

[Home](#) > ... > [Family Matters & Inheritance](#) > [Parental Child Abduction](#) > [Processing Incoming Return Cases By Central Authorities](#) > Poland

Processing incoming return cases by Central Authorities

Content provided by:



European Judicial Network
(in civil and commercial
matters)



1 Receiving the request

1.1 Please provide information on foreign languages spoken by the Central Authority (contact details can be found in the European Judicial Atlas in civil matters), if any. In which language(s) does the Central Authority accept new incoming requests?

The central authority uses the official language of the country, Polish. In addition, English is accepted for communication with central authorities for information exchange purposes. The staff currently employed at the central authority also speak German, Hungarian, Russian and Spanish.

The central authority accepts requests in the official language of the country concerned, accompanied by translations into Polish.

1.2 What is the Central Authority's preferred method of communication - email, fax or postal service? Does the Central Authority accept requests received electronically? If so, is the original request on paper still needed (either to start the proceedings or at a specific stage of the process) or are electronically transmitted requests accepted at all stages of the proceedings?

The Polish central authority's preferred method of communication is email.

Requests can be filed electronically.

A paper form is required where the requests concern:

- an order for the return of a minor child from Poland to the child's habitual place of residence under the 1980 Hague Convention;
- an order on the contact between a parent and a minor child residing in Poland under the 1980 Hague Convention;
- the assumption of jurisdiction by a Polish court under Article 12 *et seq.* of the Brussels IIa Regulation;
- the enforcement of a foreign court's decision.

1.3 Would your Central Authority refuse an incoming application under Article 27 of the 1980 Hague Convention? If so, under what conditions?

The Polish central authority may refuse an application if:

- the requirements laid down by the Convention are not fulfilled,
- the application is not sufficiently reasoned.

The Minister for Justice refuses an application by an administrative decision.

2 Management of the case

2.1 Who can apply for the return of the child before your court (multiple answers possible)? Is it (i) the Central Authority, (ii) a Government lawyer, e.g., public prosecutor, Attorney General etc., (iii) a private lawyer, or (iv) someone else (if so, please elaborate, e.g. the applicant him- or herself)?

In Poland, a parent or a person with rights of custody may apply for a child return order. The application may be prepared by a legal representative appointed by these persons.

2.2 Is the applicant represented by the above-mentioned person or body at the court hearing? If the answer is negative, who is the legal representative of the applicant in the proceedings? Is it (i) the Central Authority, (ii) a Government lawyer, e.g., public prosecutor, Attorney General etc., (iii) a private lawyer, or (iv) someone else (if so, please elaborate)?

The Polish central authority does not represent the parties during proceedings.

In child return order proceedings before a Polish court, each participant must have a legal representative. This is a mandatory requirement.

A legal representative is an advocate or attorney at law.

2.3 How quickly will the case be referred to the legal representative of the applicant by the Central Authority?

The Polish central authority does not deal with referring cases before it to the applicant's legal representative.

The applicant refers the case to his or her legal representative – where the applicant appoints one, or the court refers it to the representative it has appointed, after the Regional Bar Council or the Regional Chamber of Attorneys at Law has named a specific person.

2.4 If a private lawyer is used, does the Central Authority make the necessary arrangements on behalf of the applicant? If the case is not referred to a private lawyer by the Central Authority, does the Central Authority provide a list of possible lawyers for the applicant to choose from?

The Polish central authority does not take procedural steps in the name and on behalf of the participants in proceedings for the return of a minor child to his or her place of habitual residence.

The Polish central authority does not keep a register of lawyers dealing with child abduction cases under the 1980 Hague Convention.

If the applicant is not assisted by a legal representative, but wishes to appoint one, the Polish central authority may provide links to websites with general lists of lawyers providing legal services in Poland:

<https://rejestradwokatow.pl/adwokat;>

<https://rejestrradcow.pl/Home/Index;>

[https://szukajradcy.pl/znajdz-radce.](https://szukajradcy.pl/znajdz-radce)

The information on these websites is available in Polish only.

The central authority may also provide a link to a search engine in English, which, however, contains only the details of lawyers who are members of the International Academy of Family Lawyers: <https://www.iafl.com>.

2.5 Is legal aid available to applicants? Who decides whether to grant the legal aid to the

applicant? Is there a specific application form that the applicant has to complete? Are there preconditions to receive legal aid? Is there a means and/or merits test? What documentary evidence is the applicant required to provide? How long does it take to get the legal aid decision? What expenses does legal aid cover? (e.g., legal consultations, mediation, travel costs)

In proceedings for the removal of a person who is subject to parental responsibility or remains under legal guardianship under the 1980 Hague Convention, each participant must be represented by an advocate or attorney at law.

Participants may appoint a legal representative of their choice.

If one or more participants have not appointed a legal representative of their choice, the court will appoint one of its own motion.

The following are not obliged to have a legal representative:

1. an application to initiate proceedings for the removal of a person who is subject to parental responsibility or remains under legal guardianship on the basis of the 1980 Hague Convention,
2. proceedings for exemption from court costs,
3. proceedings for the appointment of an advocate or attorney at law.

The requirement to be represented by an advocate or attorney at law is also waived where the participant in the proceedings, the body to which they belong statutory representative, or legal representative is:

1. a judge;
2. a public prosecutor;
3. a notary;
4. a person holding the title of professor or a post-doctoral degree holder in law;
5. an advocate;
6. an attorney at law;
7. a counsel of the General Counsel to the Republic of Poland (Article 578²(1) of the Code of Civil Procedure, Journal of Laws (Dziennik Ustaw) 2024, item 1568).

A party exempted from court costs in whole or in part may request the appointment of an advocate or attorney at law.

A natural person not exempted from court costs by the court may request the appointment of an advocate or attorney at law by submitting a declaration evidencing that he or she is unable to pay the advocate's or attorney at law's fees without jeopardising their own and their family's subsistence.

A legal person or another organisational unit entitled by law to be a party in court proceedings, and that has not been granted an exemption from court costs, may request the appointment of an advocate or attorney at law if it proves that it does not have sufficient resources to pay the advocate's or attorney at law's fees.

The court appoints a legal representative solely upon request. The request must be accompanied by a declaration on an official form with details of the family status, assets owned, income, and means of subsistence.

The form 'Declaration of family status, assets owned, income and means of subsistence' can be downloaded from the website of the Ministry of Justice at [Formularze pism procesowych w postępowaniu cywilnym - Ministerstwo Sprawiedliwości - Portal Gov.pl](#) (Civil procedure forms – Ministry of Justice – Gov.pl Portal).

In addition, a paper version of the form is available in every court building.

A request for a court-appointed legal representative may be submitted:

1. at the court's registry office;
2. orally for the record;
3. by sending it along with the attachments via:

- (a) a Polish outlet of the universal postal service provider in the territory of Poland;
- (b) a foreign postal outlet of a universal postal service provider in the territory of another EU Member State;
- (c) by sending it along with the attachments through:
 - the military unit's command staff (for soldiers);
 - the prison administration (for incarcerated persons);
 - the shipmaster (for Polish seagoing vessel crew members).

The court examines requests for exemption from court costs within seven days of the date of submission or rectification of its formal defects, if any.

The court will grant the request if it finds that the involvement of an advocate or attorney at law is needed.

Legal aid comprises activities corresponding to the powers of an advocate or attorney at law. The specific costs covered by legal aid depend on the type and scope of the case.

In particular, legal aid may cover:

1. providing legal advice;
2. drafting legal opinions;
3. representation before courts and other authorities;
4. the costs of enforcement proceedings; and
5. the costs of mediation.

2.6 Does (i) the Central Authority, (ii) a government lawyer, e.g., public prosecutor, Attorney General etc., (iii) a private lawyer, (iv) a court itself or (v) someone else (if so, please elaborate) provide assistance in locating the child's exact whereabouts? Does the absence of information regarding the child's exact whereabouts somehow preclude the possibility of applying to the court for the return of the child?

Pursuant to Article 19 of the Act of 26 January 2018 on the performance of certain activities of the central authority in family matters involving legal transactions under EU law and international agreements (Journal of Laws 2018, item 416), where an applicant, whether domiciled or resident, or established abroad requests:

1. the return of a child or a child contact order under the 1980 Hague Convention; or
2. the recognition or enforcement of a court decision on custody rights or the restoration of custody under the Luxembourg Convention, or the recognition or declaration of enforceability of measures taken under the 1996 Hague Convention; or
3. the recognition or enforcement of a court decision on custody rights under Council Regulation (EU) 2019/1111; or
4. the provision of information or assistance referred to in Article 79 of Council Regulation (EU) 2019/1111, or Article 31(c), Article 32(a) or Article 34(1) of the 1996 Hague Convention;

— the Minister for Justice (as the central authority) takes steps to determine the whereabouts of the child and the child's parents or guardian, and in particular may request the Police to determine the child's current whereabouts in Poland.

An application for the return of a child under the 1980 Hague Convention may be made on the basis of the last known address or other information useful in establishing whether an abduction has taken place and where the return, if any, is to be made to.

2.7 Will the Central Authority pursue a voluntary return? If so, will this happen before the case is referred to a lawyer and/or the court?

When sending the application receipt notice to participant in the proceedings, the Polish central authority attaches a brochure with information on the options for amicable resolution of the dispute.

2.8 Does the Central Authority take any steps to prevent a further removal of the child while a voluntary return is explored? What preventative steps are available in your legal system?

The central authority liaises with the Polish services responsible for preventing further movement of the child, in particular with the Police and the Border Guard.

2.9 How quickly will the Central Authority give updates on an active case? How quickly will the Central Authority respond to requests for updates on an active case?

As soon as the information has been received/obtained from the court.

2.10 Does the Central Authority arrange for translations of any relevant forms (e.g., legal aid) or court documentation from the hearings? If yes, how long does it take?

The Polish central authority operates the 'Stop child abductions' website (available in Polish, English and German), which addresses inter alia issues relevant to 1980 Hague Convention child return orders, and whose section [Formularze - Stop uprowadzeniom dzieci - Portal Gov.pl](#) (Forms – Stop child abductions – Portal Gov.pl) provides the following interactive or downloadable application forms and document templates:

- application for the return of a child;
- application to exercise the right to direct contact with the child;
- the applicant's powers of attorney vis-à-vis the central authority of the requested state.

The above documents are available in Polish and in the following languages:

- applications for the return of a child – Danish, Dutch, English, French, German, Hungarian, Italian, Portuguese, Spanish, Swedish, Ukrainian;
- applications to exercise the right to direct contact with the child – Danish, Dutch, English, French, German, Hungarian, Italian, Portuguese, Spanish, Swedish, Ukrainian;
- applicant's powers of attorney vis-à-vis the central authority of the requested state – Dutch, French, English, German, Hungarian, Italian and Spanish.

The documents must be completed in Polish and accompanied by a translation into the official language of the country where the child is currently present or where the child is to be returned to.

The translation is the applicant's responsibility.

Exceptionally, the central authority may assist the applicant in having the translation prepared, but this is done in extraordinary situations assessed on a case-by-case basis.

2.11 Does the Central Authority arrange interpretation at any Court hearings that the applicant is required to attend?

The central authority does not provide interpretation during court hearings.

This falls within the competence of the court hearing the case.

3 Mediation or alternative dispute resolution

3.1 Is mediation available? Please provide details of mediation procedure including names of mediation organisations, cost of mediation and whether funding is available for mediation. Can the cost of mediation be covered by legal aid?

In Poland, parties can have recourse to domestic or cross-border mediation.

For the most part, mediation in cross-border cases concerns family disputes and conflicts regarding:

- the arrangement on where the child is to reside;
- decisions on how parental responsibility is to be exercised;

- agreeing on how contact with the child is to take place;
- resolving important issues concerning the child (choice of school, medical treatment, holidays, etc.);
- cross-border parental child abduction;
- resolving property-related family issues.

Mediation can take place before the matter is brought before the court, as well as during or after the court proceedings.

Mediation in cross-border cases is voluntary. It will not be conducted if either party does not wish to take part in it or withdraws his or her consent.

The mediation procedure is confidential.

With the consent of the parties and the mediator, the mediation process may also involve an interpreter, the parties' legal representatives, and other persons named by the parties to assist in reaching an agreement. In family matters, such persons will typically include: a psychologist, an educator, or a family member.

As Article 183¹⁰(1) of the Code of Civil Procedure provides:

'When referring the parties to mediation, the court shall set a time limit for completing the mediation of up to three months. At the joint request of the parties or for other compelling reasons, the time limit may be extended if this is likely to help resolve the dispute amicably. The duration of mediation shall not count against the duration of the court proceedings.'

The mediator drafts mediation minutes. If the parties conclude a settlement, it is annexed to the minutes. The mediator informs the parties that by signing the settlement they consent for it to be submitted to the court for approval. The mediator sends the minutes together with the settlement to the competent court and serves a copy of the minutes on the parties.

The court may approve a settlement reached before a mediator if the parties to it or one of them so request. The court will refuse to approve a settlement or to render it enforceable, in whole or in part, if it is contrary to the law or to the rules of social conduct, aims to circumvent the law, is incomprehensible, or contains conflicting clauses.

If a settlement is subject to enforcement, the court will approve it by appending an enforceability clause.

The costs of mediation include: the mediator's fees and expenses (Article 183⁵ of the Code of Civil Procedure).

Mediators' fees in court mediation are governed by Regulation of the Minister for Justice of 20 June 2016 on the amount of fees and expenses reimbursable to mediators in civil proceedings (Journal of Laws 2016, item 921).

As a general rule, the costs of mediation are borne by the parties. The parties usually pay half of the costs each, unless they agree otherwise.

Ogólne informacje o mediacji można uzyskać na stronie:

[Mediacje - Ministerstwo Sprawiedliwości - Portal Gov.pl](#)

Information on mediation in cross-border cases is available at: [Homepage - Cross-Border Family Mediators](#).

Information on cross-border mediators is available from the lists of permanent mediators kept by the presidents of regional courts. The lists are available in court buildings and on the courts' websites. Cross-border mediation is offered inter alia by the Polish Mediation Centre (Polskie Centrum Mediacji - PCM), based in Warsaw. The Centre has local branches throughout Poland. Mediation with international elements is also provided by www.mediatorzy.pl, which has relevant experience and participates in the International Mediation Alliance cross-cultural mediation project.

3.2 If and how is the Central Authority involved in arranging the mediation?

The central authority does not participate in mediation and is not involved in the organisation of mediation. It merely informs the participants that they can opt for mediation, for example by sending an information brochure on court proceedings for the return of a minor child under the 1980 Hague Convention, which provides the

essential particulars about cross-border mediation.

3.3 Is another type of alternative dispute resolution available? If so, please elaborate on the procedure, organisations involved, including the Central Authority, and cost management

Apart from litigation and mediation, no alternative means of dispute resolution are available.

4 Enforcement proceedings

4.1 If and how is the Central Authority involved in enforcement / implementation of return orders?

The central authority is not directly involved in the enforcement of court decisions on the return of a child to his or her place of habitual residence. Nor does it have any competence with regard to procedural steps taken to enforce such decisions.

In cases concerning the enforcement of court decisions on the return of a child, the Polish central authority:

- cooperates with the central authorities of other states to ensure the effective enforcement of child return orders;
- facilitates the exchange of information and documents;
- coordinates actions aimed at having a child returned;
- monitors the return decision enforcement process.

4.2 Does the Central Authority have specialists (e.g., social worker, psychologist, guardian ad litem) available to prepare the child and the abducting parent for the enforcement of the return decision?

The Polish central authority is not actively involved in the enforcement of court decisions and does not have specialists who can prepare the child and the parent for the enforcement of the decision. The organisation of enforcement measures falls within the responsibility of the court, in particular court-appointed guardians (in Polish: *kuratorzy sądowi*).

Detailed guidance on the enforcement of court decisions on forcible removal of a child who is subject to parental responsibility or remains in legal guardianship, including forcible enforcement of decisions ordering the return of a minor child to his or her habitual residence under the 1980 Hague Convention, is provided by a comprehensive guide for court-appointed guardians and institutions cooperating with them (for example: psychologists, the police). The 'Model safe procedure for forcible child removal' is a document whose main purpose is to ensure that forcible removal of a child is carried out properly and safely.

For more information and the document see: [Nowe wytyczne dotyczące przymusowego odbierania dzieci. Priorytetem bezpieczeństwo i ochrona praw dzieci - Ministerstwo Sprawiedliwości - Portal Gov.pl](#) ([New guidelines on the forcible removal of children. Safety and protection of children's rights as a priority - Ministry of Justice - Gov.pl Portal](#))

4.3 Who applies for the enforcement of a return order? Is it (i) the Central Authority, (ii) a Government lawyer, e.g., public prosecutor, Attorney General etc., (iii) a private lawyer, or (iv) someone else (if so, please elaborate)?

An application for enforcement of a decision is filed by the appointed legal representative or by the applicant personally.

4.4 In case of a court hearing during enforcement proceedings, is the applicant represented by the above-mentioned person or body?

In the enforcement proceedings, the applicant is represented by an appointed legal representative. The legal representative appointed originally (in the return case) no longer acts. The applicant needs either to appoint a legal representative of his or her choice or apply to the court for the appointment of a court-appointed legal

representative. This procedure is separate from the original (return) proceedings.

5 Case closure

5.1 Who provides confirmation of the child's return?

The information on the return of the child is confirmed by the central authority after it has been notified by the guardian appointed to enforce the court decision.

5.2 When does the Central Authority consider that the case is closed? Will the applicant receive written confirmation that the case has been closed?

The Polish central authority is notified by email by the central authority of the other state that the proceedings conducted in that other state have been closed.

The Polish central authority considers the case closed once the proceedings have been concluded with a final decision or the child has returned to his or her place of habitual residence.

It notifies this to the central authority of the other state by email too.

6 Procedure under Article 29 of the Brussels IIb ((EU) 2019/1111) and Article 11(6)-(8) of the Brussels IIa ((EC) 2201/2003) Regulations (the so-called "overriding mechanism")

The Polish court, through the Polish central authority, notifies its decision to the competent court hearing the case in the other state. Once the court decision has been issued, the foreign central authority notifies it to the Polish central authority, which then forwards it to the competent Polish court.

6.1 Does your Central Authority play any role in the overriding mechanism?

See section 6.

6.2 Please describe the procedure for the enforcement of a foreign return order mentioned in Article 11(8) of the Brussels IIa Regulation or foreign privileged decision pursuant to Article 29(6) of the Brussels IIb Regulation entailing the return of a child if the 1980 Hague return proceedings in your State led to a refusal under Articles 13(1)(b) or 13(2) of the 1980 Hague Convention earlier (see sub-questions of 2.2 for the information requested)

A subsequent privileged decision is recognised and enforced in Poland by operation of law. The Code of Civil Procedure provides for the possibility of submitting an application for refusal of recognition or enforcement of a decision, an authentic instrument or an agreement, as well as an application to declare that there are no grounds for refusal to recognise a decision, an authentic instrument or an agreement (Article 1153²⁵(2) *et praec.*).

Article 1153²³

1. An application for refusal of enforcement under Regulation (EU) No 1215/2012, Regulation (EC) No 805/2004, Regulation (EC) No 1896/2006, Regulation (EC) No 861/2007, Regulation (EC) No 4/2009, or Regulation (EU) No 606/2013 shall be submitted to the regional court of the debtor's domicile or registered office or, in the absence of such a court, to the regional court within whose jurisdiction the enforcement is to be or is being carried out.

2. An application for refusal of recognition and an application for a declaration that there are no grounds for refusal of recognition, as provided for in Regulation (EU) No 1215/2012, and an application for refusal of recognition, as provided for in Regulation (EU) No 606/2013, shall be submitted to the regional court which would be territorially competent to hear the case resolved by the decision or within whose jurisdiction the territorially competent district court is situated, or, in the absence of this basis, to the Regional Court in Warsaw.

3. Within the time limit set by the court, the opposing party may make his or her submissions.

4. The court examines the application *in camera*.

Article 1153²⁴

A decision regarding refusal of enforcement, refusal of recognition, or declaration that there are no grounds for refusal of recognition can be contested through an appeal, and the decision of the appeal court can be contested through an appeal in cassation. Requests may also be made for proceedings concluded by a final decision regarding refusal of enforcement, refusal of recognition, or declaration that there are no grounds for refusal of recognition to be reopened and that a final decision issued in that regard be declared unlawful.

Article 1153²⁵

1. Articles 1153²³ and 1153²⁴ shall apply *mutatis mutandis* to decisions involving protection measures falling within the scope of Regulation (EU) No 606/2013 which are enforceable otherwise than by way of enforcement proceedings.

2. Articles 1153²³ and 1153²⁴ shall apply *mutatis mutandis* to:

(1) an application for refusal of recognition or enforcement of a decision, an authentic instrument, and an agreement falling within the scope of Regulation (EU) 2019/1111 on any of the grounds referred to in Articles 38, 39, 41, 50, or 68 of that Regulation;

(2) an application for declaration that there are no grounds for refusal of recognition of a decision, an authentic instrument, and an agreement falling within the scope of Regulation 2019/1111 on any of the grounds referred to in Articles 38, 39, 41, 50, or 68 of that Regulation;

7 Training

7.1 Are specialised trainings regarding return cases organised for different professionals (such as lawyers, mediators, prosecutors, bailiffs etc)?

Training on child return-related topics is organised by various institutions, including the National School of Judiciary and Public Prosecution, and is addressed to various specialists in this field (including judges, public prosecutors, bailiffs, mediators).

Forms of training:

- in-person,
- online.

Types of training:

- domestic,
- international.

Representatives of the central authority participate in this training, including as speakers.

The central authority staff also improve their skills by attending training sessions, conferences, or seminars on return-related topics as well as on guardianship matters.

 Last update: 30/07/2026

The national language version of this page is maintained by the respective EJM contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJM nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.