.justice.fr/recherche/annuaires)

In the event of an agreement between the creditor and the debtor

The application can be made directly to the spouse, child, grandchild, parent, grandparent, great-grandparent.

The maintenance obligation may be awarded by mutual agreement between the creditor and the debtor spouse or ally direct line.

In this case, the application to the judge is not necessary.

### Penalty if pension not paid

A debtor who does not pay maintenance to the creditor for more than 2 months commits an offense of abandonment of the family. This offense is punishable by imprisonment for up to 2 years and €15,000 no more than a fine.

### Action for non-payment of maintenance

The creditor (plaintiff) must write to the public prosecutor of the court on which his domicile or that of his debtor depends. This seizure procedure allows, on intervention of a judicial officer, to take from the source the sum necessary for the maintenance obligation.

Who shall I contact

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### End of obligation

The maintenance obligation shall cease in the event of divorce or in the event of the death of the spouse and the children of the union. If the spouses did not have a child together, the death of one of the spouses eliminates the maintenance obligation of the surviving spouse.

### Statute and miscellaneous references

- Civil Code: Articles 203 to 211 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006422691&idSectionTA=LEGISCTA000006136127&cidTexte=LEGITEXT000006070721\)](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006422691&idSectionTA=LEGISCTA000006136127&cidTexte=LEGITEXT000006070721)  
*Obligations arising from marriage*
- Civil Code: Articles 212 to 226 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136137&cidTexte=LEGITEXT000006070721\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136137&cidTexte=LEGITEXT000006070721)  
*Relief obligation between spouses (Article 212)*
- Civil Code: Articles 363 to 370-2 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150076&cidTexte=LEGITEXT000006070721\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150076&cidTexte=LEGITEXT000006070721)  
*Obligations of the adopted and the adopter (Article 367)*
- Penal Code: Articles 227-3 to 227-4-1 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165318&cidTexte=LEGITEXT000006070719\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165318&cidTexte=LEGITEXT000006070719)  
*Family Abandonment*
- Code of Civil Procedure: Articles 42 to 48 [↗ \(https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135862&cidTexte=LEGITEXT000006070716\)](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135862&cidTexte=LEGITEXT000006070716)  
*Territorial jurisdiction of the judge*
- Social Action and Family Code: Articles L132-1 to L132-12 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157562&cidTexte=LEGITEXT000006074069\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157562&cidTexte=LEGITEXT000006074069)  
*Recovery (Article L132-6)*
- Social Action and Family Code: Articles L228-1 to L228-6 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157593&cidTexte=LEGITEXT000006074069\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157593&cidTexte=LEGITEXT000006074069)  
*Obligations of the father, mother and ascendants of a child in the care of the child welfare service (article L228-1)*
- Social Action and Family Code: Articles R132-9 to R132-10 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006178304&cidTexte=LEGITEXT000006074069\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006178304&cidTexte=LEGITEXT000006074069)  
*Maintenance obligation*