

**Decree
of 22 January 1946
Family Law
(Journal of Laws 1946 No. 6, item 52)**

Pursuant to the Law of 3 January 1945 on the procedure for issuing decree-laws (Journal of Laws of the Republic of Poland, No. 1, item 1), the Council of Ministers resolves, and the Praesidium of the State National Council approves, as follows:

**Section I.
Consanguinity and affinity.**

**Chapter I.
Lines and degrees.**

Article 1.

§ 1. Relatives by blood in the direct line are persons are descendants or ascendants of each other. Relatives by blood in the collateral line are descendants of a common ancestor who are not related to each other in the direct line.

§ 2. The degree of consanguinity shall be determined according to the number of births that gave rise to consanguinity.

[keywords: kinship]

Article 2.

§ 1. Relatives by blood of one of the spouses are the other spouse's relatives by marriage in the line and degree of consanguinity.

§ 2. Termination of marriage shall not terminate the affinity.

[keywords: affinity]

**Chapter II.
Maintenance obligation.**

Article 3.

§ 1. Ascendants and descendants shall be obliged to provide each other with means of maintenance when in hardship. This obligation shall rest also on blood siblings, provided

that meeting it does not cause undue hardship to the party obliged or their family.

§ 2. The obligation resting on descendants shall be closer than that of ascendants, and the obligation resting on siblings shall be further than that of ascendants. Relatives by blood at a closer degree shall bear the obligation before relatives by blood at a further degree, and relatives by blood in equal degree shall contribute as far as permitted by their wealth.

[keywords: maintenance obligation]

Article 4.

§ 1. Means of maintenance should be provided proportionally to the needs of the person entitled and to the wealth of the persons obliged.

§ 2. Benefits shall be reduced if the person in need does not deserve assistance due to their conduct.

§ 3. Where an adequate amount of money cannot be contributed, the court may order that the person obliged either provide the person entitled with means maintenance in kind or provide them with accommodation and subsistence under the obliged person's roof.

[keywords: extent of maintenance obligation]

Section II.

Children born in wedlock.

Chapter I.

Birth in wedlock.

Article 5.

A child born in marriage or within three hundred days after its termination shall be presumed to have been born in wedlock.

[keywords: presumption of a child born of wedlock, presumption of paternity]

Article 6.

§ 1. The husband of the mother may deny that a child was in wedlock within three months of becoming aware of the birth of the child. The run of this period shall be suspended if the person entitled to deny has been prevented from doing so by force majeure.

§ 2. The denial may only be based on the fact that it is clearly unlikely that the husband could be the father of the child. However, where the child was born before the one hundred and eightieth day after the marriage date, a mere denial shall be sufficient, provided that it

is not plausibly demonstrated that the husband had an intercourse with the child's mother between three hundred days and one hundred and eighty days before the child's birth.

[keywords: denial of paternity]

Article 7.

The husband may not deny that a child was born in wedlock if he knew of the mother's pregnancy at the time of contracting the marriage or if he in any way acknowledged the child, unless the acknowledgement was caused by deception.

[keywords: acknowledgement of paternity]

Article 8.

Denial is executed by bringing an action against either the child and the mother or against one of them if the other is dead.

[keywords: denial of paternity]

Article 9.

Denial is not admissible if neither the child nor the mother is alive.

[keywords: denial of paternity]

Article 10.

§ 1. A husband who is partially legally incapacitated may deny that a child was born in wedlock without any consent from his legal representative.

§ 2. A denial action may also be brought for a husband who is fully legally incapacitated due to mental illness which he developed before the expiry of the time limit for denial by his legal representative within three months after the date of their appointment, and if the representative became aware of the child's birth at a later date — then six months from the date on which they received that information. If the legal representative has failed to bring an action to deny that a child was born in wedlock, the husband may bring such an action himself once his legal incapacity ceases. In such a case, the three-month time period for bringing the action shall run from the cessation of the incapacity to act in law.

[keywords: denial of paternity, incapacitation]

Article 11.

§ 1. If the husband dies before the expiry of the time limit for denial, a person entitled to inherit from him in addition to or in place of the child may deny that the child was born in wedlock within three months from the date of the husband's death, and if that person did not know of the child's birth on that date — then within three months from the date on which they received that information, but not later than three years from the date of the husband's death.

§ 2. The provision of § 1 shall apply accordingly in the event that the husband is missing before the expiry of the time limit for denial if the missing husband is subsequently declared dead. In such a case, the relevant date shall be the date on which the declaration of death becomes final, not the actual date of death.

[keywords: denial of the birth of a child from marriage]

Article 12.

§ 1. After the expiry of the time limit, the denial is only admissible if the decision not to deny or the husband's acknowledgement of the child were caused by deception.

§ 2. In such cases, the action shall be brought within three months of the discovery of the deception.

[keywords: denial of paternity, deception]

Article 13.

§ 1. Within up to one year after reaching the age of majority, a child may deny their birth in wedlock by bringing an action if it is clearly unlikely that the husband could be the father of the child.

§ 2. The action shall be brought against the mother's husband, and he is no longer alive or his place of stay is unknown — then against the curator appointed by the guardianship authority to defend the child's birth in wedlock.

[keywords: denial of the birth of a child from marriage]

Article 14.

§ 1. In order for a child to bring the action, the consent of the mother is required, provided that she is still alive and has legal capacity. The consent must be evidenced by a document attached to the application.

§ 2. A child who does not have full legal capacity must also have a permit of the guardianship authority to do bring the action.

[keywords: denial of the birth of a child from marriage, consent of the mother]

Article 15.

§ 1. If a child was born within such a period of time after the mother's remarriage that there is doubt as to which marriage the child was born of, the child shall be presumed to have been born of the second marriage.

§ 2. A proof of descent from the first marriage may be carried out without observing the requirements laid down for denial of the birth in wedlock.

[keywords: presumption of the child's descent from the mother's later marriage]

Chapter II.

Legal position of children born in wedlock.

Subchapter 1.

General provisions.

Article 16.

Parents and children shall be obliged to support one another.

[keywords: duty of parents and children to support each other]

Article 17.

Children born in wedlock shall bear their father's surname.

[keywords: surname of the child from the marriage]

Article 18.

§ 1. Parents shall bear the burden of raising their children. The obligation to maintain a child shall rest on the parents until the child is able to maintain themselves.

§ 2. A child who is dependent on their parents in a joint household shall have an obligation to provide services in the joint household.

[keywords: obligation to maintain children]

Article 19.

§ 1. Parents shall have an obligation, within the limits of their ability, to equip their child in the event that the child marries or establishes their own household.

§ 2. Claiming such equipment in court shall not be permitted.

[keywords: dowry, natural obligation]

Subchapter 2. Parental authority in general.

Article 20.

§ 1. Spouses shall exercise parental authority jointly.

§ 2. In the event of disagreement between the parents, the guardianship authority shall decide.

§ 3. Parents shall have an obligation to exercise their parental authority as required by the well-being of their children and the interest of the society.

[keywords: parental authority]

Article 21.

§ 1. In the event that one of the spouses dies or is deprived of their parental authority, or their parental authority is suspended, the authority shall be exercised by the other spouse.

§ 2. In the event of a divorce or annulment of the marriage, the parental authority shall be vested with the spouse to whom the court entrusted the child. The extent of the rights of the other spouse shall be determined by the court according to the provisions of matrimonial law.

§ 3. Where in pronouncing a divorce or annulment of the marriage, the court has entrusted the child to a third party, the parental authority of the spouses shall be limited to the rights laid down in the judgement in accordance with the provisions of matrimonial law.

[keywords: distribution of parental authority]

Article 22.

§ 1. Each of the parents within their respective parental authority shall be a legal representative of the child and shall represent the child in and out of court. This shall be without prejudice to the child's right to act in person within the limits of their legal capacity.

§ 2. Where a conflict arises between the interest of the child and the interest of at least one of the parents, or between the interests of the children, the guardianship authority shall appoint a curator to protect the rights of the child.

[keywords: legal representation of the child]

Article 23.

The parental authority shall cease once the child reaches the age of majority or is emancipated.

[keywords: termination of parental authority]

Subchapter 3.

Parental authority over the person of the child.

Article 24.

Parents shall direct their child's upbringing. They shall have an obligation to prepare their child, as far as they can, to pursue a professional career according to their ability, taking into account the child's physical and mental characteristics and aptitudes.

[keywords: child's upbringing]

Article 25.

§ 1. A child shall owe obedience to their parents for as long as they remains under their authority.

§ 2. Parents may discipline the children under their authority, but without any harm to their physical or moral health, and within the limits laid down by the purpose of upbringing.

[keywords: obedience to parents]

Article 26.

§ 1. Parents shall have the right to demand release of the children under their parental authority from a person who is not authorised to keep the children.

§ 2. When searching for missing children, parents may request the assistance of public authorities.

[keywords: demand to release the children]

Subchapter 4.
Parental authority over the property of a child.
Article 27.

§ 1. Parents shall administer the property of a child over whom they exercise their parental responsibility.

§ 2. While exercising the aforementioned authority, the parents shall not be under an obligation to give accounts of the administration, which, however, shall not prejudice the right of the guardianship authority to intervene if they act to the detriment of the child.

§ 3. Parents must carry out the administration in accordance with sound economic principles.

[keywords: administration of the child's property]

Article 28.

The guardianship authority shall appoint a curator where the parents are unable to carry out their administrative functions, or with respect to property that the child has received with the exclusion of the parents' administration.

[keywords: curator to administer of the child's property]

Article 29.

§ 1. The following legal transactions involving a child under parental authority shall must be authorised by the guardianship authority to be valid:

- 1) to dispose of and encumber real estate;
- 2) to acquire, establish, lease and dispose of a profit-making enterprise and to join a commercial company as a personally liable partner;
- 3) to grant a commercial power of attorney;
- 4) to incur loans and promissory note obligations;
- 5) to provide sureties and assume other people's debts;
- 6) to conclude rental or lease agreements, provided that the contractual relationship is to continue after the child has reached the age of majority;
- 7) to make donations unless they correspond to a moral obligation, decency or custom;
- 8) to renounce or disclaim an inheritance;
- 9) to conclude settlements or make arbitration clauses where the subject matter thereof is a legal transaction listed in points 1) to 8).

§ 2. The guardianship authority may grant a general authorisation to carry out the legal transactions referred to in §1(4) and (5) when it is necessary for the proper administration of the property and, in particular, for the operation of a profit-making enterprise.

[keywords: the guardianship authority, administration of the child's property]

Article 30.

§ 1. In the event of the death of one of the spouses, marriage annulment or divorce, or at the request of the guardianship authority in other important cases, the spouse who exercises parental authority over a child is obliged to provide the guardianship authority with an inventory of the child's property and to report major changes in the child's property.

§ 2. The inventory may be drawn up either by the spouse who exercises parental responsibility or, at the request of the latter or at the request of the guardianship authority, by a body appointed to draw up inventories in succession proceedings.

[keywords: inventory of the child's property]

Article 31.

§ 1. Parents shall have the right to benefit from the child's property when exercising their parental authority.

§ 2. The net income from that property should be put to profit primarily for the purposes of maintaining and raising the child and their siblings, the maintenance of whom obligation of the parents.

§ 3. The parents shall share the rest of the income proportionally to the burden they each bear respectively to maintain the family.

[keywords: benefits from the child's property]

Article 32.

§ 1. The parents' right to derive benefits shall be inalienable and shall not be subject to enforcement.

§ 2. The part of the income needed for the purpose of maintaining and raising the child and their siblings shall not be subject to enforcement for the benefit of the parents' creditors.

§3. Creditors of the child may claim satisfaction regardless of the parents' right to derive benefits.

[keywords: benefits from the child's property, inadmissibility of enforcement]

Article 33.

§ 1. Parents shall not exercise administration of or have the right to derive benefits from property earned by the child or from property given to the child with the consent of the legal representative for free use.

§ 2. A child who remains in joint household shall be under an obligation to contribute to the burdens of the family's maintenance where necessary.

[keywords: property earned by the child]

Article 34.

§ 1. Parents shall not exercise administration of or derive benefits from the child's property where these rights have been excluded by the person from whom the child received the property.

§ 2. Parents shall not have the right to derive benefits from a child's inherited property if they have committed an act that would have entailed exclusion from the inheritance if they had been appointed to it.

[keywords: exemption of the right to benefit from the child's property]

Article 35.

§ 1. Parents shall not exercise administration of or derive benefits from the child's property if the court entrusted the child to a third party when pronouncing a divorce or annulment of the marriage.

§ 2. In such a case, the child's property shall be administered by that third party as a curator.

[keywords: exemption of the right to benefit from the child's property]

Article 36.

§ 1. If parental authority is terminated, the parents shall also lose the right to benefit from the child's property, unless the termination is through no fault of the parents.

§ 2. Parents may not be deprived of their right to derive benefits without being simultaneously deprived of their parental authority, subject to the exception provided for in the preceding article.

[keywords: withdrawal of parental authority]

Article 37.

§ 1. Upon termination of the administration, the parents shall be obliged to hand over the child's property to the child or the child's legal representative, and to submit accounts of the substance and the incomes, unless the parents had the right to derive benefits from it.
§ 2. Parents shall be liable for damage caused to the child's property by the improper exercise of parental authority. This liability shall be time barred three years after the child reaches the age of majority.

[keywords: termination of administration of child's property, liability for damage]

Article 38.

§ 1. Parents who had the right to derive benefits from the child's property may not claim reimbursement of the value of expenditures made, unless they extend beyond the scope of ordinary management and were made from funds other than the income from the child's property.
§ 2. In such a case, the provisions on benevolent intervention in someone else's affairs shall apply. However, the parents may take the expenditures back, restoring the asset concerned to its original state.

[keywords: reimbursement of expenses for the administration of the child's property]

Article 39.

The provisions on usufruct shall apply accordingly to the parents' right to derive benefits.

[keywords: usufruct]

Subchapter 4.

Limitation, suspension and deprivation of parental authority.

Article 40.

Where the parents, in exercising their parental authority, commit negligence or acts that put the child's well-being at serious risk, the guardianship authority may issue necessary orders to remedy these infringements.

[keywords: negligence in the exercise of parental authority]

Article 41.

The parental authority of the father or mother shall be suspended if they are hindered from exercising it for a prolonged period. The suspension or termination of suspension shall be decided by the guardianship authority.

[keywords: interference with the exercise of parental authority]

Article 42.

§ 1. The guardianship authority shall terminate the parental authority of the parents or one of the parents if they are unable to exercise it or if they commit such abuse or neglect that the parental authority can no longer be left in their hands, or if the holder of parental authority has remarried and specific circumstances require that the parental authority be terminated.

§ 2. The guardianship authority shall also decide on restoring parental authority at the request of either of the parents.

[keywords: withdrawal of parental authority]

Article 43.

§ 1. Where parental authority is suspended or terminated for both parents, the guardianship authority shall establish custody over the child.

§ 2. The provision of § 1 shall apply accordingly if the suspension or termination of parental authority relates to the parent to whom parental authority over the child has been entrusted in connection with a divorce or the annulment of the marriage.

[keywords: custody over the child]

Article 44.

§ 1. Suspension or termination of parental authority shall not terminate the parents' obligation to cover the costs of maintaining and raising their children.

§ 2. The guardianship authority may grant parents whose parental authority has been terminated the right to see their child.

[keywords: child maintenance, visiting rights]

Article 45.

§ 1. Where the parents have breached their duties when administering the child's property,

the guardianship authority shall issue necessary orders to protect that property.

§ 2. In particular, the guardianship authority may decide that the parents shall be subject to the same rules as a guardian with regard to the child's property affairs, and may even deprive the parents of the right to administer the child's property, in whole or in part, and appoint a curator.

[keywords: breach of duty in the administration of the child's property, protection of the child's property]

Section III. Children born out of wedlock.

Chapter I. The search for paternity.

Article 46.

§ 1. Both the mother and the child may demand that paternity be established by bringing an action to court.

§ 2. The action shall be brought against the father or his heirs.

[keywords: establishment of paternity]

Article 47.

§ 1. Considered as the father a child shall be the person who had an intercourse with their mother between three hundred and one hundred and eighty days before the child's birth.

§ 2. This presumption may be rebutted by proof of facts that raise serious doubts as to the respondent's paternity.

[keywords: presumption of paternity]

Article 48.

§ 1. The fact that the mother had an intercourse with another man at the time of conception shall not preclude the establishment of paternity.

§ 2. Based on the findings established in the proceedings, the court shall assess whether the respondent should be considered the father of the child.

[keywords: presumption of fact]

Article 49.

If the child was born during the period that gives reasonable grounds to presume that they were born in wedlock, an action for paternity may only be brought once the court has declared the child to have been born out of wedlock.

[keywords: rebuttal of the presumption of the child's descent from marriage]

Article 50.

If the child is dependent on a public law institution, an action for paternity may be brought by welfare authorities, unless it has already been brought by the child's mother or legal representative.

[keywords: standing to bring an action for paternity of a child]

Chapter II.

Legal position of children born out of wedlock.

Article 51.

A child born out of wedlock shall have rights that arise from consanguinity with the mother and her family.

[keywords: discrimination against children born out of wedlock]

Article 52.

§ 1. A child born out of wedlock shall bear the mother's maiden name.

§ 2. Where paternity is established, the court shall give the child the father's surname at the request of the child, unless the mother objects.

[keywords: surname of a child born out of wedlock]

Article 53.

§ 1. The husband of the mother may, with her permission, give her child born out of wedlock his surname by making declaration which shall be registered at the registry office.

§ 2. Where the child is a minor, the permission of the child's legal representative shall also be required. An adult child shall give such a permission themselves.

§ 3. Such naming shall not be admissible if the child already bears the surname of the father.

[keywords: attribution of the surname of a child born out of wedlock by the mother's husband]

Article 54.

§ 1. The father of a child shall be under an obligation to cover the costs of the delivery and the three months' maintenance of the mother. In special cases, a maintenance obligation for a further period of time may be imposed.

§ 2. Furthermore, the court may award the mother reimbursement of other necessary expenses caused by the pregnancy and childbirth.

§ 3. In the event that a promise to marry was made, the mother may be awarded an appropriate sum of money in addition to the aforementioned costs as compensation for moral harm.

[keywords: property obligations of the father of a child out of wedlock]

Article 55.

The claims provided for in the preceding article shall benefit the mother even if the child was born dead, and shall be time-barred three years after the birth of the child.

[keywords: stillbirth]

Article 56.

§ 1. The obligation to bear the costs of the maintaining and raising a child shall rest on both parents.

§ 2. The parents' share of the costs shall be determined according to their respective wealth.

[keywords: the maintenance costs of a child out of wedlock]

Article 57.

§ 1. The obligation to bear the costs shall continue until the child is able to maintain themselves.

§ 2. If the child has their own property or earns an income through their own work, then the parents' obligation shall be reduced accordingly.

§ 3. The child's rights to the costs maintenance and upbringing may not be infringed upon by way of a contract. No waiver of these rights may be valid.

[keywords: termination of the duty to maintain a child out of wedlock]

Article 58.

§ 1. If one of the parents fails to meet their respective obligation, the other parent must meet it as far as they are able to, subject to recourse.

§ 2. A person who has borne the costs of the child's maintenance and upbringing shall subrogate to the child's rights as regards the expenses incurred.

[keywords: the maintenance costs of a child out of wedlock, recourse]

Article 59.

Claims for outstanding periodic maintenance and upbringing benefits, not excluding recourse claims, shall be time barred after one year.

[keywords: statute barred]

Article 60.

§ 1. A child's claim against the father for maintenance and upbringing expenses shall not expire as a result of the father's death.

§ 2. The heirs are exempt from bearing these costs if the child has received at least the obligatory part (the reserved share of the estate) that would have been due to the child if they had been born in wedlock.

§ 3. If there are any other children born out of wedlock, the obligatory part shall be calculated as if they all were children born in wedlock.

[keywords: obligatory part for a child born out of bedlock]

Article 61.

§ 1. The court may issue an interim order before the birth of a child that the person whose paternity has been established should pay the mother or guardian the cost of three months' maintenance of the child immediately after the child is born.

§ 2. By order of the court, this amount shall be deposited at the court before the child is born.

§ 3. The above provisions shall apply accordingly to the costs of childbirth due to the mother and the related costs of the mother's maintenance.

[keywords: interim order]

Article 62.

§ 1. Parental authority over a child born out of wedlock shall be exercised by the mother.

§ 2. The guardianship authority shall establish custody of the child for as long as the mother is a minor.

§ 3. In such a case, the provisions on parental authority over children born in wedlock shall apply accordingly.

[keywords: parental authority over a child born out of bedlock]

Chapter III. Entitlement.

Article 63.

§ 1. A child born before marriage is contracted between their parents shall be deemed to be a child born in wedlock as a result of that marriage.

§ 2. The foregoing shall also be to the benefit of the child's descendants, even if the child had died before marriage between the child's parents was contracted.

§ 3. Where the child's descent from the mother's husband is not established during the husband's lifetime according to applicable regulations, it shall be established by the guardianship authority.

[keywords: legitimization of a child out of wedlock by matrimony of parents]

Chapter IV. Acknowledgement.

Article 64.

§ 1. A father may acknowledge a child born out of wedlock.

§ 2. Acknowledgement shall be made in the form an official testimony made before the guardianship authority, a registrar or a notary, or in the last will.

[keywords: acknowledgment of paternity]

Article 65.

§ 1. The legal representative of a father who has no capacity to perform legal transaction or whose legal capacity is limited may not acknowledge a child in the name of the father.

§ 2. A father who is partially legally incapacitated may acknowledge a child without the

consent of his legal representative.

§ 3. A father who is a minor may only acknowledge a child with the consent of his legal representative.

[keywords: acknowledgment of paternity, incapacitation]

Article 66.

§ 1. Both the mother and the child may bring an action to set aside the acknowledgement.

§ 2. The action may only be based on the ground that the person who acknowledged the child is not the father of the child.

[keywords: annulment of acknowledgment of paternity]

Article 67.

§ 1. The time limit for bringing the action shall be, for the mother - six months from the date of becoming aware of the acknowledgement, and for the child - one year after reaching the age of majority, and if the child became aware of the acknowledgement as a later date - six months from becoming aware of the acknowledgement.

§ 2. The action shall be brought against the acknowledging person, and where that person is dead or his place of stay is unknown - against the curator appointed by the guardianship authority.

[keywords: time limit to sue for annulment of acknowledgment of paternity]

Article 68.

A child acknowledged by the father shall have the legal position of a child born in wedlock.

[keywords: effects of acknowledgement of paternity]

Chapter V. Equation.

Article 69.

§ 1. By order of the guardianship authority, approved by the court of appeal, a child born out of wedlock who has not been acknowledged by the father may be equated with a child born in wedlock at the request of the mother or the child, provided that the parents have in fact remained under the joint marital property regime or have treated the child as a child born in wedlock.

§ 2. If paternity was not established during the father's lifetime in accordance with applicable regulations, it shall be established by the guardianship authority in the course of equation proceedings.

[keywords: equating a child out of wedlock with a child born in wedlock]

Article 70.

The mother's request for equation shall require the child's consent where the latter is an adult.

[keywords: child's consent]

Article 71.

§ 1. The legal representative of a mother who has no capacity to perform legal transaction or whose legal capacity is limited may not file a request for equation.

§ 2. The legal representative of a child who has no capacity to perform legal transactions may file a request for equation in the child's name.

§ 3. If the person entitled to file a request for equation is partially legally incapacitated, they may file the request without the consent of their representative.

[keywords: equating a child out of wedlock with a child born in wedlock, standing]

Article 72.

The guardianship authority may refuse the equation for valid reasons, specifically where it might cause public scandal.

[keywords: refusal to equate a child out of wedlock with a child of wedlock]

Chapter VI.

Common provisions on acknowledged and equated children.

Article 73.

§ 1. Parental authority over a child who has been acknowledged by the father or equated to a child born in wedlock shall belong to the parent to whom it will be vested by the guardianship authority.

§ 2. The guardianship authority shall establish custody of the child for as long as the parent

to whom parental authority is to be entrusted remains a minor.

[keywords: parental authority over a recognized child, parental authority over a child equated to a child of wedlock]

Article 74.

§ 1. The fact that parental authority has been entrusted with one of the parents shall not deprive the other parent of the right to see the child.

§ 2. The guardianship authority may award the parent to whom parental authority has not been entrusted a share in the remainder of the proceeds from the child's property that have not been utilised for the maintenance and upbringing of that child and their siblings, the maintenance of whom is the parent's obligation.

[keywords: right to see one's child]

Article 75.

Where parental authority is suspended or terminated for the parent to whom it has been entrusted, the guardianship authority shall establish custody of the child if it decides not to entrust parental authority to the other parent.

[keywords: custody of a child]

Section IV.

Adoption.

Article 76.

§ 1. Only a person who has full legal capacity and has reached the age of thirty-five years may become an adopting party. The adopting party must be at least fifteen years older than the adoptee.

§ 2. However, a person who has reached the age of twenty-five years may adopt a minor whom they raised and maintained for at least three years.

[keywords: adoption requirements]

Article 77.

§ 1. Adoption requires concordant declarations of the parties made before a notary, and the deed must be approved by the guardianship authority.

§ 2. If the person to be adopted does not have full legal capacity, the adoption deed may be

made before the guardianship authority.

§ 3. The parties shall be bound from the moment the deed is made.

[keywords: form of adoption]

Article 78.

§ 1. As regards minors under the age of fourteen years and persons who are fully legally incapacitated, the declaration shall be made by their legal representative.

§ 2. A minor who has reached the age of fourteen years and a person who is partially legally incapacitated shall make the declaration themselves with the consent of their legal representative.

§ 3. In the cases referred to in §§ 1 and 2, the permission of the guardianship authority shall also be required.

[keywords: declaration of the minor adoptee]

Article 79.

§ 1. An adopting spouse should obtain the consent of their spouse. Spouses may adopt jointly.

§ 2. The adoptee should also obtain the consent of their spouse,

§ 3. The other spouse's consent shall not be required if they do not remain under the joint marital property regime or do not have full capacity to perform legal transactions.

[keywords: adoption by a married person]

Article 80.

§ 1. The guardianship authority shall approve the adoption deed if the statutory requirements have been met.

§ 2. If approved, the adoption shall have legal effect from the moment the deed is made.

§ 3. The effectiveness of the adoption deed shall not be impeded where the adopting party dies before the deed is approved. Where the adoptee dies before the approval, the deed may not be approved.

[keywords: official approval of adoption]

Article 81.

Apart from joint adoption by spouses, one can be adopted only by one person.

[keywords: prohibition of joint adoption outside marriage]

Article 82.

§ 1. By way of adoption, the adoptee shall acquire the surname of and the right to inherit from the adopting party. The parties may agree that the surname of the adopting party shall be added to the surname of the adoptee if it is different. They may also exclude the adoptee's right of succession.

§ 2. If a married woman or widow is adopted, the surname of the adopting party shall be added to her maiden name, which shall not affect her married surname.

§ 3. The effects of adoption referred to in Paragraphs 1 and 2 shall also extend to the adoptee's children if they remain under their parental authority and, as regards the surname, also to their wife if she has agreed to the adoption.

[keywords: surname of the adoptee, inheritance by the adoptee]

Article 83.

The adoptee shall not cease to be a member of their family, but the parental rights and obligations shall be transferred from their parents to the adopting party. The parties may agree that the adopting party shall not have the right to derive benefits from the adoptee's property.

[keywords: family membership of the adoptee]

Article 84.

§ 1. The adoption relationship may be terminated by the parties jointly, in which case the provisions on adoption shall apply accordingly. However, the death of either of the parties shall not preclude the approval of the deed of termination.

§ 2. Both the adopting party and the adoptee may demand that the adoption relationship be terminated for valid reasons by bringing an action to court.

§ 3. If approved by the guardianship authority, the termination shall have legal effect from the moment when the deed of termination is made, and in the case of termination by court judgement - from the date on which the petition is served.

[keywords: termination of adoption]

Section V.

Final provisions.

Article 85.

The implementation of this Decree shall be entrusted to the Minister of Justice.

[keywords: delegation]

Article 86.

This decree shall enter into force on 1 July 1946.

[keywords: *vacatio legis*]

President of the State National Council: *Bolesław Bierut*

Wice Prime Minister: *Władysław Gomułka*

Minister of Justice: *Henryk Świątkowski*