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Cross-border placement of a child including foster family

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European Judicial Network
(in civil and commercial matters)

 Poland

1 Which authority is to be consulted and to give prior consent before the cross-border placement of a child within your territory?

An application for consent must be submitted to the central authority, which will forward it to the competent court.

For the placement of a child on the basis of a decision issued by a court or another authority of a foreign country, consent is granted by the guardianship court with jurisdiction over the future location of the placement, once it is established that:

- the placement is in the child's best interests and that the child
- has a substantial connection with Poland or
- is a Polish citizen.

Where a court or another authority of a foreign country has indicated candidates to act as the foster family or to run a family-type children's home, or a specific education and care facility, a regional care and therapy facility, or a pre-adoption intervention facility where the child is to be placed, the guardianship court may consent to the placement of the child after consulting the chair of the district executive board (*starosta*) with jurisdiction over the future location of the placement. Where a court or another authority of a foreign country has not indicated candidates to act as the foster family or to run a family-type children's home, or a specific education and care facility, a regional care and therapy facility, or a pre-adoption intervention facility, the guardianship court may consent to the placement of the child after consulting the President of the capital city of Warsaw.

2 Please describe shortly the procedure for consultation and the obtaining of consent (including required documents, deadlines, modalities of the procedure, and other relevant details) for cross-border placement of children within your territory.

The application must contain the documents, opinions and information concerning the child, especially concerning the child's family situation, state of health and special needs. If the submission by a court or another authority of a foreign country does not indicate how the child will be brought to Poland and how the related costs will be covered, and, if the placement is temporary, also how the child will be brought back and how the costs of return will be covered, the guardianship court requests this information.

Applications are examined by way of a ruling issued within a month from the date of receipt of the application by the court.

The placement of the child in a foster family or a family-type children's home takes place after consent is obtained from the foster parents or the person running the family-type children's home.

3 Has your Member State decided that consent is not required for cross-border placements of children within your territory where the child is to be placed with certain categories of close relatives? If yes, what are the categories of close relatives?

As for the close relatives referred to in Article 82 of Council Regulation (EU) 2019/1111, Poland did not waive the requirement for prior consent for the placement of a child with certain categories of close relatives, maintaining the existing legal situation and upholding the exemption from the obligation to obtain consent of the competent central authority for the placement of a child in another Member State only for the parents.

4 Does your Member State have in place any agreements or arrangements for simplifying the consultation procedure for obtaining consent for the cross-border placement of children?

In Poland, no agreements or arrangements are in place for simplifying the consultation procedure for obtaining consent for the cross-border placement of children.

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