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## Comparative study on enforcement procedures of family rights

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Annex 23 National Report Poland

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**Study on the enforcement of family judgments**  
**GENERAL GUIDELINES TO THE NATIONAL EXPERTS**

**PART 1. ENFORCEMENT IN DOMESTIC CASES**

**1A. Procedures and practices for enforcement in domestic cases**

**1. Description of the general law for enforcement of:**

**a. decisions on custody, including orders on the place of residence of the child**

**b. orders on contact and/or access rights**

Polish legal system is based on the continental legal tradition - civil law tradition. The common courts in Poland are the district courts, provincial courts and the courts of appeal. They are competent to hear criminal, civil, family and custodianship, labor and social insurance cases. The guardianship court (Family and Minors Department of District Court) decides in family cases (with an exception for matrimonial cases) and in custodianship cases. His orders are efficient and enforceable from the moment of their issuance, according to art. 578 of Code of Civil Procedure (KPC). A court has a competence to suspend their enforcement, by decision, which is subject to appeal. A ground for starting an enforcement proceeding is a decision of first or second instance court (if records of a case are in this court) with *en officio* statement of enforceability, issued upon request of a party.

Although decisions in cases of granting, entrusting of enforcement, limitation, suspension, deprivation and restoration of parental authority and also orders forbidding contact with a child (also orders changing divorce or annulment of marriage judgment) are efficient and enforceable after they become final, that means, when they are no longer subject to appeal. Lack of possibility to appeal can be caused by one of three circumstances: 1) a decision may not be a subject of appeal by the virtue of law (*ex lege*), 2) a time for appeal has passed by, 3) the measure of appeal was finally rejected by a court, because of formal deficiency or not suitable fee payment or because of discontinuance of appeal proceeding. The same proceeding, as leading to get statement of enforceability, leads to get a statement of final order.

**2. Comments as to the practice of the law with respect to:**

**a. decisions on custody, including orders on the place of residence of the child**

**b. orders on contact and/or access rights**

There is no institution of parental responsibility in Polish law, there is only a notion of parental authority. According to art. 92 of Polish Family and Guardianship Code (KRO), a child is under parental authority until he (she) becomes of age (reaches the age of 18, but in particular cases mentioned by law earlier, but not before the age of 16). Both parents have equal rights in carrying out parental authority (art. 93§1KRO). In the Civil Code, there is no definition of parental authority, but basing on some of its articles (art. 95§1 – in particular parents' right and duty to care for person and property of a child and to bring up the child; art. 96 – parents' duty to bring up a child remaining under their parental authority and to command him (her) – to take care of physical and spiritual development of a child and to prepare him or her to work for welfare of society, according to his (her) abilities; art. 98§1 – parents' right and duty to be a representative of legally incapable underage children), we can say that these are duties and rights as a whole, that oblige parents to execute proper care/custody over a child and his (her) property.

Polish law, in accordance with Article 1 of Convention on the Rights of the Child understands child as “every human being below the age of eighteen years” and usually understands this as a reference to minors. According to article 10§§1,2 of Polish Civil Code (KC) a person comes to age reaching the age of 18. But one can come to age as a consequence of marriage and it is not possible to lose this capacity by a later annulment of marriage. According to the family and guardianship code, a person under 18 is not allowed to get married, but for important reasons a guardianship court is competent to allow the marriage of a woman, who has attained the age of 16, if this is in the best interest of the newly established family.

In view of Polish practices there are doubts on the efficiency and proper enforcement of contact orders/access rights orders in certain circumstances, when a child lives with one of his (her) divorced parents and the other parent has the right to access (according to the court order), and when, there is no agreement between the parents. In such cases there can be a need to fix a time and place for access, but sometimes this can cause more conflicts between the parties.

Court orders that grant grandparents parental authority, when a mother is under age, are caused by Polish law provisions that grant parental authority only to fully capable persons. A woman younger than 18 who is unmarried does not have legal capacity. In those circumstances parental authority is often exercised by the grandmother (the young woman’s mother), with some powers granted to other persons (e.g. legal representation of a child).

Polish family law does not contain any provisions on access rights of persons other than parents or ‘legal parents’ (persons to whom parental responsibility has been attributed). Also, there is no legal definition of the right of access. Polish courts take under the consideration the judgments of European Court of Human Rights, in a question of interpretation of the notion of this right, in accordance with art. 8 of European Convention for the Protection of Human Rights and Fundamental Freedoms. Thus, it is understood that this right consists of personal contacts with a child and all indirect forms of contact, such as: 1) correspondence (mail, also e-mail), 2) phone calls, faxes, telegrams, 3) not-verbal communication (e.g. through art), 4) the right to information in its passive form, that means being informed about other person’s life. This right is granted *expressis verbis* to parents and legal parents (and persons who adopted a child), and according to a Polish Supreme Court judgment – to grandparents, and *per analogiam* – to other persons close to a child (persons connected with a child by emotional bond of a family character).

Polish law does not contain a definition of a family either, there is no closed catalogue of family members or the prerequisites of bond creation. That means, a person close to a child is his (her) natural relative, with whom a child is connected by blood bonds (parents, grandparents, brothers and sisters) and also a person with whom this relation was artificially created, by adoption. According to a judgment of the Polish Supreme Court of 17 September 1973 it is the court’s task to decide who in given circumstances is the closest member of family. It is possible that court decides that there is no closest relative. In circumstances, the closest member of a child’s family can be a grandmother. Also, according to a Supreme Court resolution of 31 May 1973, members of family in the meaning of old penal code are persons who are connected with a perpetrator by actual family bond. A court should estimate if this bond exists in every case separately, according to the circumstances. In practice courts decide about access rights of person close to a child, taking into consideration the above judgement of Supreme Court, which is the highest central judicial organ in Poland and the highest court of appeal. The most important tasks of the Court are to administer

justice in Poland, together with the other courts, to consider cessation as a form of extraordinary appeal and to adopt law interpreting resolutions.

### **3. Supporting orders**

#### **a. what supporting orders (i.e. ‘compliance orders’ or ‘measures to further the effect of the family law judgment’) are available under domestic law?**

A guardianship court, in view of a threat of abduction or retention of a child abroad, may prohibit, by means of a provisional order (in a custodianship case), the child to leave the territory of Poland. Moreover, a guardianship court may also provisionally apply other preventive measures, which seem to be most effective in a given situation, in order to prevent abduction or retention (e.g. deposit). Such a decision is enforceable from the very moment of its issuance. A decision on prohibiting a child to leave Poland until the guardianship proceedings is concluded shall be transferred by a court to the Border Guards Headquarters, which is a unit responsible for the notification of the border check points. The provisional prohibition of removal of a child from Poland may be also adjudicated in divorce proceedings. A judgment in this kind of proceedings may be issued: 1) upon a request by a parent who shall prove the existing risk of a child abduction, 2) by a court acting *ex officio*. In this case, a judgment shall be also immediately enforceable, despite the possibility of being appealed against.

#### **b. can you make any remarks as to legal practice (i.e. what supporting orders are practicable, what is the usual content)**

Because, there is no provision qualifying a subjective scope of parental responsibility in European law, it can be discussed, whether the legal instruments connected with this institution can be applied only to children cases, or maybe also to the cases of incapable adults (deprived or limited in their capacity and because of it – under custody or guardianship).

General comment with respect to Part A: Can you be more specific with respect to the measures that are possible to make people comply with:

- visiting rights
- custody rights in general

As an example: some states have rules saying that if the child is with someone with whom the child should not be, the person with parental responsibility has the option to make use of the help of the police, in order to enter the place where the child is and to take it from there. Also, some jurisdiction allow someone with visiting rights to ask help from the police to make sure that visiting the child is possible. Other solution sometimes seen are that when visiting rights are not made possible, that measures are taken in respect of maintenance (you do not have to pay maintenance to your former wife if she does not let you see your children) or even that sole parental responsibility is removed from one parent and transferred to the other parent.

### **1B. Specific issues relating to the enforcement of family law judgments in domestic cases**

#### **1. The organisation of organs and institutions involved in enforcement of family law**

In enforcement of family law judgments are involved: the guardianship courts, court probation and supervision officers, police, persecutors, starosts of a district and Starosty Centres of Family Assistance.

#### **a. Regulation under substantive law (legislation that establishes the organ or institution and regulates its tasks and powers)**

Polish Family and Guardianship Code (KRO) regulates the competences of the guardianship courts, as to: grant parental authority to a father, whose fatherhood was determined by a court (art. 93§2KRO), decide about fundamental matters concerning a child, when parents can not come to understanding (art. 97§2KRO), help parents, if needed, to exercise parental authority properly, also by order to remove a child from unauthorized person (art. 100KRO), change a part of divorce or separation judgment concerning parental authority and a way of exercising it, in a case of change of circumstances and if it's required according to child's interest (art. 106KRO), grant exercising parental authority to one parent, while limiting the other's to specific duties and rights towards a child, if the parents of a child have parental authority and are not married or are married but live apart (art. 107KRO), issue adequate decisions, if a child's good is at jeopardy, especially: to put parents and a minor under an obligation to behave in a specific way, while producing the means of control of decision execution, to define activities that can be done by parents without court's permission or to state other limitations concerning parents, in a way a guardian is limited in his activities, to decide about permanent social control of accessory court organ, to send a child to institution or organization responsible for his professional education or to other care institution, to decide to place a child in a foster family or in an adequate institution (art. 109KRO), suspend parental authority, in a case of a transient obstacle in exercising it and to restore it if a reason of suspension will drop out (art. 110KRO), deprive parental authority, if it can not be exercised because of persistent obstacle or if parents abuse parental authority or in a glaring way neglect their duties towards a child or in spite of giving help, the reasons for placing a child in a foster family or other adequate institutions did not drop out, and especially if parents persistently are not interested in their child and to restore the parental authority if a reason of deprivation dropped out (art. 111KRO), decide differently than in art. 112'KRO about the duties and rights of foster family or adequate care institution, forbid parents who are deprived parental authority to contact a child or to limit it, in a case of limitation of parental authority by placing a child in a foster family or adequate care institution (art. 113KRO).

According to art. 58§1KRO, a court in divorce judgment decides about parental authority over couple's child. A court can entrust one parent with exercising of the authority, while limiting the other one's authority to certain duties and rights towards a child. A court also decides about the costs of child's living and upbringing and parents' responsibility to pay them.

The guardianship courts also have power to decide in a matters of guardianship, for instance to establish a guardian (art. 145§2KRO), if parents of a child are dead or do not have full legal capacity (art. 94§1KRO), do not have parental authority or are unknown (art. 94§3KRO), were deprived of parental authority (art. 111§1KRO) or their parental authority was suspended (art.110§1KRO).

The guardianship courts are also authorised, on a base of civil code regulation, to decide about child's domicile, if a child does not permanently reside with any of his (her) parents (art. 26§2KC).

On the ground of articles 72, 80 and 112 of the Social Welfare Act of March 12, 2004, the '*starost*' (the head of the county ('*powiat*') executive) and '*starosty*' Centres of Family Assistance have the ability to act according to the court's order. Their competences refer to child's placement in a foster family or adequate care institution and to control how they take care of a child.

According to the Court Probation and Supervision Officers Act of July 27, 2001, they are entitled to request all needed information and explanations from the persons shown in court's decision, to have access to the court files and documents and also to request assistance and help from Police and other organs and state institutions, associations, social organizations in the range of their activities and also help from persons while they are exercising their duties. That means that, based on the same art. 9 of the Law, Police is also obliged to guarantee its assistance and help. Based on art. 11 of the Law court probation and supervision officers are also able and obliged to request for a change of court decision in well-founded circumstances.

**b. Procedural law rules relevant for the functioning of these organizations (procedural rules on the role of these organizations in the enforcement of family law decisions)**

Laws mentioned above contain all the rules providing their position and the way they proceed. In general, courts are obliged to act according to KPC and administrative organs – to Code of Administrative Procedure (KPA).

According to KPC (art. 598[1]-598[13]) Police and persecutors are able to assist in enforcement of court decision by court probation and supervision officers, in cases of removal of person being under parental authority or under custody.

According to article 12 of the Court Probation and Supervision Officers Law of July 27, 2001, the Minister of Justice would issue an act on the exercise of rights and duties by court probation and supervision officers to guarantee quick enforcement of court decisions and also on the rights and interests of persons (minors) being under their charge. By the virtue of this act, dated June 12, 2003, the court probation and supervision officer designated by the court to compulsory remove a person being under parental authority or custody has to inform persons mentioned in article 598[9] KPC (the applicant or other person or representative of institution designated by him) about the date of his activities. The officer must also prepare an official written note about his activities to be added to the court's file and also is able to request, in a need, assistance of proper institutions (§9). If he is, by the virtue of a court decision, obliged to be present during parents' contact with a child as decided by a court, it is his duty to be in specific place and time and to control if a time of a meeting is longer than a court has decided (§10.1).

**c. Practical aspects relevant for the legal position of these organizations**

The organizations mentioned must act and exercise their authority within the limits of the law. In practice it sometimes happens that court probation and supervision officers suspend their proceedings, according to child's best interest.

**2. Time limits relevant for enforcement proceedings**

**a. Time limits for appeal, both against family law decisions supporting their enforcement**

There are two ordinary means of appeal in Polish law (appeal and complaint) and one extraordinary (cessation).

It is allowed to appeal against first instance courts' decisions on the merits of the case, issued in non-litigation proceedings. It is also possible to appeal against decisions of provincial courts referring to recognition of foreign court judgments. Parties are competent to appeal to the court, which has issued the decision, no later than two weeks after the decision with a motive was delivered to the appealing party. If the party has not requested for a motive of a decision in a time of two weeks from the moment the sentence was announced, from the day,

when the time for this request has passed by. An appeal can be sent through mail, and then the date of appeal is the date of registration a letter in Polish post office or a date of passing a letter from foreign post office to a Polish one, if the appeal was sent from abroad. Decision of a second instance court is final from a moment of announcement. Cassation as a form of extraordinary appeal does not apply to the family and guardianship law cases, with few exceptions. It is also allowed to apply a second measure of appeal, which is called a complaint. It is a way to appeal against first instance court decision finishing the proceeding in a case to the second instance court.

A time to appeal is one week from a moment a decision of first instance court was delivered to the party. If the party has not requested deliverance of the decision which was issued during trial, from the moment a decision was announced.

Question: which party will ask deliverance, the claiming party or the defending party? And why would any party accept that a decision will have effect immediately (if the decision is directed against him?)

#### **b. Any other time limits that have an effect on enforceability**

There are no other time limits.

#### **c. The effect of appeal on enforceability**

The use of both measures of appeal will start an appellation proceeding before the court of higher instance (usually the second instance court). Appeal causes the first instance decision not to be final (it is allowed only to appeal against not final decisions). But the application of either measure of appeal does not stop the enforcement of a decision, although a court dealing with a case is competent to suspend the enforcement proceeding.

#### **d. The effect of the passing of time on the enforceability of a family judgment**

A factor of passing time doesn't have any influence on enforcement in family cases, although a court is competent to change its decision anytime, based on art. 577 KPC.

#### **e. The effect of change of circumstances on the enforceability**

A guardianship court can change its decision, also a final one, if it is required according to person's participating in proceeding interest (also art. 577 KPC). In such a case a court is obliged to change or repeal previous decision.

### **3. Coercive measures to ensure enforcement**

Generally speaking a lack of compliance with court decision or lack of enforcement is not a reason for criminal/penal responsibility, according to Polish law.

#### **a. Measures available by law**

Article 211 of the Criminal Code (KK) has a preventive effect and at the same time acts as deterrent to potential abductors. A person who, contrary to the will of the person appointed to take care of or supervise, abducts from the territory of Poland a minor person under 15 years of age shall be subject to the penalty of deprivation of liberty for up to 3 years. A person who attempts, as well as a person who acts as a complice or who incites the act of abduction shall be subject to the same penalty. Also a Polish national who retains a child abroad shall be subject to penalty, if the act is punishable in the place where it has been committed. Abduction of a child to Poland or a child's retention in Poland shall be punished on the same grounds. It needs to be noticed, however, that according to the Supreme Court's interpretation

of Article 211 KK, the factor that conditions the offence committed by a parent to fall under this provision is the suspension or deprivation him (her) of parental authority over the child prior to the abduction or retention. Obviously, this condition shall not refer to the abduction or retention effected by a person who is not a parent.

Based on art. 1050-1051 KPC, a court is competent to apply pecuniary fines against a person (debtor) who is obliged to act in specific way or against a person who is obliged not to act in a specific way or not to interfere in other party's activities. In first case a court has to decide about the date the obligation should be fulfilled at. In both cases there should be a request of other party (creditor) and it's possible to change the fine into arrest. These provisions are used to cases concerning access rights and also in child's property cases. Also, according to art. 598[11] KPC, from the part of a code applied to the cases of removal of person being under parental authority or under custody, if compulsory deprivation of such a person is difficult, because a person was hidden or because of any other activity done to frustrate enforcement of decision, court probation and supervision officer has a competence to notify a persecutor. He is also competent to make a request to a court to decide to bring a person, who is obliged to reveal child's place of residence, in a compulsory way and take a statement from him. The statement is treated as under oath testimony and, according to KK, may be a subject for penal responsibility.

#### **b. Measures usually taken in practice**

The same measures are applied in practice.

#### **c. Taking of coercive measures when the child opposes enforcement**

The right of a child to be heard was written in Polish Constitution (art. 72, point 3): Organs of public authority and persons responsible for children, in the course of establishing the rights of a child, shall consider and, insofar as possible, give priority to the views of the child.

But there is no distinct obligation of a guardianship court to hear a child in Polish law. That means that hearing of a child depends on his (her) age (13) and maturity. A person over 13 is capable to participate in a court proceeding, but he (she) is not a party in cases of deprivation of parental authority or deprivation of a child (according to Supreme Court Judgment). Also, according to art. 573§2 KPC, a child should be protected from a harmful contact with a court, so in many cases children are heard by experts (psychologists), outside the court. Child's statement is treated by law, not as an evidence, but as statement of knowledge.

#### **4. The impact of other legal or practical conditions relevant during the enforcement e.g. the hearing of the child**

In a case of the decision concerning a child's residence a child should have a right to express his (her) opinion guaranteed and this opinion should be taken into consideration, provided that a child has reached a sufficient level of development. This decision lies within the scope of parental authority. Parents should take this decision together, yet if they fail to come to an agreement the decision should be taken by a guardianship court.

### **PART 2. ENFORCEMENT IN CROSS-BORDER CASES**

#### **2A. Enforcement of return orders issued under the 1980 Hague Convention, and after 1 March 2005, Regulation 2201/2003**

##### **1. Legal bases for enforcement.**

**1. Please give details of any specific legislative provisions which exist in your State concerning the enforcement of return orders. Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and short description of content**

There is one part of Polish civil procedure code (KPC) that concerns cases of removal of person being under parental authority or under custody (art. 598[1]-598[13]). These provisions are situated in the code and are a part of it. They are applied in cases of application the 1980 Hague Convention on the Civil Aspects of International Child Abduction, but also in domestic cases and have a procedural character. The specified procedure is applied when, there is a need to remove a person being under parental authority or under custody, when a place of residence of such a person is unknown and also, when there is a need of compulsory deprivation of this person. This part of a code was added because of Poland's participation in the Hague Convention, so, the provisions state the court obligation to *ex officio* suspend the proceeding concerning parental authority or custody, by the moment when another proceeding concerning removal of person being under parental authority or under custody, based on the Hague Convention provisions, is started. If the provisions of the convention are not applied, these two cases can be examined together. The subjective scope of the provisions is different then in the convention (children, but also incapable persons).

**2. Please give details of any general legislative provisions which exist in your State concerning the enforcement of court orders in the area of family law and govern the enforcement of return orders (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions). Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and the content of the relevant provisions.**

There are no general legislative provisions concerning the enforcement of court orders in the area of family law. By the virtue of art. 1145 KPC efficiency of foreign courts orders in Poland, not suitable for enforcement in a way of execution, depends on Polish court's recognition. This rule refers only to orders in civil cases, also determinable by court in Poland. Exceptionally there is no need for recognition of orders in non-property cases of foreign citizens issued by proper, according to their national law, court. So, in cases of foreign courts' orders there is a need of recognition or statement of enforceability. Also, basing on art. 1146 and 1150 of KPC, Polish court may recognise or enforce foreign court judgement, taking into consideration a principle of reciprocity. The court is also allowed to address a question to Polish Ministry of Justice about application of reciprocity by a foreign state. Anyhow, these provisions are mostly applied to the orders that can be enforced in a way of execution.

**3. Please give details of any judicial decisions, practice directives or guides concerning the enforcement of court orders in the area of family law that govern the enforcement of return orders (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions).**

There are several judicial decisions of Supreme Court concerning the enforcement of court orders in the area of family law that govern the enforcement of return orders, based on a text of the Hague Convention:

1. According to the art. 3 of the convention, the habitual residence of a child is qualified by facts manifesting long and firm residence of a child in a place, where all his needs are fulfilled, irrespective to parents' or custodians' will (intention) of habitual residence.

2. According to art. 5 and 21, the principle of best interest of a child is of the same content as in the Convention on the Rights of the Child and also in other acts of Polish law.
3. According to art. 5, the right to take a child for a limited period of time to a place other than the child's habitual residence is not protected if it would be against child's good (best interest).
4. According to art. 12, separation from mother, as a principle, can not be an obstacle for return of the abducted child to the state of his (her) habitual residence.
5. According to art. 12, decision concerning return of child wrongfully removed or retained is taken by authority of the state, where a child was taken to, not by an authority of the state, where the child had habitual residence directly before abduction.
6. According to art. 12 and 20, Polish citizenship law does not prohibit return of a Polish child, when he (she) was abducted.
7. According to art. 13, a fact that a parent takes care of a child and child's best interest at the time and place where they stay together can not be a fundament to sanction the act of violation of law, that means, an abduction.

**4. Do you have any other comments relating to the law governing enforcement of return orders, including any comments on the effectiveness of these rules?**

According to Polish law, there are no means to effectively prevent a child from hiding, when he (she) was abducted and the order of return was made. That's why, there are a lot of cases of non effective investigation, when a child was hidden.

**2. Procedure and practice with regard to return orders**

**III. ENFORCEMENT PROCEDURE**

**A. The order to be enforced and the aims of enforcement**

**1. If an application for return of a child is successful, what is normally ordered:**

a) the surrender of the child to the applicant (if necessary, "for the purposes of returning the child to his / her State of habitual residence")

**2. If such order has to be enforced, please specify which of the following is / are normally the aim of enforcing a return order:**

a) to remove the child from the abductor or any other person

**3. Whose responsibility is it to organise the repatriation of the child?**

A court ordering the enforcement is responsible for a proceeding to the moment of removal the child from the abductor, after that moment, the applicant is responsible for repatriation of the child.

**B. Actors involved in enforcement**

**1. Once a return order is made, is a specific request for enforcement necessary? If yes, which authority is responsible and which procedure applies?**

A specific request of the applicant for enforcement is necessary, if abductor will not comply with an court order to return a child by a designated date. The court acts on request, applying the procedure provided in KPC (art. 598[6]-598[13]). A court is also responsible for enforcement.

**2. Please specify who initiates enforcement of the court's return order:**

a) the applicant (in person or through his or her lawyer)

**3. a) Please give details of the persons, organs and institutions (e.g. enforcement organs, court, parties, psychologists, social workers, Central Authorities, other) involved in the enforcement of return orders**

**i) according to the law**

In the enforcement of return orders are involved applicant (in person or through his or her lawyer), court probation and supervision officer and police.

**ii) in practice**

The same persons are involved in practice.

**Please describe their respective roles and functions in enforcement, and whether their participation is mandatory. If this is not the case for some or all of the actors mentioned, please specify who decides about their respective participation and to what extent they are normally involved in return cases (regularly or exceptionally and, in the latter case, depending on which conditions).**

The participation of court probation and supervision officer and applicant is mandatory. A court probation and supervision officer participates in a proceeding from the moment, when a decision concerning compulsory deprivation of a child is issued by a court, upon a request of applicant. Compulsory deprivation of a child can be done only if an applicant, or other person or representative of institution designated by him, is present.

**b) In particular, are any social or psychological services available in order to prepare the child and / or the defendant for the return in order to de-escalate or even avoid enforcement by coercive measures?**

The social and psychological services are available, especially during removal (compulsory deprivation) of a child. A court probation and supervision officer should act very carefully and do everything not to disturb child's good, especially not to cause any physical or moral harm. In a need a court probation and supervision officer may demand assistance from social or other institution.

**c) Please specify also whether the presence of the applicant (or a person designated by him or her) is required and, if this is the case, at which stage of the enforcement proceedings and for what purpose.**

The presence of applicant or a person designated by him is required only during compulsory deprivation of a child, because a child should be returned to him.

**4. a) Is there any supervision / control of the enforcement procedure by a court, the Central Authority or any other State authority? If a court is supervising / controlling the enforcement procedure, which court is it? The court that made the order or other (e.g. a specific enforcement court)?**

There is a supervision/control of an enforcement court, which started enforcement proceeding.

**b) What if the court of first instance refused return, and the appellate court or court of appeals ordered return? Would the court of first instance, the appellate court or court of appeals which ordered return, or any other court be the court supervising / controlling enforcement in such a case?**

There would be supervision/control of first instance court.

### **C. The actual enforcement procedure**

#### **1. Is there a timeline for enforcement?**

There is no time limit for enforcement, but the order should be enforced immediately.

#### **2. Is it normal to allow a period of time for voluntary compliance with a return order or to allow appropriate practical arrangements for the return of the child to be made?**

After proceeding before a first instance court there is a time for voluntary compliance with an order. The first instance court decides that a child should return to applicant by a specific date, so gives an abductor time to return a child voluntary.

#### **3. Are any measures available in order to prevent the abductor from taking the child into hiding after the return order is made and before it can be enforced? In the affirmative, please give details.**

A guardianship court, in view of a threat of abduction or retention of a child abroad, may prohibit, by means of a provisional order (in a custodianship case), the child to leave the territory of Poland. Moreover, a guardianship court may also provisionally apply other preventive measures, which seem to be most effective in a given situation, in order to prevent abduction or retention (e.g. deposit). Such a decision is enforceable from the very moment of its issuance. A decision on prohibiting a child to leave Poland until the guardianship proceedings is concluded shall be transferred by a court to the Border Guards Headquarters, which is a unit responsible for the notification of the border check points. The provisional prohibition of removal of a child from Poland may be also adjudicated in divorce proceedings. A judgment in this kind of proceedings may be issued: - upon a request by a parent who shall prove the existing risk of a child abduction, - by a court acting *ex officio*. In this case, a judgment shall be also immediately enforceable, despite the possibility of being appealed against.

If an applicant suspects that a child could be hidden, he can request to a court to apply preventive measures, like earlier return of a child or sending a child to orphanage. A court is also able to change its decision anytime, and for instance decide that a child should be returned right away.

#### **4. What happens if the child is taken into hiding after the order was made and before it can be enforced?**

If a place of residence of a child is unknown, a court investigates to find out where the place is, especially a court can demand police help. If a child was hidden and his compulsory deprivation can not be done, a court probation and supervision officer will notify a persecutor. But if a person obliged to reveal the place of a child's residence does not fulfill his obligation, a court upon a court probation and supervision officer's request decides that he should be compulsory brought and make a statement about child's place of residence. This statement is treated as a testimony under oath (art. 598[11] KPC), according to Criminal Code and with penal responsibility.

**Which actors would be involved (e.g. Central Authority, police, public prosecutor, other) and which measures can they take to locate the child? What is the effect of the hiding on a possible timeline for enforcement?**

In this part of enforcement procedure a court probation and supervision officer and police is involved. They can take any measures provided by law. The effect of the hiding is that a procedure is much longer and of course enforcement of a return order isn't immediate. It happens that a child could not be found.

**5. When enforcement is initiated, what are the required steps (e.g. measures by the applicant, the court or any other supervisory authority, and the enforcement organs)?**

The required steps are:

1. request for starting enforcement proceeding
2. decision concerning compulsory deprivation of a child
3. determination of a date of child's deprivation by court probation and supervision officer, who informs the applicant about the date
4. deprivation of a child

**6. Which coercive measures are available and under what conditions (e.g. pecuniary fines, physical force [against whom? the child? the defendant? others?], detention)? Which of these are normally used in practice?**

The coercive measures are available only against parent deprived or limited in his (her) parental authority, according to art. 211 KK (mentioned above) - the penalty of deprivation of liberty for up to 3 years.

**7. a) Do they have to be ordered specifically (i.e. either "fine", "physical force", "detention")? If so, when and by whom?**

This kind of coercive or rather penal measure have to be ordered only by a criminal court.

**b) If problems occur during enforcement, may the enforcement organs unilaterally "upgrade" the intensity of coercive measures, or do they have to obtain authorisation from any particular higher authority (e.g. an enforcement court or other)? Please specify.**

It is possible to apply measures from mentioned above art. 598[11] KPC. That means if a child was hidden: 1) a court probation and supervision officer will notify a persecutor 2) a person obliged to reveal the place of a child's residence does not fulfill his obligation, a court upon a court probation and supervision officer's request decides that he should be compulsory brought and make an under oath statement about child's place of residence, with penal responsibility for it. When a place of child's stay is known - if the person obliged (abductor) or other persons disturbs the enforcement, he (she) can be removed from the place of enforcement by Police on a request of court probation and supervision officer.

**8. Please give details of any court orders which can be obtained in emergency situations. Can these orders be obtained after hours and ex parte?**

The Polish law admits the possibility of issuing by a guardianship court an emergency decision prohibiting a child to leave the territory of Poland or otherwise making it impossible to abduct or retain a child. The possibility of issuing by a guardianship court the aforementioned judgment can be also obtained out-of-hours, since there are additional duty hours held by judges in family courts. There is no need to appoint a hearing for this purpose.

**D. Costs**

**1. Are costs incurred for the enforcement? If so, are they part of the costs of the court proceedings as a whole? How are they calculated? For which services are they charged?**

The costs in enforcement proceeding are charged for locating the child, for instance for police participation. These expenses in theory shouldn't be incurred by the state. That's why a court, while ordering discontinuance of enforcement proceeding, orders to pay the costs to the state.

**2. Who has to pay the costs for enforcement? To whom? Is a reduction or exemption possible, e.g. under a Legal Aid Scheme? Under which conditions? In particular, is advance payment required in order for the enforcement organs to act? If legal aid was granted for the proceedings leading to the return order, would it cover the enforcement stage or would the application for legal aid have to be renewed?**

The applicant has to pay costs of enforcement to the state. He also may, in exceptional situations, especially when he can not afford to pay the costs, make an appeal for court cost order. Reduction of costs in this proceeding concerns charges in relation to applications submitted by an applicant. He doesn't pay these charges, but a reduction of costs doesn't refer to expenses, and they should be paid. A court is competent and able to condition the enforcement from advance payment for future expenses of proceeding, in such a case an enforcement proceeding can be suspended until it's paid.

**3. Are the costs of the actual repatriation of the child (e.g. airfare for child and possible accompanying person) considered as part of the enforcement costs? Who has to pay for the repatriation? Is advance payment a condition for enforcement?**

The costs of repatriation of a child are paid by the applicant. Although, he can submit a request to a court to direct the person, who removed or retained a child to pay necessary expenses incurred by him, including travel expenses.

**4. Please specify how foreign applicants are provided with information about enforcement costs to be borne by them.**

The only way is to get information about costs from a court.

**5. Please provide details regarding the enforcement organs' specific duties as they relate to the enforcement of Hague return orders concerning children.**

There are no specific duties of enforcement organs in this particular proceeding, but they should act in exceptionally efficient way, not to cause any harm to a child.

**6. Do you have any other comments relating to the enforcement procedure?**

Although, the costs of enforcement should be paid by applicant or an abductor, they are usually paid by the state. So, high costs of enforcement are not a reason for not applying for child's return.

**3. Enforceability and legal remedies of return orders**

**II ENFORCEABILITY AND LEGAL REMEDIES**

**1. a) Is a return order subject to appeal or other forms of challenge? Please give details (number and character of legal remedies, possible time-limit for them, possible time-limit for appellate court or court of appeals to decide etc.).**

A return order is a subject to the same appeal as in domestic cases. That means that parties can appeal to the court, which has issued the order, no later than two weeks after the order with a motive was delivered to the appealing party. If the party hasn't requested for a motive

of an order in a time of two weeks from the moment the sentence was announced, from the day, when the time for this request has passed by. It's also allowed to appeal through mail, and than the date of appeal is the date of registration of a letter in Polish post office or a date of passing a letter from foreign post office to a Polish one, if the appeal was sent from abroad.

**b) Please specify whether any such challenge may only be made once, and which court or body has jurisdiction to hear the appeal.**

Any measure of appeal may only be made once and the second instance court has the jurisdiction to hear the appeal.

**2. a) Please give details of any authorisation or other decision required for the actual enforcement of the Hague return order (e.g. registration for enforcement, declaration of enforceability, order of a specific enforcement measure or other).**

There is no authorisation or other decision required for the actual enforcement of the Hague return order, according to Polish law, but according to art. 28 of Brussels 2A there should be a statement of enforceability made upon a request of authorized party. Also according to art 42 of Brussels 2A, the measures provided in Polish civil procedure code can be applied (for instance decision concerning compulsory deprivation of a child).

**b) Which is the competent organ for these decisions?**

A court deciding about enforcement (enforcement court).

**3. Does the Hague return order have to be final and no longer subject to ordinary appeal before any authorisation for enforcement or other measure specified under II.2 may be ordered?**

The Hague return order has to be final, with an exception for provision of art. 28 of Brussels 2A.

**4. a) Are any of the decisions specified under II.2.a) (authorisation to enforce or other decision) subject to appeal independent of any appeal against the merits of the return order? Please give details (number and character of legal remedies, possible timelimit to lodge them, possible time-limit for appellate court or court of appeals to decide etc.).**

This decisions are a subject to the same appeal as in domestic cases and in return orders. That means that parties can appeal to the court, which has issued the decision, no later than two weeks after the decision with a motive was delivered to the appealing party. If the party hasn't requested for a motive of a decision in a time of two weeks from the moment the sentence was announced, from the day, when the time for this request has passed by. It's also possible to appeal through mail, and than the date of appeal is the date of registration of a letter in Polish post office or a date of passing a letter from foreign post office to the Polish one, if the appeal was sent from abroad. The appeal should be heard by a court of a second instance, there is no time limit for it, but it should be done quickly. Anyhow, the proceeding can be suspended, if both parties will not appear before a court.

**b) Please specify whether any such challenge may only be made once, whether it suspends the enforceability / enforcement of the order and which is the court or body to decide the appeal.**

As all ordinary measures of appeal this one may be made once. The appeal is heard by a second instance court. Application of the measure doesn't stop enforcement of a decision, although a court dealing with a case is competent to suspend the enforcement proceeding.

**5. If in your State both types of legal remedy as specified under II.1 and II.4 (i.e. against the order on the merits and against any decision taken at or required for the enforcement stage) exist, can they be lodged simultaneously? Is it the same court that deals with them if they are lodged (a) simultaneously, and (b) at different times?**

They can be lodged simultaneously, but according to art. 28 of Brussels 2A they may be lodged in different countries.

**6. Do you have any other comments relating to legal remedies and the enforcement of return orders?**

No other comments.

**2B. Law and practice with regard to enforcement of family law judgments other than return orders**

***1. Instruments and national legislation relevant for the enforcement of family judgments in cross-border cases***

Poland is a party to (of) the following international conventions relevant to enforcement of family judgment:

1. Convention relating to the settlement of guardianship of minors of 1902 (entered into force in Poland in 1929),
2. Convention concerning the powers of authorities and the law applicable in respect of the protection of minors of 1961 (entered into force in Poland in 1993),
3. Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations of 1973 (entered into force in Poland in 1996),
4. Convention on the Law Applicable to Maintenance Obligations of 1973 (entered into force in Poland in 1996),
5. Convention on the Civil Aspects of International Child Abduction of 1980 (entered into force in Poland in 1992),
6. Convention on Protection of Children and Co-operation in respect of Intercountry Adoption of 1993 (entered into force in Poland in 1995),
7. New York Convention on the Recovery Abroad of Maintenance of 1956 (entered into force in Poland in 1961),
8. Convention on the Rights of the Child of 1989 (entered into force in Poland in 1991),
9. Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts of 2000 (entered into force in Poland in 2004),
10. Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2000 (entered into force in Poland in 2004),
11. European Convention on the adoption of children of 1967 r. (entered into force in Poland in 1999),
12. European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and Restoration of Custody of Children of 1980 (entered into force in Poland in 1996),
13. European Convention on the Exercise of Children's Rights of 1996 (entered into force in Poland in 2000).

***2. National law relevant for cross-border enforcement of family law judgments under Brussels 2A***

There are no specific provisions relevant to enforcement of family law judgments in cross-border cases. The provisions of KPC apply to internal and cross-border cases. There is no need to issue any provisions implementing international conventions or UE regulations either.

The enforcement of family law judgments is exercised according to UE Regulations (2201/2003/EC and 44/2001/EC). If they don't regulate some specific issue, KPC is applied.

### ***3. National practice with regard to the enforcement of family law decision of your own courts in another member state***

The court takes into consideration the cross-border factor but anyhow applies the rules of Brussels 2A in relations in between UE member states. Probably the most important factors in these cases are: the role of applicant who starts the proceeding (who probably considers that the order should be practicable and possible to enforce), the best interest (good) of a child and the level of cooperation in between the countries concerned. In most cases the factor of a best interest of a child is of a premiere importance, that's why a court should consider influence of all practical aspects of enforcement of its order on it.

The same situation is when the rules of Brussels 2A can not be applied, that means in relations with non-member states. The difference is that the provisions of multilateral or bilateral conventions are applied. Polish court can also apply the rules of KPC, but only if provisions of these conventions do not regulate the issue (for instance in relations in between Poland and Bulgaria or Romania). By the virtue of KPC Polish court may recognise or enforce foreign court judgement. A court can also take into consideration a principle of reciprocity but in family cases more important factor is principle of a best interest (good) of a child.

### ***4. National practice with regard to the enforcement of family law decisions of another member state in your own member state.***

The foreign court judgments are enforced in Poland according to the Polish law (UE regulations and KPC). Their enforceability means that a merit of a judgment will be enforced and the means used to enforce will arise from Polish law. So, there is no way to apply the measures which do not exist in Polish law.

### ***5. Setting aside or amending of foreign judgments***

It isn't possible to indicate conditions that must be fulfilled before a decision of another member state to be recognised and enforced in Poland may be set aside by a new decision of Polish court. But it should be said that Polish courts can only act when they have a jurisdiction (jurisdiction can result from the UE rules, international conventions or KPC). According to KPC, a guardianship court can change its decision or a decision of any other guardianship court, also a final one, if it's required according to person's participating in proceeding interest and in such cases a court is obliged to change or repeal previous decision – but by a virtue of this rule a Polish court is not able to change the decision of foreign court. Guardianship courts are able to act *ex officio* and start a proceeding without anyone's request; that is why this kind of court can issue a new decision in a case. It's also possible that a court recognising the foreign court order points to a guardianship court that there are reasons to start an *ex officio* proceeding – in such a case the foreign court order can not be enforced.

## **2C. Specific issues relating to the cross-border enforcement of family law judgments**

### ***1. The role of organs and institutions***

The same organs play the same roles in enforcement of judgments in internal and cross-border cases. Also it doesn't matter if these cross-border cases take place in UE member states or in states outside UE – because according to Polish law these are still the same organs and their

role in a process of enforcement is the same. Although, it's possible that states (for instance parties of a bilateral convention) decide to set other organs to play certain role in such cases.

### ***2. Time limits relevant for enforcement proceedings and the effect of time***

The same time limits and effect of passing time as in internal cases.

### ***3. Coercive measures to ensure enforcement***

The same as in internal cases.

### ***4. Other legal or practical conditions that may form obstacles to enforcement***

Obstacles to enforcement, like in internal cases, can be formed mostly by the parties. In cases of parental authority, abduction of a child and generally in all cases concerning children enforcement depends on relations between parents, cooperation between them, and their will to submit an order. The most difficult cases of abduction are when a child is hidden by one of his (her) parents. If parents cooperate the order can be enforced easily, even more – together they can agree for different then in an order conditions of their relationship with a child. That means they even can modify an order by the virtue of their consent.

### ***5. Issues of specific concern in cross-border cases***

The Polish court judgments are enforceable only on Polish territory. They can be exercise in other UE member states or the third states if there are legal grounds for it. That means that the rights granted under certain family law judgments in theory are absolute, but in practice they need to be recognised.

In some circumstances a court is able do decide if a child should have a passport. On a base of art. 7 pass. 4 of Polish Passports Law from November 29, 1990, if a minor person applies for the issuance of a passport, the permission by both parents or by a guardian (or guardians) is required, unless only one of the parents is authorized by virtue of the court judgment to decide on the issue or in a situation when one of the parents is deceased. Also when the parents fail to come to an agreement over the question of issuance of a passport, the court shall take the decision on the matter. If a minor person domiciled abroad applies for the issuance of a passport, the consul of the Republic of Poland shall additionally require, apart from the permission for the issuance of a passport from the relevant persons, filing a document certifying the Polish nationality and the statement on circumstances, date and place of losing a Polish passport. According to UE regulations allowing to travel having Identity Card, it should be mentioned that Polish Identity Card can be issued to all Polish citizens who are over 18 years of age, over 15, if they work or do not reside with persons having parental authority or guardianship over them and also to minors over 13 years of age (art. 34 of Census and Polish Identity Cards Law from April 10, 1974). It is possible to issue this card to a minor under 13, on parents' or guardians' justifiable request. In practice organs responsible for issuance of Polish Passports and Polish Identity Cards apply the same procedure, not to allow taking a child abroad without a proper permission.

Poland is a party of bilateral conventions concluded with 37 countries. Most of them concern legal assistance in civil and criminal matters, but not all of them are applied in family cases. They take precedence of multilateral conventions. That means that their provisions are applied on the first place, the provisions of multilateral conventions only to the extent not regulated by them and the rules of internal Polish law on the end and of course to the extent not regulated by provisions of any convention. All the acts of UE law take precedence of them, that's why after entering UE by Poland, the bilateral conventions are less important than

before. Anyhow, they are still very important in Polish relationships with states not-members of United Europe, especially when there are a lot of cases and a need to choose a proper law to be applied in a case, proper procedure and organs having the jurisdiction to act. For instance in Poland there are lots of cases concerning children from Romania, Bulgaria and also from ex-Soviet Union states (Ukraine).

The most important multilateral conventions in children's cases are: Convention on the Rights of the Child of 1989 (because of a child's best interest principle) and European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and Restoration of Custody of Children of 1980 (because of its practical use in cases when 1980 Hague Convention or Brussels 2A do not apply).

### **6. Mediation/Alternative dispute resolution**

Right now mediation doesn't play any role in the enforcement of family law decisions. Although there are new provisions regarding mediation in KPC (art. 185[1]-185[15]) and courses for people eager to be mediators, not too many people are registered in courts to play such a role. In practice there are parts of Poland where the courts try to use mediation as a measure (in general the aim of mediation is to achieve a consent before a court will proceed) and there are region where they just start to think about it. In practitioners' opinion mediation could be useful in cases of divorce – and it was used in some such cases.

## **II. EMPIRICAL STUDY**

### **A. POSSIBLE CONTACT POINTS FOR TELEPHONE INTERVIEWS**

1. Polish Ministry of Justice (Central Authority for the Hague Convention) judge Leszek Kuziak, Kamila Cieślak, judge Katarzyna Biernacka (Chairman of Department), tel. (022)8970538

2. The Ombudsman for Children - Ewa Sowińska, Children Ombudsman Bureau, ul. Śniadeckich 10, 00-656 Warszawa, tel. (22) 696 55 50, fax: (22) 629 60 79, e-mail: [rzecznik@brpd.gov.pl](mailto:rzecznik@brpd.gov.pl), <http://www.brpd.gov.pl/>

3. Chosen associations and foundations preventing children's rights:

Christian Association for Helping Children "Mission Of Hope" (Misja Nadzieji), Waldemar Wilk [wilczki5@wp.pl](mailto:wilczki5@wp.pl), Andrzej Olszewski [andrzej@misjanadziei.org.pl](mailto:andrzej@misjanadziei.org.pl), Joanna Kalińska [kkalinski@kamsoft.pl](mailto:kkalinski@kamsoft.pl), 27-600 Sandomierz, ul. Żółkiewskiego 9/100, tel./fax (015) 834 14 90, e-mail [wilczki5@wp.pl](mailto:wilczki5@wp.pl), <http://www.misjanadziei.org.pl/>

The Association for the Development and Integration of School Communities "Stand by the Child" (Bliżej Dziecka), ul. Mokotowska 17/21, 00-640 Warszawa, tel/fax (0 22) 839 36 52, e-mail: [blizej\\_dziecka@przemocwzskole.org.pl](mailto:blizej_dziecka@przemocwzskole.org.pl), <http://www.przemocwzskole.org.pl/>

Wielkopolskie stowarzyszenie pomocy dziecku, ojcu i rodzinie, 60-988 Poznań 15, skrytka pocztowa 70, e-mail: [biuro@jmc.icpnet.pl](mailto:biuro@jmc.icpnet.pl), [info@jmc.icpnet.pl](mailto:info@jmc.icpnet.pl) <http://www.jmc.icpnet.pl/tato/>

Our Home Association (Towarzystwo "Nasz Dom"), 01-830 WARSAW, Al. Zjednoczenia 34, Phone: 0048 22 8346053, Fax: 0048 22 8343712, e-mail: [biuro@naszdom.org.pl](mailto:biuro@naszdom.org.pl) <http://www.naszdom.home.pl/>

Towarzystwo Pomocy Dzieciom, ul. Majakowskiego 25/7, 43-300 Bielsko-Biała, e-mail: [tpd\\_bb@free.ngo.pl](mailto:tpd_bb@free.ngo.pl)  
[http://tpd\\_bb.free.ngo.pl/](http://tpd_bb.free.ngo.pl/)

Nobody's Children Foundation (Fundacja Dzieci Niczyje), ul. Walecznych 59, 03-926 Warszawa, tel (+48 22) 616-02-68, fax. (+48 22) 6160314, e-mail: [fdn@fdn.pl](mailto:fdn@fdn.pl)  
<http://www.fdn.pl/index/>

Polish Children and Youth Foundation (Polska Fundacja Dzieci i Młodzieży), Maria Holzer, Kredytowa 6 lok. 20, 00-062 Warszawa, tel/fax: (22) 826 10 16, e-mail: [pcyf@pcyf.org.pl](mailto:pcyf@pcyf.org.pl)  
<http://www.pcyf.org.pl/>

Fundacja Dziecięce Listy do Świata, Ogólnopolskie Forum na Rzecz Praw Dziecka, ul. Brodzińskiego 1, 30-506 Kraków, tel./fax: (012) 423-55-80  
<http://www.cofund.org.pl/ngo/STOP/stop6.html>

Fundacja Kidprotect, Gliwickie Centrum Organizacji Pozarządowych, ul. Jagiellońska 21, 44-100 Gliwice, Jakub Śpiewak, prezes fundacji, tel. +48 693 254 898, email: [fundacja@kidprotect.pl](mailto:fundacja@kidprotect.pl), [hotline@kidprotect.pl](mailto:hotline@kidprotect.pl), [psycholog@kidprotect.pl](mailto:psycholog@kidprotect.pl)  
<http://www.kidprotect.pl/>

Komitet Ochrony Praw Dziecka, Zarząd Krajowy, ul. Flory 7 lok 6, Warszawa 00-586, tel.: 0 22 848 24 24, 0 22 626 94 21, tel/fax: 0 22 848 07 20, Mirosława Kałna – Przewodnicząca, strona www: <http://www.mkatna.pl/> [mkatna@kopd.pl](mailto:mkatna@kopd.pl), Centrum Interwencyjne, ul. Hoża 27A, lok. 5, 00-521 Warszawa, tel.: (022) 6269419, fax: (022) 7457180, e-mail: [kopd@kopd.pl](mailto:kopd@kopd.pl)  
<http://www.kopd.pl/>

Opta Association (STOWARZYSZENIE OPTA), prezes: [maciej.barczynski@opta.org.pl](mailto:maciej.barczynski@opta.org.pl) tel. (0-22) 424 09 89, ul. Hoża 50 lok. 61, Warszawa, [www.opta.org.pl](http://www.opta.org.pl)

TOWARZYSTWO PRZYJACIÓŁ DZIECI ZARZĄD KRAJOWY, tel. (0-22) 827 78 44, 826 08 74, Warszawa, ul. Krakowskie Przedmieście 6, 00-325 Warszawa, Sekretariat, tel. 425 46 80, 827-78-44, fax 826 84 94, e-mail: [tpd-zg@tpd zg.org.pl](mailto:tpd-zg@tpd zg.org.pl), [www.tpdzg.org.pl](http://www.tpdzg.org.pl)

4. Lawyers (judges of guardianship courts and barristers)
5. Court probation and supervision officers
6. Police?