

### 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 blood relatives and siblings to provide means of subsistence (including clothes, food, accommodation, heating fuel and medicines) and, where necessary, 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 input into their upbringing and work in a common household in compliance with a maintenance obligation.

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

As a rule, a maintenance obligation arises from various kinds of family relationships.

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

**maintenance obligation between relatives (child maintenance is a specific form of this obligation):** In the case of relatives, only persons in financial difficulties 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 children’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 prepared for employment, take up studies and then neglect them, do not make satisfactory progress, do not obtain pass marks and do not pass exams within prescribed deadlines and, for these reasons, fail to complete their studies within the timeframe specified for their programme of study.

If obtaining maintenance from the person with primary responsibility (parent) is impossible or entails excessive difficulties, further persons with responsibility (e.g. the child’s grandparents as parents of the debtor in hiding) can be sued. However, maintenance from grandparents cannot be obtained on the sole grounds that the maintenance debtor has failed to pay the amounts awarded; for grandparents to be put under an obligation to pay maintenance, the entitled person must be in financial difficulties, and the grandparents must have the financial means to pay maintenance. Maintenance from grandparents is usually awarded at lower amounts than that awarded from the primary person responsible.

**an obligation arising from adoption:** If adoption solely creates a relationship between the person adopting and the adopted person, the maintenance obligation of the person adopting towards the adopted person takes precedence over the maintenance obligation of the relatives in the ascending line and siblings of the adopted person towards that person, while the maintenance obligation of the adopted person towards his or her relatives in the ascending line and siblings comes last. 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 financial difficulties are entitled to maintenance provided that, in the situation concerned, the imposition of a maintenance obligation is in line with the principles of social interaction. In the light of Polish legislation and jurisprudence, ‘financial difficulties’ mean inability to satisfy one’s reasonable needs from one’s own resources and by one’s own efforts.

**an obligation between the spouses during the 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 the spouses after the 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 other spouse, the latter may demand that his or her reasonable needs be satisfied, even if that person is not in financial difficulties.

In other cases, a spouse in financial difficulties 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 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 the court extends the specified five-year period, at the request of the person entitled to maintenance, due to exceptional circumstances.

**an obligation of the 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 are important reasons, 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. When a person entitled to maintenance is unable to provide for himself or herself (e.g. because of illness or disability), the entitlement may remain valid for an indefinite period.

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 the 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. Allowances from the maintenance fund may be obtained on condition that the family income per capita does not exceed PLN 800 per month, and, from 1 July 2020, PLN 900 per month.

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

The following situations are possible:

1. the person required to pay maintenance fulfils the maintenance obligation voluntarily,
2. an out-of-court settlement on a maintenance obligation is reached by the parties,

3. if the person required to pay maintenance fails to fulfil his or her obligation, maintenance is 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 the defendant (Article 27(1) of the Code of Civil Procedure), or such a request is made during divorce or separation proceedings before a regional court (sąd okręgowy).

A petition is exempt from the court fee. 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, 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 child's birth certificate in which the defendant is named as the child's parent should also be attached to the petition, and if necessary, an application to establish parentage may be submitted along with the maintenance claim.

4. it is also possible to reach a settlement before a notary public, in which case the District Court will only issue 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 a petition for maintenance on behalf of the person entitled to receive it:

– an attorney (apart from a lawyer and 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: manager of municipal social assistance centre or manager of 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, after reaching the age of majority, children must act on their own.

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

#### **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 of decisions of courts of EU Member States in Poland (Article 115111 of the Code of Civil Procedure) if a decision had been issued before the State in which it was given 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 115314 of the amended Code of Civil Procedure, the following enforceable titles exist in Poland:

1) judgments handed down by the courts of EU Member States and settlements and official documents issued by those states caught by 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 whose enforceability was declared in those states under Regulation No 1896/2006;

4) judgments handed down by the courts of EU Member States in 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 caught by Regulation No 4/2009;

6) judgments handed down in EU Member States comprising the protection measures caught by 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. This requires the submission of a statement on assets and income. The decision is made by the court after it has examined the request.

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. Where that 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 amicable resolution of a dispute before bringing 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. Reasonable 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 payments will 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 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 amounted to PLN 1 680 (approx. EUR 400) gross. In 2013, the average remuneration was PLN 3 650 (approx. EUR 900) gross a month. The minimum wage was PLN 1 750 gross in 2015, PLN 1 850 gross in 2016, and PLN 2 250 gross in 2019, and it amounts to PLN 2 600 gross in 2020. In practice, in most cases the amount of maintenance awarded by courts ranges from PLN 300 to PLN 1 000 a month per child. The amount of maintenance is not subject to automatic indexation depending on the age of the child or the level of inflation.

#### **9 How and to whom will the maintenance be paid?**

The 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 10th day of the month. In the event of delay in payment, judgments provide for statutory interest (since 29 May 2020, the interest has amounted to 3.6% per year) on the outstanding amount (see information on statutory interest provided by Poland).

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.

An application to initiate enforcement proceedings against a maintenance debtor may be filed to any court bailiff. However, when debt is enforced against the debtor's property, the competence rests with the bailiff in the region where the debtor resides.

#### **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, community sentence 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 the delay in a non-regular maintenance payment exceeds three months. 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, community sentence 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) food and fuel stocks strictly necessary for the debtor and dependent family members for one month;
- 3) one cow or two goats or three sheep strictly necessary to feed the debtor and dependent family members, together with stocks of feedstuff and bedding material until the next harvest;
- 4) tools and other objects strictly necessary for the debtor to perform gainful employment and raw materials strictly necessary for production for a period of one week, excluding motor vehicles;
- 5) in the case of debtors undertaking periodic permanent employment, an amount of money corresponding to the non-enforceable portion of the pay for the period to the next due date, and in the case of debtors with no regular pay – an 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 original value, but with a high utility value for the debtor;
- 8) medicinal products within the meaning of the Pharmaceutical Act of 6 September 2001 (Journal of Laws 2019, item 499, as amended), strictly necessary for the functioning of the healthcare institution within the meaning of the legal provisions on healthcare for a period of three months and medicinal products strictly 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);
- 9) articles strictly necessary due to the disability 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, 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 support for pregnant women and their families "For life" (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 an ordinance, which items belonging to a farmer cannot be subject to enforcement. (Article 830).

Furthermore, Article 831 of the Code of Civil Procedure provides that, 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 provided, up to 75% of each payment, are not subject to enforcement, unless these are receivables of 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.

Article 121(1) of the Civil Code provides that a limitation period does not begin to run and, if it has begun to run, it is suspended in respect of children's claims against parents throughout the duration of parental responsibility.

If the debtor questions the validity of the maintenance obligation towards an adult child, a bailiff may request the creditor to provide a certificate confirming that he or she is continuing his or her education, has no earnings or is undergoing medical treatment and, therefore, still requires the debtor's financial support.

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

As mentioned in point 4, a petition for maintenance may be filed on behalf of the entitled person, inter alia, 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 help entitled persons to pursue maintenance claims abroad.

Persons staying abroad who wish to pursue maintenance claims from a debtor residing in Poland may receive assistance from the competent central authorities: <https://www.gov.pl/web/stopuprowadzeniomdzieci/lista-organow-centralnych>

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

#### 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 capita does not exceed PLN 800 per month, and, from 1 July 2020, PLN 900 per month.

Since 1 July 2020, the "1 zloty for 1 zloty" rule has also applied – if the family income

per capita exceeds the above amount of PLN 900, the support is reduced and is due at the amount representing the difference between the amount of the benefit from the maintenance fund due to the entitled person and the amount by which the family income per capita is exceeded

(Article 9(2a)). However, if the benefit calculated in this way is lower than PLN 100, a refusal decision is issued and the benefit is not paid (Article 9 (2b)).

An application is submitted in the municipal or city office having jurisdiction over the place of residence of the person entitled to maintenance. The disbursement of benefits 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 <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 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 helps that person to submit an application for maintenance. The help involves providing the entitled person with any information and assistance necessary in order to complete the required documents and checking whether the application is formally correct.

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

Yes

##### 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 filed in by a regional court.

##### List of regional courts fulfilling the function of a central authority

Court	Address	Phone: (+48)	Fax: (+48)	E-mail
Regional Court in Białystok	ul. Marii Skłodowskiej-Curie 1 15-950 Białystok	85 7421517	85 7421517	<a href="mailto:oz@bialystok.so.gov.pl">oz@bialystok.so.gov.pl</a>
Regional Court in Bielsko-Biała	ul. Cieszyńska 10 43-300 Bielsko-Biała	33 4990424 33 4990488	33 4990488	<a href="mailto:boguslawa.pokusa@bielsko-biala.so.gov.pl">boguslawa.pokusa@bielsko-biala.so.gov.pl</a>
Regional Court in Bydgoszcz	ul. Wały Jagiellońskie 2 85-128 Bydgoszcz	52 3253155	52 3253255	<a href="mailto:oz@bydgoszcz.so.gov.pl">oz@bydgoszcz.so.gov.pl</a>
Regional Court in Częstochowa	ul. Dąbrowskiego 23/35 42-200 Częstochowa	34 3684425	34 3684420	<a href="mailto:prezes@czestochowa.so.gov.pl">prezes@czestochowa.so.gov.pl</a> <a href="mailto:anna.bocianowska@czestochowa.so.gov.pl">anna.bocianowska@czestochowa.so.gov.pl</a>
Regional Court in Elbląg	pl. Konstytucji 1 82-300 Elbląg	55 6112409 55 6112408	55 6112215	<a href="mailto:oddzial.administracyjny@elblag.so.gov.pl">oddzial.administracyjny@elblag.so.gov.pl</a>
Regional Court in Gdańsk	ul. Nowe Ogrody 30/34 80-803 Gdańsk	58 3213119 [maintenance] 58 3213141 [Head of Administrative Office]	58 3213234	<a href="mailto:section.oz@gdansk.so.gov.pl">section.oz@gdansk.so.gov.pl</a>
Regional Court in Gliwice	ul. Kościuszki 15 44-100 Gliwice	32 3380052	32 3380102	<a href="mailto:oz@gliwice.so.gov.pl">oz@gliwice.so.gov.pl</a>

Regional Court in Gorzów Wielkopolski	ul. Mieszka I 33 66-400 Gorzów Wielkopolski	95 7256718 95 7256702	95 7202807 95 7256790	<a href="mailto:marta.samolak@gorzow-wlkp.so.gov.pl">marta.samolak@gorzow-wlkp.so.gov.pl</a> <a href="mailto:sekretariat@gorzow-wlkp.so.gov.pl">sekretariat@gorzow-wlkp.so.gov.pl</a>
Regional Court in Jelenia Góra	al. Wojska Polskiego 56 58-500 Jelenia Góra	75 6415113	75 6415113	<a href="mailto:oz@jelenia-gora.so.gov.pl">oz@jelenia-gora.so.gov.pl</a> <a href="mailto:o.administracyjny@jelenia-gora.so.gov.pl">o.administracyjny@jelenia-gora.so.gov.pl</a>
Regional Court in Kalisz	al. Wolności 13 62-800 Kalisz	62 7657764	62 7574936	<a href="mailto:administracja@kalisz.so.gov.pl">administracja@kalisz.so.gov.pl</a>
Regional Court in Katowice	ul. Francuska 38 40-028 Katowice	32 6070183 32 7836806	32 6070184	<a href="mailto:obrot_zagraniczny@katowice.so.gov.pl">obrot_zagraniczny@katowice.so.gov.pl</a>
Regional Court in Kielce	ul. Seminaryjska 12 a 25-372 Kielce	41 3402320	41 3402320	<a href="mailto:oz@kielce.so.gov.pl">oz@kielce.so.gov.pl</a>
Regional Court in Konin	ul. Energetyka 5 62-510 Konin	63 2451443 63 2423022 +172	63 2426569	<a href="mailto:oz@konin.so.gov.pl">oz@konin.so.gov.pl</a> <a href="mailto:administracja@konin.so.gov.pl">administracja@konin.so.gov.pl</a>
Regional Court in Koszalin	ul. Waryńskiego 7 75-541 Koszalin	94 3428750	94 3428897	<a href="mailto:administracja@koszalin.so.gov.pl">administracja@koszalin.so.gov.pl</a>
Regional Court in Kraków	ul. Przy Rondzie 7 31-547 Kraków	12 6195241 12 6195262 12 6195204	12 6195665	<a href="mailto:oz@krakow.so.gov.pl">oz@krakow.so.gov.pl</a>
Regional Court in Krosno	ul. Sienkiewicza 12 38-400 Krosno	13 4373671 13 4373673	13 4320570	<a href="mailto:Obrot.zagr@krosno.so.gov.pl">Obrot.zagr@krosno.so.gov.pl</a> <a href="mailto:administracja@krosno.so.gov.pl">administracja@krosno.so.gov.pl</a>
Regional Court in Legnica	ul. Złotoryjska 40 59-220 Legnica	76 7545036	76 7545107 76 7545012	<a href="mailto:oz@legnica.so.gov.pl">oz@legnica.so.gov.pl</a>
Regional Court in Lublin	ul. Krakowskie Przedmieście 43 20-076 Lublin	81 4601004	81 4601013	<a href="mailto:malgorzata.stec-szewczyk@lublin.so.gov.pl">malgorzata.stec-szewczyk@lublin.so.gov.pl</a> <a href="mailto:obrotzagraniczny@lublin.so.gov.pl">obrotzagraniczny@lublin.so.gov.pl</a>
Regional Court in Łomża	ul. Dworna 16 18-400 Łomża	86 2166281 862154254	86 2166753	<a href="mailto:sekretariat@lomza.so.gov.pl">sekretariat@lomza.so.gov.pl</a>
Regional Court in Łódź	XI Wydział Wizytacyjny (11th Inspection Department) Plac Dąbrowskiego 5 90-921 Łódź (room 118)	42 6778799	42 2126082	<a href="mailto:oz@lodz.so.gov.pl">oz@lodz.so.gov.pl</a>
Regional Court in Nowy Sącz	ul. Pijarska 3 33-300 Nowy Sącz	18 4482145	18 4482185	<a href="mailto:alimenty@nowysacz.so.gov.pl">alimenty@nowysacz.so.gov.pl</a>
Regional Court in Olsztyn	ul. Dąbrowszczaków 44A 10-543 Olsztyn	89 5216049	89 6123838	<a href="mailto:oz@olsztyn.so.gov.pl">oz@olsztyn.so.gov.pl</a>
Regional Court in Opole	pl. Daszyńskiego 1 45-064 Opole	77 5418134	77 5418109	<a href="mailto:Obrot.zagr@opole.so.gov.pl">Obrot.zagr@opole.so.gov.pl</a>
Regional Court in Ostrołęka	ul. Gomułckiego 5 07-410 Ostrołęka	29 7650130	29 7650181	<a href="mailto:sekretariat@ostroleka.so.gov.pl">sekretariat@ostroleka.so.gov.pl</a>
Regional Court in Piotrków Trybunalski	ul. Słowackiego 5 97-300 Piotrków Trybunalski	44 6494121 44 6494159	44 6478919	<a href="mailto:administracja@piotrkow-tryb.so.gov.pl">administracja@piotrkow-tryb.so.gov.pl</a> [most important] <a href="mailto:biblioteka@piotrkow-tryb.so.gov.pl">biblioteka@piotrkow-tryb.so.gov.pl</a> <a href="mailto:jolanta.sipinska@piotrkow-tryb.so.gov.pl">jolanta.sipinska@piotrkow-tryb.so.gov.pl</a>
Regional Court in Płock	pl. Narutowicza 4 09-404 Płock	24 2697320 24 2697364	24 2625253	<a href="mailto:oz@plock.so.gov.pl">oz@plock.so.gov.pl</a> <a href="mailto:urszula.kaluzna@plock.so.gov.pl">urszula.kaluzna@plock.so.gov.pl</a> <a href="mailto:urszula.wyrwas@plock.so.gov.pl">urszula.wyrwas@plock.so.gov.pl</a>
Regional Court in Poznań	ul. Stanisława Hejmowskiego 2 61-736 Poznań	61 6283730 61 6283731 61 6283734	61 6283739	<a href="mailto:opzagr@poznan.so.gov.pl">opzagr@poznan.so.gov.pl</a>
Regional Court in Przemyśl	ul. Konarskiego 6 37-700 Przemyśl	16 6761336	16 6761353	<a href="mailto:m.telega@przemysl.so.gov.pl">m.telega@przemysl.so.gov.pl</a>
Regional Court in Radom	ul. Marszałka J. Piłsudskiego 10 26-600 Radom	48 6776780 48 6776788	48 3680287	<a href="mailto:wizytacje@radom.so.gov.pl">wizytacje@radom.so.gov.pl</a>
Regional Court in Rybnik	ul. Józefa Piłsudskiego 33 44-200 Rybnik	32 7840578	32 7840402	<a href="mailto:oz@rybnik.so.gov.pl">oz@rybnik.so.gov.pl</a>
Regional Court in Rzeszów	Plac Śreniawitów 3 35-959 Rzeszów	17 8756394	17 8627265	<a href="mailto:elzbieta.czudec@rzeszow.so.gov.pl">elzbieta.czudec@rzeszow.so.gov.pl</a>
Regional Court in Siedlce	ul. Sądowa 2 08-110 Siedlce	25 6407846	25 6407812	<a href="mailto:poczta@siedlce.so.gov.pl">poczta@siedlce.so.gov.pl</a>
Regional Court in Sieradz	al. Zwycięstwa 1 98-200 Sieradz	43 8266650 43 8266607	43 8271014	<a href="mailto:sekretariat@sieradz.so.gov.pl">sekretariat@sieradz.so.gov.pl</a> <a href="mailto:administracja@sieradz.so.gov.pl">administracja@sieradz.so.gov.pl</a> <a href="mailto:katarzyna.szala@sieradz.so.gov.pl">katarzyna.szala@sieradz.so.gov.pl</a>

Regional Court in Słupsk	ul. Zamenhofa 7 76-200 Słupsk	59 8469543 59 8469513	59 8469424 59 8469429	<a href="mailto:agnieszka.kozlowska@slupsk.so.gov.pl">agnieszka.kozlowska@slupsk.so.gov.pl</a> <a href="mailto:referat.wiz@slupsk.so.gov.pl">referat.wiz@slupsk.so.gov.pl</a>
Regional Court in Suwałki	ul. Waryńskiego 45 16-400 Suwałki	87 5631213 87 5631300	87 5631303	<a href="mailto:sekretariat@suwalki.so.gov.pl">sekretariat@suwalki.so.gov.pl</a> <a href="mailto:anna.klekotko@suwalki.so.gov.pl">anna.klekotko@suwalki.so.gov.pl</a>
Regional Court in Szczecin	ul. Małopolska 17 70-227 Szczecin	91 4830170	91 4830170	<a href="mailto:jsurowa@szczecin.so.gov.pl">jsurowa@szczecin.so.gov.pl</a> <a href="mailto:amazur@szczecin.so.gov.pl">amazur@szczecin.so.gov.pl</a> [sprawy alimentacyjne – maintenance cases]
Regional Court in Świdnica	pl. Grunwaldzki 14 58-100 Świdnica	74 8518 287	74 8518270	<a href="mailto:sekretarz@swidnica.so.gov.pl">sekretarz@swidnica.so.gov.pl</a>
Regional Court in Tarnobrzeg	ul. Sienkiewicza 27 39-400 Tarnobrzeg	15 688 2500	15 6882678 15 8229756	<a href="mailto:oz@tarnobrzeg.so.gov.pl">oz@tarnobrzeg.so.gov.pl</a> <a href="mailto:halina.rojek@tarnobrzeg.so.gov.pl">halina.rojek@tarnobrzeg.so.gov.pl</a> <a href="mailto:magdalena.kochanowska-lezon@tarnobrzeg.so.gov.pl">magdalena.kochanowska-lezon@tarnobrzeg.so.gov.pl</a>
Regional Court in Tarnów	ul. J. Dąbrowskiego 27 33-100 Tarnów	14 6887409	14 6887417	<a href="mailto:sad_okregowy@tarnow.so.gov.pl">sad_okregowy@tarnow.so.gov.pl</a>
Regional Court in Toruń,	ul. Piekary 51 87-100 Toruń	56 6105609	56 6555706	<a href="mailto:oz@torun.so.gov.pl">oz@torun.so.gov.pl</a>
Regional Court in Warsaw	al. „Solidarności” 127 00-898 Warszawa	22 440 11 54 [maintenance] 22 6544443	22 6544411	<a href="mailto:m.karcz@warszawa.gov.pl">m.karcz@warszawa.gov.pl</a> [until September 2020] <a href="mailto:a.kowalczyk@warszawa.so.gov.pl">a.kowalczyk@warszawa.so.gov.pl</a> <a href="mailto:p.luscinska@warszawa.so.gov.pl">p.luscinska@warszawa.so.gov.pl</a>
Regional Court for Warszawa-Praga in Warsaw	ul. Poligonowa 3 04-051 Warszawa	22 4177393		<a href="mailto:oz@warszawapraga.so.gov.pl">oz@warszawapraga.so.gov.pl</a> <a href="mailto:dariusz.olowski@warszawapraga.so.gov.pl">dariusz.olowski@warszawapraga.so.gov.pl</a> <a href="mailto:kontakt@warszawapraga.so.gov.pl">kontakt@warszawapraga.so.gov.pl</a>
Regional Court in Włocławek	ul. Wojska Polskiego 22 87-800 Włocławek	54 4120365	54 4118575	<a href="mailto:oz@wloclawek.so.gov.pl">oz@wloclawek.so.gov.pl</a>
Regional Court in Wrocław	ul. Sądowa 1 50-950 Wrocław	71 3704391	71 7482964	<a href="mailto:oz@wroclaw.so.gov.pl">oz@wroclaw.so.gov.pl</a>
Regional Court in Zamość	ul. Wyszyńskiego 11 22-400 Zamość	84 6316927 84 6316928	84 6316993	<a href="mailto:aneta.juszczak@zamosc.so.gov.pl">aneta.juszczak@zamosc.so.gov.pl</a> <a href="mailto:prezes@zamosc.so.gov.pl">prezes@zamosc.so.gov.pl</a>
Regional Court in Zielona Góra	pl. Słowiański 1 65-069 Zielona Góra	68 3220221	68 4567769	<a href="mailto:oz@zielona-gora.so.gov.pl">oz@zielona-gora.so.gov.pl</a> <a href="mailto:e.branicka@zielona-gora.so.gov.pl">e.branicka@zielona-gora.so.gov.pl</a> <a href="mailto:k.zubryk@zielona-gora.so.gov.pl">k.zubryk@zielona-gora.so.gov.pl</a> <a href="mailto:z.pejs@zielona-gora.so.gov.pl">z.pejs@zielona-gora.so.gov.pl</a>

#### 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 may be sent directly to the competent Polish court, which is in compliance with the formal requirements laid down in Chapters IV and VI of the Regulation and in the Code of Civil Procedure.

Details of sending authorities are available at:

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

The transmitting 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 transmitting 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 are 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 to the Polish court directly or through a court of 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 needs of the New York Convention:

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

The details of the courts can be found at

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

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

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

Yes, it has been bound by the Protocol 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 applicable.

##### 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.

appointment of a lawyer, translation of documents, reimbursement of travel expenses) should clearly communicate this to the court in the EU application form [https://e-justice.europa.eu/dynform\\_intro\\_form\\_action.do?idTaxonomy=157](https://e-justice.europa.eu/dynform_intro_form_action.do?idTaxonomy=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 amicable resolution of a dispute before bringing civil proceedings and the Act on assistance for persons entitled to maintenance – Journal of Laws 2011, No 129, item 735), pursuant to which the 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 the central and local registers and records (including the possibility of using the PESEL 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 completed.

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