



Poland: Termination of a Marriage Under the Law

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POLAND:

TERMINATION OF A MARRIAGE UNDER THE LAW

Divorce in the Republic of Poland is governed by the FAMILY CODE,¹ the CODE OF CIVIL PROCEDURE,² and private international law.³ Poland is a party to the Hague Convention on Conflict of Law and Jurisdiction Relating to Divorce and Separation of June 12, 1902.

According to the Polish law, a marriage may be terminated only in the following situations:

- the death of a spouse or a court decree pronouncing one spouse as dead;⁴
- a divorce decree issued by the appropriate court⁵ in appropriate court proceedings;⁶ or
- an annulment decree issued by the appropriate court⁷ in appropriate proceedings.⁸

The marriage can not be terminated by factual or legal separation since Polish law does not know the institution of separation.

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¹ Ustawa z dnia 25 lutego 1964 r. Kodeks Rodzinny i Opiekunczy (Law of Feb. 25, 1964, THE FAMILY AND GUARDIANSHIP CODE), *DZIENNIK USTAW* (Dz.U.), No. 9, item 59 (1964); amended: Dz.U. No. 45, item 234 (1975); Dz.U. No. 36, item 180 (1986); Dz.U. No. 34, item 198 (1990); Dz.U. No. 83, item 417 (1995).

² Ustawa z dnia 17 listopada 1964 r. Kodeks postępowania cywilnego (Law of Nov. 17, 1964, THE CODE OF CIVIL PROCEDURE (CCP), Dz. U. No. 43, item 296 (1964), as amended.

³ Ustawa z dnia 12 listopada 1965 r. Prawo prywatne międzynarodowe (Law of Nov. 12, 1965, Private International Law), arts. 1 & 14-18.

⁴ FAMILY CODE, art. 55.

⁵ *Id.* art. 56.

⁶ CCP, *supra* note 2, arts. 425-446.

⁷ *Supra* note 4, arts. 10-22.

⁸ CCP, *supra* note 2, arts. 447-452.