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Family maintenance

Poland

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1 What do the concepts “maintenance” and “maintenance obligation” mean in practical terms? Which persons have to pay a maintenance allowance to another person?

In accordance with Article 128 of the Family and Guardianship Code, a ‘maintenance obligation’ is an obligation imposed on lineal relatives and siblings to provide means of subsistence (including clothes, food, accommodation, heating fuel and medicines) and, where necessary, the means of upbringing (including care for physical and mental development and provision of access to education and culture).

‘Maintenance’ is an allowance in cash or in kind. In the case of children it also covers personal involvement in their upbringing and work in a common household as part of a maintenance obligation.

A ‘maintenance claim’ is the right of a person to claim the fulfilment of a maintenance obligation towards him or her by another person.

As a rule, maintenance obligations arise from different kinds of family relationship.

Depending on the kind of family relationship, Polish law sets out the following types of maintenance obligations:

a maintenance obligation between relatives, including the specific form of such an obligation that is the obligation of parents towards a child: in the case of relatives, only persons in hardship are entitled to maintenance. Parents are obliged to pay maintenance to children who are not yet able to provide for themselves, unless income from the child’s property is sufficient to cover the costs of his or her maintenance and upbringing. Children over the age of 18 are no longer entitled to maintenance unless they wish to continue their education and their performance to date justifies this choice, or the maintenance obligation should be maintained due to the child’s health or personal situation. Furthermore, parents are not obliged to pay maintenance to children who are over the age of 18 and, while being able to work, embark on further study but then neglect it, do not make satisfactory progress, do not obtain pass marks and do not pass exams within prescribed deadlines and so fail to complete their studies within the timeframe specified for their programme of study.

If it is impossible or excessively difficult to obtain maintenance from the person under the primary obligation to pay it (a parent), it is possible to make a claim against persons under a secondary obligation (e.g. grandparents of a child who are the parents of an absent debtor). However, it should be pointed out that the mere non-payment of maintenance by a person obliged to do so is not sufficient to obtain maintenance payments from grandparents; in order to obtain maintenance from grandparents the person entitled to maintenance must be living in hardship and the grandparents must be financially able to pay maintenance. Maintenance orders against grandparents are usually for lower amounts than those imposed on the person with the primary obligation to pay maintenance.

an obligation arising from adoption: if the effect of adoption is solely to create a relationship between the person adopting and the adopted person, the maintenance obligation on the person adopting in relation to the adopted person takes precedence over a maintenance obligation on relatives in the ascending line and siblings of the adopted person towards that person, and any maintenance obligation on an adopted person towards his or her relatives in the ascending line and siblings comes last in line. Otherwise, the rules laid down in point 1 apply to the adopted person.

an obligation between persons related by affinity (stepmother, stepfather, stepchildren): only persons in hardship are entitled to maintenance, if, in the situation concerned, the imposition of a maintenance obligation is in line with the rules of social conduct. Under Polish legislation and jurisprudence, ‘hardship’ means an inability to satisfy one’s reasonable needs from one’s own resources and by one’s own efforts.

an obligation between spouses during a marriage: family members may claim the right to an ‘equal standard of living’ for all family members. In accordance with Article 27 of the Family and Guardianship Code, both spouses are required, according to their abilities and their earning and financial capacities, to help satisfy the needs of the family they have established through their relationship. This obligation may also be deemed to be met in full or in part in the form of personal efforts to bring up children and look after the common household.

an obligation between spouses after a marriage has ended: if one of the spouses has been found to be solely responsible for the break-down of the marriage and the divorce entails a substantial deterioration in the financial situation of the innocent spouse, the latter may demand that his or her reasonable needs be satisfied, even if that person is not in hardship. In other cases, a spouse in hardship may claim maintenance from his or her former spouse in proportion to his or her reasonable needs and the earning and financial capacities of the former spouse. The maintenance obligation towards a divorced spouse expires when that spouse remarries. However, where a divorced spouse who has not been found to be responsible for the break-down of the marriage is obliged to pay maintenance, the maintenance obligation also expires five years after the divorce decree, unless, at the request of the person entitled to maintenance, the court extends the five-year period due to exceptional circumstances.

an obligation of a father of a child born out of wedlock towards the child’s mother: a father who is not the mother’s husband must contribute according to his circumstances to the costs associated with the pregnancy and childbirth and the costs of three months’ maintenance of the mother during childbirth. Where there is compelling justification, the mother may request that the father contribute to her maintenance costs for a period longer than three months.

2 Up to what age can a child benefit from a maintenance allowance? Are there different rules for maintenance concerning minors and adults?

Parents are obliged to pay maintenance to children who are not yet able to provide for themselves. As children are obliged to continue education until the age of 18, they are usually entitled to maintenance until they reach the age of majority or until they complete their education. If the person entitled to maintenance is unable to support themselves (for instance because of sickness or disability), maintenance may be granted indefinitely.

It should be noted that a maintenance obligation does not expire automatically after the person entitled reaches the age of 18, nor does such expiry depend on a decision by a creditor or a parent liable for maintenance. In order for it to be determined that a maintenance obligation should expire, a court decision is required to assess whether a child reaching the age of majority is capable of supporting him or herself, etc. An application for termination of the maintenance obligation is submitted to the district court with jurisdiction over the place of residence of the creditor. This applies to maintenance ordered by a court and not to so-called voluntary maintenance, which is governed by private agreement between parties.

Allowances from the State maintenance fund are paid to persons entitled to receive them until they reach the age of 18. Such persons are entitled to these allowances until they reach the age of 25 if they continue their education at schools or higher education institutions, and for an indefinite period of time if they have been certified as severely disabled. A condition for allowances from the maintenance fund to be received is that the family income per person must not exceed PLN 900 per month. If this amount is exceeded as a result of the 'złotówka za złotówkę' ['a zloty for a zloty'] principle, the person entitled to maintenance does not lose that entitlement to the allowance. The person entitled to maintenance receives an amount consisting of the difference between the amount of allowance from the maintenance fund payable to the person entitled to it and the amount by which the family income -(s calculated per person in the family) has been exceeded. If the amount of the benefit calculated in this way is lower than PLN 100, no support is granted.

3 Should I apply to a competent authority or a court to obtain maintenance? What are the main elements of this procedure?

The following maintenance situations are possible:

1. the person required to pay maintenance fulfils the maintenance obligation voluntarily;
2. the parties reach an out-of-court settlement on a maintenance obligation;
3. if the person required to pay maintenance fails to fulfil his or her obligation, maintenance may be sought before the district court (*sąd rejonowy*) having jurisdiction over the place of residence of the person entitled to maintenance (Article 32 of the Code of Civil Procedure) or of the defendant (Article 27(1) of the Code of Civil Procedure), or such a request may be made during divorce or separation proceedings before a regional court (*sąd okręgowy*). Any application is exempt from court fees. However, it should meet the requirements for a pleading, i.e. it should include the name of the court with which it is filed; the names and surnames of the parties, the PESEL [national personal ID] number, their statutory representatives and attorneys; the type of pleading; a clear description of the request; the value of the claim; a description of the facts justifying the request and, where necessary, justifying also the jurisdiction of the court; the signature of the party or its statutory representative or attorney (the power of attorney must be enclosed); a list of annexes; the places of residence or the registered offices of the parties, their statutory representatives and attorneys; and a description of the claim. Subsequent pleadings must contain the case file reference. The application must also be accompanied by the child's birth certificate indicating that the person against whom maintenance is being claimed is the child's parent; an application for maintenance may alternatively be submitted together with an application for a determination of paternity.
4. it is also possible to reach a settlement before a notary public, in which case the district court simply issues an order granting enforcement of the settlement. The signing of a settlement agreement before a notary public is subject to a fee, as is a request for the issuing of an enforcement order.
5. a settlement may also be reached in court, in which case the defendant may be exempted from paying the court fee, or required to pay only half of it.

4 Can a request be made on behalf of a relative (if yes, what grade), or a child?

The following persons may file an application for maintenance on behalf of a person entitled to receive it:

- an attorney (apart from a lawyer or a legal advisor, the following persons may serve as an attorney: the parents, spouse, siblings, relatives in the ascending line or persons linked to the person entitled to maintenance by adoption, as well as a person who manages the property of the person entitled to maintenance);
- a representative of a local government authority responsible for social assistance (under the Act of 12 March 2004 on social assistance (Journal of Laws [Dziennik Ustaw] 2004, No 64, item 593), such representatives are: a manager of a municipal social assistance centre or a manager of a district family support centre);
- Article 61(1)(1) of the Code of Civil Procedure provides that non-governmental organisations may, within the framework of their statutory duties, initiate maintenance proceedings subject to the written consent of the natural person concerned;
- a public prosecutor where this is required in order to uphold the rule of law and public interest.

Statutory representatives act on behalf of minors entitled to maintenance. However, once a minor reaches the age of majority, they act independently.

A cohabitee or an acquaintance of the person entitled to maintenance cannot act on behalf of the person entitled to maintenance, unless he or she is one of the persons listed above.

5 If I plan to bring the case to court, how do I know which court has jurisdiction?

In accordance with the Code of Civil Procedure, district courts have subject matter jurisdiction in cases regarding maintenance. Territorial jurisdiction is determined according to the place of residence of the person entitled to maintenance or the place of residence of the defendant. Courts having jurisdiction over specific municipalities are specified in the Regulation of the Minister for Justice of 28 December 2018 on the determination of seats and jurisdiction of courts of appeal, regional courts and district courts and the scope of their competence (Journal of Laws 2018, item 2548).

Regional courts have jurisdiction in cases concerning the recognition in Poland of decisions of courts of EU Member States (paragraph 1 of Article 1151(1) of the Code of Civil Procedure) if a decision was issued before the State in which it was issued became bound by the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (OJ L 331, 16.12.2009, p. 17), i.e. before 18 June 2011.

In accordance with Article 1153(14) of the Code of Civil Procedure, the following titles are enforceable in Poland:

- 1) judgments handed down by the courts of EU Member States and settlements and official documents issued by those states and falling under Regulation No 1215/2012, if they are enforceable;
- 2) judgments handed down by the courts of EU Member States, settlements and official documents issued by those states certified as a European Enforcement Order;
- 3) European Payment Orders handed down by the courts of EU Member States and which have been declared enforceable in those states under Regulation No 1896/2006;
- 4) judgments handed down by the courts of EU Member States under the European Small Claims Procedure and certified in those states under Regulation No 861/2007;
- 5) decisions on maintenance matters handed down in EU Member States party to the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (OJ L 331, 16.12.2009, p. 17), as well as settlements and official documents on maintenance matters from those states and falling under Regulation No 4/2009;
- 6) judgments handed down in EU Member States comprising the protection measures falling under Regulation No 606/2013 if they are enforceable.

6 As an applicant, do I have to go through an intermediary to bring the case to court (e.g. a lawyer, central or local authority, etc.)? If not, which procedures apply?

Representation by a lawyer is not required in cases regarding maintenance. Parties may act on their own behalf or through professional representatives.

See points 7 and 20 for detailed information on the possibility of having a lawyer appointed ex officio to act on behalf of the party entitled to maintenance.

7 Do I have to pay fees to bring a case to court? If so, how much are they likely to be? If my financial means are insufficient, can I obtain legal aid to cover the costs of the procedure?

The party seeking maintenance and the defendant in a case concerning a reduction in maintenance are exempt from court costs (Article 96(1)(2) of the Act of 28 July 2005 on court costs in civil cases (Journal of Laws 2005, No 167, item 1398, as amended)). Such persons are exempt in full, which means that they do not incur any court costs, appeal costs or enforcement costs.

A person obliged to pay maintenance can also request an exemption from court costs when seeking a change to the amount of the award. In such situations a declaration of assets and income received must be submitted, and the court takes a decision after examining the matter.

In addition, the party benefitting from the exemption from court costs may apply for legal aid in the form of a lawyer appointed ex officio. If the application for a lawyer is accepted, the lawyer's fees are covered by the opponent of the party for whom the lawyer is appointed. If that latter person loses the case, the lawyer's fees are borne by the State Treasury.

The rights of Member State nationals in this regard are governed by the Act of 17 December 2004 on the right to assistance in civil proceedings conducted in the Member States of the European Union and on the right to assistance with a view to the amicable resolution of a dispute before the bringing of civil proceedings (Journal of Laws 2005, No 10, item 67).

8 What kind of maintenance is likely to be granted by the court? How is the amount of maintenance calculated? Can the court's decision be revised, if living costs or family circumstances change? If yes, how (e.g. by means of an automatic indexation system)?

The amount of maintenance depends on the earning and financial capacities of the person required to pay it and on the reasonable needs of the person entitled to maintenance. The needs of the person entitled to maintenance include everything required for his or her subsistence, in the sense of both material and non-material (cultural and spiritual) needs. The needs of minors also include the costs of their upbringing. When assessing the earning and financial capacities of persons required to pay maintenance, it is not the income which they actually earn but the income which they could earn if they made full use of their earning capacity that is taken into account. This means that even an unemployed person who does not earn a regular income can be ordered to pay maintenance and payment can be enforced.

Where there is a change in circumstances, a change to the court decision or the maintenance agreement may be requested. Either party to a maintenance relationship may request such a change. Depending on the factual circumstances, a party may request that the maintenance obligation be cancelled, or that the amount of maintenance be increased or reduced. The amount of the allowance may be changed if the reasonable needs of the person entitled to maintenance or the earning capacity of the person required to pay maintenance have increased or decreased.

There is no fixed amount of maintenance in Poland and maintenance is not calculated as a fixed percentage of the earnings of the person required to pay it. In 2014, the minimum wage was PLN 1 680 (approx. EUR 400) gross. In 2013, average remuneration was PLN 3 650 (approximately EUR 900) gross a month. In 2015 the minimum wage was PLN 1 750 gross, in 2016 it was PLN 1 850 gross, in 2019 it was PLN 2 250 gross, in 2020 it was PLN 2 600 gross; in 2021 it is PLN 2 800 gross, in 2022 it was PLN 3 010 gross, in the period from January to June 2023 it is PLN 3 490 gross and from July 2023 it will be PLN 3 600 gross.

In practice, in most cases the amount of maintenance awarded by courts ranges from PLN 300 to PLN 1 000 per month per child. The amount of maintenance is not subject to automatic indexing to the age of the child or to inflation.

9 How and to whom will the maintenance be paid?

A person named as the debtor in an enforcement order is required to pay maintenance. As a rule, maintenance awarded in Poland is payable in Polish zlotys to the statutory representative of a minor (in cash or by bank transfer) every month, usually by the tenth day of the month. In the event of a delay in payment, judgments provide for statutory interest (since 8 September 2022 the statutory interest rate has been 12.25% per year) on the outstanding amount (Article 481(2) of the Civil Code).

Thus, as a rule, a maintenance obligation is borne exclusively by the person required to pay maintenance. If that person does not pay voluntarily, the person entitled to maintenance may apply for the initiation of enforcement proceedings to the competent enforcement authority (usually a bailiff). Enforcement may also be initiated ex officio at the request of the court of first instance that issued the decision establishing the amount of maintenance. The person entitled to maintenance may also submit the enforcement order to the debtor's workplace or to the institution paying the debtor's pension and request that the maintenance due be deducted from the amounts paid to the debtor. Such a request is binding on the paying party.

Once the child has reached the age of majority, it becomes an independent creditor and maintenance has to be paid to it, unless, as an adult creditor, he or she agrees to the previous form of payment (e.g. by granting a power of attorney and submitting this to the enforcement body). There is no need to amend the maintenance decision or to indicate that the maintenance is to be paid to an adult.

When an application is made for enforcement against the maintenance debtor, any court bailiff can be chosen. In accordance with Article 921 of the Code of Civil Procedure, enforcement of immovable property is carried out by a bailiff at the court in whose district the immovable property is located. If the property is located within the jurisdiction of several courts, the creditor chooses between them. However, proceedings initiated at the request of one creditor may be joined to proceedings initiated at the request of other creditors. To that end, a bailiff who has initiated enforcement will notify the bailiff who may be responsible for enforcement of the commencement and subsequent completion of the enforcement.

10 If the person concerned (debtor) doesn't pay voluntarily, what action can be taken in order to force him/her to pay?

If the person required to pay maintenance fails to fulfil the maintenance obligation voluntarily, he or she may be forced to do so (see point 9).

Furthermore, in the light of Article 209 of the Criminal Code (Journal of Laws 1997, No 88, item 553), any person evading compliance with a maintenance obligation established by a court decision, a settlement made before a court or other authority or under another agreement, is liable to a fine, non-custodial measures or imprisonment for up to one year, if the total amount of the arrears is equivalent to at least three regular maintenance payments or if there is delay of more than three months in the payment of a non-regular maintenance payment. If the offender causes an entitled person to be unable to satisfy his or her basic vital needs, the offender is liable to a fine, non-custodial measures, or imprisonment of up to two years.

The offence is prosecuted at the request of the victim, a welfare institution or a body that takes action against the maintenance debtor. If the victim has been awarded appropriate family benefits or allowances payable in the event of failure to enforce the payment of maintenance, prosecution is undertaken ex officio. Article 5(3b)(2) of the Act of 7 September 2007 on assistance for persons entitled to maintenance (Journal of Laws 2007, No 192, item 1378) provides that the competent authority may apply for the suspension of the debtor's driving licence.

If enforcement is unsuccessful, a bailiff may apply for the debtor to be entered into the register of insolvent debtors.

11 Please describe briefly any limitations on enforcement, in particular debtor protection rules and limitation or prescription periods in your enforcement system

In accordance with Article 1083(2) of the Code of Civil Procedure, outstanding maintenance payments may be covered in full through the attachment of a bank account.

In accordance with Article 833(1) of the Code of Civil Procedure, remuneration for employment is subject to enforcement to the extent specified in the Labour Code. As a rule, 60% of the salary may be attached. Up to three fifths of amounts awarded by the State Treasury for special purposes, especially grants and support, may also be attached (Article 831(1)(2) of the Code of Civil Procedure).

Additionally, pursuant to Article 829 of the Code of Civil Procedure, the following cannot be subject to enforcement:

- 1) household articles, bedding, underwear and everyday clothing strictly necessary for the debtor and dependent family members, as well as clothing strictly necessary in order to perform service or professional work;
- 2) such food and fuel supplies as are necessary to meet the basic needs of the debtor and their dependent family members for a period of one month;
- 3) one cow, two goats or three sheep required for the subsistence of the debtor and their dependants, with a sufficient supply of feed and bedding to survive until the next harvest;
- 4) such tools and other instruments as may be necessary for use personally by the debtor to carry out paid work, and such raw materials as may be required for the production process for a period of one week, excluding motor vehicles;
- 5) in the case of debtors undertaking periodic permanent employment, the amount of money corresponding to the non-enforceable portion of the wage for the period to the next due date; and in the case of debtors with no regular wage, the amount of money strictly necessary for the subsistence of the debtor and dependent family members for a period of two weeks;
- 6) items necessary for educational purposes, personal papers, decorations and items used for religious practices, as well as everyday items that can only be sold at a price significantly below their value, but with a high utility value for the debtor;
- 7) medicinal products within the meaning of the Pharmaceuticals Act of 6 September 2001 (Journal of Laws 2019, item 499, as amended) that are necessary for the functioning of a healthcare institution within the meaning of the legal provisions on healthcare for a period of three months and medicinal products necessary for its functioning within the meaning of the Medicinal Products Act of 20 May 2010 (Journal of Laws, No 107, item 679 and Journal of Laws of 2011, No 102, item 586 and No 113, item 637);
- 8) items or equipment necessary due to a disability on the part of the debtor or his or her family members.

Pursuant to Article 833(6) of the Code of Civil Procedure, maintenance allowances, compensation payable in the event of failure to enforce the payment of maintenance, family benefits, family, care or childbirth allowances, allowances for orphans who have lost both their parents, caregivers benefits, welfare benefits, integration benefits, upbringing benefits or the one-off benefit referred to in Article 10 of the Act of 4 November 2016 on the 'Za życiem' ['For Life'] support scheme for pregnant women and their families (Journal of Laws 2019, item 473) are also not subject to enforcement.

The Minister for Justice in consultation with the Minister for Agriculture and the Minister for Finance will specify, by way of a ministerial regulation, which items belonging to a farmer cannot be subject to enforcement. (Article 830 of the Code of Civil Procedure).

Furthermore, Article 831 of the Code of Civil Procedure provides that 75% of the amounts of, in particular, social assistance benefits within the meaning of the Act of 12 March 2004 on social assistance (Journal of Laws 2013, item 182 as amended) and receivables due to the debtor from the State budget or the National Health Fund (*Narodowy Fundusz Zdrowia*) for the provision of healthcare within the meaning of the Act of 27 August 2004 on healthcare benefits financed from public funds (Journal of Laws of 2008, No 164, item 1027, as amended), before such benefits have been granted, are not subject to enforcement, unless these are receivables due to the debtor's employees or service providers referred to in Article 5(41)(a) and (b) of the Healthcare Benefits Financed from Public Funds Act of 27 August 2004.

Article 137(1) of the Family and Guardianship Code provides that maintenance claims are subject to a limitation period of three years. It should be noted, however, that this limitation period concerns claims which have not been asserted.

Article 121(1) of the Civil Code stipulates that in the case of a child's claim against a parent, the limitation period does not begin during the period of parental responsibility. Any limitation period that has begun is suspended in respect of a child's claims.

12 Is there an organisation or an authority which can help me to recover maintenance?

As mentioned in point 4, an application for maintenance may be filed on behalf of the entitled person, including by managers of social assistance centres, certain social organisations, representatives of local government authorities responsible for social assistance and, in some cases, also public prosecutors. These entities may also support the claimant by participating in maintenance proceedings which are already underway. Their role is then to support the person entitled to maintenance in proceedings before a court.

Regional courts that act as a central authority under international law help entitled persons to pursue maintenance claims abroad. International legal aid (such as exemption from court costs or the assignment of a legal representative) may also be applied for through the competent regional court. However, it should be borne in mind that whether such legal aid is free of charge or partially chargeable depends on the rules of the receiving State.

Persons residing abroad who wish to pursue maintenance claims from a debtor residing in Poland may receive assistance in making the application from the competent central authorities abroad (list available here: <https://www.gov.pl/web/stopuprowadzeniomdzieci/lista-organow-centralnych>), in accordance with the division of responsibilities in central authorities in Poland, they will forward the documentation for further action to the Ministry of Justice (Department of International Family Proceedings at the Department of Family and Minor Affairs).

It is also possible to submit an application directly to the competent district court or enforcement authority.

Information on how to obtain free legal aid is also available from this website: <https://np.ms.gov.pl/>

However, it should be pointed out that the Polish central authorities – both the Ministry of Justice and the district courts – do not represent the parties, nor can they provide legal advice in the place of professional representatives.

13 Can organisations (government or private) advance the payment of maintenance wholly or partly in the debtor's place?

The Act of 7 September 2007 on assistance for persons entitled to maintenance (Journal of Laws 2009, No 1, item 7, as amended) lays down the rules for State assistance for persons entitled to maintenance in cases where enforcement is unsuccessful.

Allowances from the maintenance fund may only be obtained if the family income per person does not exceed PLN 800 per month, or, from 1 July 2020, PLN 900 per month.

Since 1 July 2020, the 'złoty for a złoty' rule has also applied – if the family income per person exceeds the above amount of PLN 900, the support is reduced and is due in the amount representing the difference between the amount of the allowance from the maintenance fund due to the entitled person and the amount by which the family income per person is exceeded (Article 9(2a)). However, if the allowance calculated in this way is lower than PLN 100, a refusal decision is issued and the allowance is not paid (Article 9(2b)).

Applications are submitted in the municipal or city office having jurisdiction over the place of residence of the person entitled to maintenance. The disbursement of allowances from the fund may also be delegated to an organisational unit of the municipality, e.g. to a social welfare centre.

If, however, the person entitled to an advance on maintenance lives in an institution that provides full board (e.g. a social assistance centre, an educational care facility, a youth detention centre or a remand centre) or with a foster family, has married or has a child and is entitled to a family benefit, the advance will not be awarded to that person.

The Act applies only if the person entitled to maintenance resides in Poland during the period in which the benefit is due. For more information see here:

<https://www.gov.pl/web/rodzina/wiadczenia-z-funduszu-alimentacyjnego>

14 If I am in this Member State and the debtor has his/her residence in another country:

If the debtor has his or her place of residence abroad and the person entitled to maintenance resides in Poland, the regional court having jurisdiction over the place of residence of the entitled person, in its role as the relevant central authority, helps that person to submit an application for maintenance. This help involves providing the entitled person with any information and assistance necessary in order to complete the required documents, and checking that the application is formally correct before submitting the application to the competent central authority abroad.

14.1 Can I obtain the assistance of an authority or private organisation in this Member State?

Yes (competent central authority designated under Article 49 of Regulation (EC) No 4/2009)

14.2 If so, how can that authority or private organisation be contacted?

Part A of an application submitted under Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations is filled in by a regional court.

List of Regional Courts acting as central authority (as at May 2022)

Court	Address	Phone: (+48)	Fax: (+48)	Email address
Białystok Regional Court	ul. Marii Skłodowskiej-Curie 1 15-950 Białystok	85 745 92 20	85 7421517	oz@bialystok.so.gov.pl
Bielsko-Biała Regional Court	ul. Cieszyńska 10 43-300 Bielsko-Biała	33 499 04 88	33 4990488	patrycja.pater-osuch@bielsko-biala.so.gov.pl
Bydgoszcz Regional Court	ul. Wały Jagiellońskie 2 85-128 Bydgoszcz	52 325 31 55	52 3253255	oz@bydgoszcz.so.gov.pl
Częstochowa Regional Court	ul. Dąbrowskiego 23/35 42-200 Częstochowa	34 368 44 25	34 3684420	prezes@czestochowa.so.gov.pl anna.bocianowska@czestochowa.so.gov.pl
Elbląg Regional Court	pl. Konstytucji 1 82-300 Elbląg	55 611 24 09 55 611 24 08	55 6112215	oddzial.administracyjny@elblag.so.gov.pl
Gdańsk Regional Court	ul. Nowe Ogrody 30/34 80-803 Gdańsk	58 321 31 19 [maintenance] 58 321 31 41 [Head of Administrative Office]	58 3213234	section.oz@gdansk.so.gov.pl
Gliwice Regional Court	ul. Kościuszki 15 44-100 Gliwice	32 338 00 52	32 3380204	oz@gliwice.so.gov.pl
Gorzów Wielkopolski Regional Court	ul. Mieszka I 33 66-400 Gorzów Wielkopolski	95 725 67 18 95 725 67 02	95 7202807 95 7256790	marta.samolak@gorzow-wlkp.so.gov.pl sekretariat@gorzow-wlkp.so.gov.pl
Jelenia Góra Regional Court	al. Wojska Polskiego 56 58-500 Jelenia Góra	75 641 51 13	75 7525113	oz@jelenia-gora.so.gov.pl o.administracyjny@jelenia-gora.so.gov.pl
Kalisz Regional Court	al. Wolności 13 62-800 Kalisz	62 765 77 64	62 7574936	administracja@kalisz.so.gov.pl
Katowice Regional Court	ul. Francuska 38 40-028 Katowice	32 607 01 83 32 783 68 06	32 6070184	obrot_zagraniczny@katowice.so.gov.pl
Kielce Regional Court	ul. Seminarysty 12 a 25-372 Kielce	41 340 23 20 41 340 23 82 41 340 24 92	41 3402320	oz@kielce.so.gov.pl
Konin Regional Court	ul. Energetyka 5 62-510 Konin	63 246 45 57	63 2426569	oz@konin.so.gov.pl administracja@konin.so.gov.pl
Koszalin Regional Court	ul. Waryńskiego 7 75-541 Koszalin	94 342 87 50	94 3428897	administracja@koszalin.so.gov.pl
Kraków Regional Court	ul. Przy Rondzie 7 31-547 Kraków	12 619 52 41 12 619 52 62 12 619 52 04	12 6195665	oz@krakow.so.gov.pl
Krosno Regional Court	ul. Sienkiewicza 12 38-400 Krosno	13 437 36 71 13 437 36 73	13 4320570	obrot.zagr@krosno.so.gov.pl administracja@krosno.so.gov.pl
Legnica Regional Court	ul. Złotoryjska 40 59-220 Legnica	76 754 50 36	76 7545107 76 7545012	oz@legnica.so.gov.pl
Lublin Regional Court	ul. Krakowskie Przedmieście 43 20-076 Lublin	81 46010 04	81 4601013	malgorzata.stec-szewczyk@lublin.so.gov.pl obrotzagraniczny@lublin.so.gov.pl
Łomża Regional Court	ul. Dworna 16 18-400 Łomża	86 216 62 81 86 215 42 54	86 2166753	sekretariat@lomza.so.gov.pl
Łódź Regional Court	XI Wydział Wizytacyjny (Division 11 – Inspection) Plac Dąbrowskiego 5 90-921 Łódź (pokój [room] 118)	42 677 87 99	42 2126082	oz@lodz.so.gov.pl
	ul. Pijarska 3	18 448 21 45	18 4482185	alimenty@nowysacz.so.gov.pl

Nowy Sącz Regional Court	33-300 Nowy Sącz			
Olsztyn Regional Court	ul. Dąbrowszczaków 44A 10-543 Olsztyn	89 521 60 49	89 6123838	oz@olsztyn.so.gov.pl
Opole Regional Court	pl. Daszyńskiego 1 45-064 Opole	77 541 81 34	77 5418109	obrot.zagr@opole.so.gov.pl
Ostrolęka Regional Court	ul. Gomulickiego 5 07-410 Ostrolęka	29 765 01 30	29 7650181	mailto:sekretariat@ostroleka.so.gov.pl sekretariat@ostroleka.so.gov.pl
Piotrków Trybunalski Regional Court	ul. Słowackiego 5 97-300 Piotrków Trybunalski	44 649 41 59 44 649 41 21	44 6478919	mailto:oz@piotrkow-tryb.so.gov.pl oz@piotrkow-tryb.so.gov.pl
Płock Regional Court	pl. Narutowicza 4 09-404 Płock	24 269 73 20 24 269 73 64	24 2625253	oz@plock.so.gov.pl urszula.wyrwas@plock.so.gov.pl
Poznań Regional Court	ul. Stanisława Hejmowskiego 2 61-736 Poznań	61 628 37 30 61 628 37 31 61 628 37 34	61 6283739	opzagr@poznan.so.gov.pl
Przemyśl Regional Court	ul. Konarskiego 6 37 - 700 Przemyśl	16 676 13 36	16 6761353	m.telega@przemysl.so.gov.pl
Radom Regional Court	ul. Marszałka J. Piłsudskiego 10 26-600 Radom	48 677 67 80 48 677 67 88	48 3680287	mailto:wizytacje@radom.so.gov.pl wizytacje@radom.so.gov.pl
Rybnik Regional Court	ul. Józefa Piłsudskiego 33 44-200 Rybnik	32 784 05 78	32 7840402	oz@rybnik.so.gov.pl
Rzeszów Regional Court	Plac Śreniawitów 3 35-959 Rzeszów	17 875 63 94	17 8627265	elzbieta.czudec@rzeszow.so.gov.pl
Siedlce Regional Court	ul. Sądowa 2 08-110 Siedlce	25 640 78 46	25 6407812	poczta@siedlce.so.gov.pl
Sieradz Regional Court	al. Zwycięstwa 1 98-200 Sieradz	43 826 66 50 43 826 66 07	43 8271014	sekretariat@sieradz.so.gov.pl administracja@sieradz.so.gov.pl marta.kazmierczak@sieradz.so.gov.pl
Ślupsk Regional Court	ul. Zamenhofa 7 76-200 Ślupsk	59 846 95 43 59 846 95 13	59 8469424 59 8469429	agnieszka.kozłowska@slupsk.so.gov.pl referat.wiz@slupsk.so.gov.pl
Suwałki Regional Court	ul. Waryńskiego 45 16-400 Suwałki	87 563 12 13 87 563 13 00	87 5631303	sekretariat@suwalki.so.gov.pl anna.kleotko@suwalki.so.gov.pl
Szczecin Regional Court	ul. Małopolska 17 70-227 Szczecin	91 483 01 70 91 483 01 47	91 4830170	obrot.zagraniczny@szczecin.so.gov.pl
Świdnica Regional Court	pl. Grunwaldzki 14 58-100 Świdnica	74 851 82 87	74 8518270	dorota.molag@swidnica.so.gov.pl aneta.zajackowska@swidnica.so.gov.pl
Tarnobrzeg Regional Court	ul. Sienkiewicza 27 39-400 Tarnobrzeg	15 688 25 00	15 6882678 15 8229756	oz@tarnobrzeg.so.gov.pl halina.rojek@tarnobrzeg.so.gov.pl magdalena.kochowska-lezon@tarnobrzeg.so.gov.pl
Tarnów Regional Court	ul. J. Dąbrowskiego 27 33-100 Tarnów	14 688 74 09	14 6887417	sad_okregowy@tarnow.so.gov.pl
Toruń Regional Court	ul. Piekary 51 87-100 Toruń	56 610 56 09	56 6555706	oz@torun.so.gov.pl
Warsaw Regional Court	al. „Solidarności” 127 00-898 Warszawa	22 440 11 54 [maintenance] 22 654 44 43	22 6544411	paulina.luscinska-dziurda@warszawa.so.gov.pl a.kowalczyk@warszawa.so.gov.pl
Warsaw-Praga Regional Court	ul. Poligonowa 3 04-051 Warszawa	22 417 73 93		oz@warszawapraga.so.gov.pl dariusz.olowski@warszawapraga.so.gov.pl
Wrocław Regional Court	ul. Wojska Polskiego 22 87-800 Wrocław	54 412 03 65	54 4118575	oz@wroclawek.so.gov.pl
Wrocław Regional Court	ul. Sądowa 1 50-046 Wrocław	71 370 43 91	71 7482964	oz@wroclaw.so.gov.pl
Zamość Regional Court	ul. Wyszyńskiego 11 22-400 Zamość	84 631 69 27 84 631 69 28	84 6316993	aneta.juszczak@zamosc.so.gov.pl prezes@zamosc.so.gov.pl
Zielona Góra Regional Court	pl. Słowiański 1 65-069 Zielona Góra	68 322 02 21	68 4567769	oz@zielona-gora.so.gov.pl zaneta.pejs@zielona-gora.so.gov.pl katarzyna.andrzejuk@zielona-gora.so.gov.pl

15 If I am in another country and the debtor is in this Member State:

15.1 Can I address a request directly to such an authority or private organisation in this Member State?

Article 55 of Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations does not require that applications be made through a central authority of the State in which applicants reside. Applications in compliance with the formal requirements laid down in Chapters IV and VI of the Regulation and in the Code of Civil Procedure may be sent directly to the competent Polish court.

Details of sending authorities are available at:

<https://www.gov.pl/web/stopuprowadzeniomdzieci/lista-organow-centralnych>

The sending authorities of foreign countries specified in the declarations annexed to the Regulation provide the person entitled to maintenance with all the necessary information, help him or her to complete the required documents, check whether that person's application is formally correct and send it abroad.

15.2 If so, how can that authority or private organisation be contacted and what kind of assistance can I receive?

If a court has awarded maintenance and the case falls within the scope of application of Regulation (EC) No 4/2009, a creditor residing abroad may use the procedure provided for in this Regulation and apply to the competent sending authority of the country in which he or she resides or submit an application for a declaration of enforceability of a foreign decision to the competent court (see point 5). Applications for enforcement can be submitted to the office of any court bailiff.

If Poland and the country in which the creditor resides are parties to a convention or a bilateral agreement concerning the recognition and enforcement of judgments in maintenance cases, such assistance is provided to the extent specified in that agreement. As a rule, bilateral agreements provide that applications are to be lodged with the Polish court directly or through a court in the country where the judgment has been issued. In the latter case, applications are forwarded through central authorities, typically the Ministry of Justice or the authorities notified for the purposes of the New York Convention:

<http://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XX/XX-1.en.pdf>

Details of the courts can be found at

<https://www.gov.pl/web/sprawiedliwosc/znajdz-wybrany-sad-powszechny>

and the details of bailiffs at <http://komornik.pl/>

16 Is this Member State bound by the 2007 Hague Protocol?

Yes, since 18 June 2011.

17 If this Member State is not bound by the 2007 Hague Protocol, which law will be applicable to the maintenance claim according to its private international law rules? What are the corresponding private international law rules?

Not relevant.

18 What are the rules on access to justice in cross-border cases within the EU following the structure of Chapter V of the Maintenance Regulation?

The rules applicable in Poland comprise the Act of 17 December 2004 on the right to assistance in civil proceedings conducted in the Member States of the European Union (Journal of Laws 2005, No 10, item 67, as amended) and Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26/41, 31.1.2003, p. 90), which supplement the provisions of the Code of Civil Procedure and the Act on court costs in civil cases. A party that expects to be awarded a specific form of assistance (e.g. the appointment of a lawyer, the translation of documents or the reimbursement of travel expenses) should communicate this clearly to the court in the EU application form: https://e-justice.europa.eu/content_legal_aid_forms-157

19 What are the measures adopted by this Member State in order to ensure the functioning of the activities described in Article 51 of the Maintenance Regulation?

On 28 April 2011, the Polish legislator adopted the Act amending the Code of Civil Procedure and certain other acts (Act of 28 April 2011 amending the Code of Civil Procedure, the Act on the right to assistance in civil proceedings conducted in the Member States of the European Union and on the right to assistance with a view to the amicable resolution of a dispute before the bringing of civil proceedings and the Act on assistance for persons entitled to maintenance – Journal of Laws 2011, No 129, item 735), pursuant to which a Polish central authority may order the authority with jurisdiction over the debtor to conduct a maintenance inquiry.

If the defendant's or participant's place of residence is unknown, the Ministry of Justice sends queries to central and local registers and records (including the possible use of the PESEL.SAD database) in order to determine the competent court or bailiff, or to reply to a request for specific measures. No changes are currently planned to the statutory bases, financing and the team of the central authority in order to ensure that the tasks described in Article 51 are carried out.

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