

Communication in family relationships and parental responsibility

ABSTRACT

Parents are obliged to carry out tasks related to satisfying the emotional, physical, social and psychological needs of their children. Parenthood should adapt to the needs, which change along with the child's development, and the satisfaction of which is a condition for his proper development. This determines the continuity of the parenthood process, consisting in the fact that it takes the form of developing social and emotional relations in the parent-child relationship. Family communication is a specific communication area, where parents can teach their children, through appropriate communication tools, how to communicate properly with the environment, how to obtain, process and use information. The home is a place where children gain their first communication lessons, acquire and develop communication skills, including by imitating older family members.

KEYWORDS: *family, child, communication, parental responsibility*

Introduction

This paper presents reflections on the communication between family members and its influence on parental responsibility. It will show the fact that parental responsibility also results in shaping communication within the family.

The family "is the most common environment of human life – from it begins, the history of every human being. The family accompanies him

throughout his life and it is the family that has a significant and important influence on the behaviour of individuals, their attitude towards others, the world, values, standards and patterns of behaviour. Family life includes a long period of time. It begins before other environments in human life appear and family members are connected by blood and emotional bonds.”¹

Parents are obliged to fulfill tasks related to satisfying emotional, physical, social and psychological needs of their children. Parenthood should adapt to the needs that change along with the child’s development and the satisfaction of which determines his proper development. This determines the continuity of parenthood process, consisting in the fact that it takes the form of developing social and emotional relations in the parent-child relationship².

In particularly close relationships, a large part of communication may take place almost or completely unconsciously. Usually, verbal language has a fundamental role in communication. However, in relations between relatives, e.g. between parents and children, non-verbal means of communication are no less important: facial expression, gestures, touch, silence, etc. Every family has its own characteristics of communication, because it is impossible not to communicate; even avoiding communication is a form of communication.

I

The determining factor in the life of each family is the communication skills of family members, on whom the ways of solving conflicts and problems will depend, as well as the ability to understand the needs of people close to them. V. Satir emphasizes that “communication is the most powerful factor determining the type of relationship with other people and own development.”³ It should be noted how important communication is in building satisfactory relations with family members, as well as how much com-

¹ J. Maciaszkowa, *From the theory and practice of custodial pedagogy*, Warsaw 1991, p. 49.

² Kwak, A. (2008). *Social and individual dimension of parenthood*. In: A. Kwak (ed.), *Parenthood between home, law, social services*. Warsaw: APS. p. 31–33.

³ V. Satir, *Family. This is where the man is created*, GWP, Gdańsk 2002, p. 56.

munication skills determine the way in which a person seeks the sense of life, how they perceive intimacy issues.

Family communication is a special area of communication, as through appropriate communication tools parents and relatives can teach the youngest members of the family how to communicate with the environment, how to obtain information, process and use it. The home is a place where children gain their first communication lessons, acquire and develop communication skills, including by imitating older family members.

As W. Grant points out, "only within the safe four walls of our own home can we learn how to respond, develop beneficial discussion strategies, and learn to keep emotions in check."⁴ In the family home, children learn how to use language and non-verbal behaviour, as well as how and for what purposes to use a variety of modern communication tools. The home and adult family members become role models for children in the communication sphere. Children imitate adults, e.g. in terms of watching TV, using the Internet or mobile phones. As D. Lemish rightly points out, watching television programmes is often the result of adaptation, negotiation, compromise and imitation of other family members, and not the result of an individual's own choice⁵.

Considering the above, it should be emphasized that family communication cannot be avoided, and knowledge of its principles will allow for building satisfactory bonds, understanding the problems, feelings and expectations of close people, and will also enable the development of communication competences, allowing for proper and appropriate communication also outside the family home. Therefore, it is important to know the models, styles and patterns of communication characteristic of specific families.

Thus, family communication can be considered as a first lesson in communication for young people or as a factor for the elimination or escalation of conflict situations. The style of family communication will determine the choice of appropriate communication tools and hence how family members

⁴ W. Grant, *Conflict resolution. Turn conflict into cooperation*, KDC, Warsaw 2008, p. 99.

⁵ D. Lemish, *Children and TV. Global perspective*, Jagiellonian University Publishing House, Cracow 2008, p. 11.

will communicate with the environment in the future. Undoubtedly, it should be emphasized that family communication is an extremely important and at the same time a wide area of scientific research. Diversity of approaches to issues related to family communication causes that it is impossible to refer to all dimensions of family communication.

Interpersonal communication in a family is the way in which its individual members communicate with each other. It is the sum of interactions of actions, behaviors, verbal and non-verbal communication.

The upbringing process, acquisition of personality traits, which are already formed in childhood and which ultimately have a great influence on shaping the attitude one has in adulthood, is of great importance. Raising is a complex process defined by Schaller as “a set of ways and processes that help the human being, especially through interaction, to realize and develop own humanity.”⁶ It is worth noting that attitude is a certain indicator of personality. “The formation of a child’s personality is first and foremost influenced by the family and, above all, by the parents. This influence lasts for many years – because despite the changes in the family itself as it goes through various stages of development – it is a constant educational environment for the child.”⁷

Taking into account the cultural context in shaping attitudes, it is worth emphasizing that “the family is an integral and extremely important element of any society, including those societies of the European cultural circle, which exist within the contemporary post-industrial civilization, subject (depending on the country) to its greater or lesser influence.”⁸

According to S. Minuchin, the great importance of communication is best illustrated by the systemic approach to the family. In this approach, the individual is treated as an element of the family system (a system of mutual relations and interactions), and its functioning depends on the remaining persons and the relations that each person enters with it⁹.

⁶ B. Śliwierski, *Modern theories and trends of education*, Cracow 2005, p. 68.

⁷ M. Ziemska, *Family and child*, Warsaw 1979, p. 155.

⁸ T. Pilch, I. Lepalczyk, *Social pedagogy*, Warsaw 1995, p. 151.

⁹ S. Minuchin (1975), *Families and family therapy*. London, Cambridge.

A family based on agreement, kindness and love is not created on its own, without the participation of its members. "We are responsible for the shape of life we give to our family. Intuition does not guarantee this task. "Good intentions" are not enough either. It is not enough to love, it is necessary to know how to love and teach all family members."¹⁰

"Contemporary family (...) is still a permanent community, irreplaceable in satisfying the needs, especially the emotional needs of its members. It has always been and still is a special place of communion of the closest people. This communication takes place on the level of direct, spontaneous, very specific contacts between parents and children, between siblings through a constant dialogue between them."¹¹ A dialogical form of contact can be learned mainly, or perhaps only, through its experience, which is why it is so important for adults to be able to conduct this dialogue with children, grandchildren and themselves. Adults shape the attitudes of their children through their behaviour, attitudes, shaping relationships, the way they address other members of the family and society.

II

Parents are responsible to their children for the very fact of bringing them into the world, they have a psychological and legal responsibility for their children. They shape the child's world, the immediate environment and conditions in which he develops, it is also a responsibility for the development of the child's personality.

This responsibility has also been recognized and regulated by legislation such as the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, which was concluded on 19 October 1996 and is intended to replace, in relations between the Contracting States, the Convention concerning the Regulation of Care for Minors,

¹⁰ J. Maciaszkowa, *On family life*, Warsaw 1980, p. 6.

¹¹ J. Izdebska, *Contemporary child and the image of his childhood – new educational opportunities and threats*, [in:] L. Adamowska, J. Uszyńska-Jarmoc (ed.), *The welfare of a child in the family*, Białystok 2005, p. 18.

drafted at The Hague on 12 June 1902¹², and the Convention on the Competence of Organs and the Law Applicable to the Protection of Minors, drafted at The Hague on 5 October 1961¹³.

The Convention is a legal instrument that comprehensively regulates the matter of child protection in relation to previous conventions¹⁴. The Convention consists of 63 articles in seven chapters: scope of the Convention to be applied, jurisdiction, applicable law, recognition and enforcement, cooperation, general provisions, final provisions. Taking into account the provisions of the Convention on the Rights of the Child¹⁵, adopted by the United Nations General Assembly on 29 November 1989, the preamble to the Convention identifies the best interests of the child as the primary criterion for making specific decisions. It is noteworthy that the Convention introduced a definition of ‘parental responsibility’ (Article 1(2)), defining it as parental authority or any other similar relationship of authority which defines the rights, entitlements and duties of parents, guardians or other legal representatives in relation to the person or property of the child. This definition extends the definition in Article 18 of the Convention on the Rights of the Child of the ‘parental responsibility for the education and development of the child’ by conferring on both parents and others, by virtue of and under the conditions determined by their respective national laws, the rights, entitlements and duties of care, development, education, residence and guardianship of the child and its property. The Convention also determines the law applicable to parental responsibility, which means that its provision (Article 16, exercise of parental responsibility – Article 17 and withdrawal – Article 18) is a common conflict-of-law rule indicat-

¹² Journal of Laws of 1929 No. 80, item 596.

¹³ Journal of Laws of 1995 No. 106, item 519.

¹⁴ The Convention entered into force on 1 January 2002. In accordance with the Decision (2003/93/EC) of 19 December 2002. The Council of the European Union authorizing the Member States, in the interest of the Community, to sign the Convention, signed on 1 April 2003 by all the States which at that time were part of the European Union. The Republic of Poland signed the Convention on 22 November 2000.

¹⁵ Convention on the Rights of the Child, Journal of Laws of 1991, No. 120, item 526 and 527.

ing the substantive law of a particular country (the child's habitual residence) without the need to study the country's conflict-of-laws rules.

The draft prepared by the Children's Rights Ombudsman of 12 July 2018 in Article 21(10) states that parental responsibility is a task, attitude and relations of parents with a child, performed with respect for the child's dignity and rights, in accordance with the social and legal order. It is aimed at taking care of the child and satisfying its needs, preparing for life in the family and society and fulfilling the maintenance obligation. It is performed in particular by performing duties and rights in the scope of care over the person and property of the child, representation, maintaining personal relations, determining the child's origin, name and surname, place of residence. It applies accordingly to persons who, by virtue of a court decision, are liable towards the child in the same way as the parents. The proposed change from 'parental authority' to 'parental responsibility' is in line with the provisions of the Convention on the Rights of the Child. Parental responsibility is a much broader concept than parental authority, it removes from parents the form of authority over a child, indicates an emphasis on the subjectivity of a child in the family.

Provisions on parental authority refer to the category of duty and rights of parents not only in Article 95 § 1 of the Family and Guardianship Code¹⁶ outlining the general content framework of this institution, but also in the provisions treating the exercise of parental authority. In Article 96 § 1 sentence 2 of the Family and Guardianship Code, the legislator emphasized that parents are obliged to take care of the child's physical and spiritual development and prepare him properly to work for the good of society according to his talents. However, in accordance with Article 101 § 1 of the Code of Criminal Procedure, they are obliged to exercise due diligence in the management of the child's property. In Article 103 of the Family and Guardianship Code, on the other hand, an obligation was imposed on the parents to handle the pure income from the child's property – generally – for the justified needs of the whole family functioning together. Only in

¹⁶ Family and Guardianship Code, i.e. of 9 March 2017 (Journal of Laws of 2017, item 682).

Article 97 § 1 of the Family and Guardianship Code, the legislator referred simultaneously to the obligation and right of each parent to exercise parental authority. However, in the previous considerations, it has already been emphasized that the recently mentioned provision aimed, among others, at emphasizing the rights of each parent in relation to the other parent. In all the above mentioned provisions, the legislator primarily highlights the category of the parents' obligation. At the same time, it seems that on the basis of these provisions, the duty of parents may be perceived not necessarily as a theoretically differentiated element of specific normative relations. The reference to this category was also intended to draw attention to the need to undertake actions in the exercise of parental authority. If the legislator's intention is interpreted in this way, the assertion that the category of duties and rights of parents is functionally associated within the parental authority¹⁷ seems to be justified, especially with regard to the actual exercise of those duties and rights.

The legislature has rightly given priority to the duty. Tasks arising from parental responsibility legislation are a heavy burden, for all parents, who try to carry them out as diligently as possible. Duties towards children often exceed almost always the capabilities of parents. The burdens entailed by the process of indiscriminate exercise of parental authority are probably the main reason why some parents resign from the "rights" granted to them in this respect. This in turn leads to negligence, resulting in a need for the guardianship court to take appropriate forms of interference provided for by law.

On the other hand, at least the correct implementation of the right to exercise parental authority is very satisfactory. It allows every adult to realize and verify his parental vocation. The closeness of a child, a beloved being, to whom parents are sometimes able to make boundless sacrifices, is a great pleasure. Undoubtedly, each parent is satisfied with the observation of positive effects of the efforts made, which is proved by the correct,

¹⁷ *Winiarz J., Gajda J.*, Family Law, Cracow 2001, LexisNexis Publishing House, p. 204. See also *J. Kosik*, Problem of restoring parental authority in the light of the Family and Guardianship Code, NP 1973, No. 10, p. 1464.

harmonious psychophysical development of the child, which is a result of such efforts. Every success of the child, regardless of the field and size of achievement, is enjoyed. Parents' satisfaction is complete if the environment also perceives positively the consequences of their efforts to shape the child's personality, giving clear recognition to their efforts, fully accepting the attitudes presented by the child, his conduct and skills used also for the benefit of others.

It is in the parents' interest to instill in their child the correct patterns of attitudes, behaviour and functioning in society, because such a shaped child will support them when it is necessary to help the parents.

It is worth noting that while recognizing the importance of this issue and its impact on the correctness of preparing a child for independent life, the legislator took into account the postulate to include in the provisions on parental authority a provision corresponding to Article 158 of the Family and Guardianship Code (in the wording valid until 12 June 2009), which supplemented the constitutional obligation of parents to listen to a child before taking decisions in all important matters, if his mental development and state of health allow it, and to take into account, as far as possible, his reasonable wishes¹⁸. Introduction of such a solution in Article 95 § 4 of the Family and Guardianship Code – defined in the newer subject literature (including the principle of the child's obligation to listen to opinions and recommendations formulated by parents for the child's benefit – Article 95 § 2 of the Family and Guardianship Code as "a rational partnership of parents and children"¹⁹

¹⁸ Postulate *de lege ferenda* was formulated by *A. Cisek, J. Mazurkiewicz, J. Strzebińczyk*, On changes, p. 75–78. Similarly *M. Śladkowski*, Taking into account the child's will in exercising parental authority, *Jur.* 2000, No. 6, p. 9–12. It was supported by *A. Nowak*, Tasks of the family in bringing up children in the context of family and guardianship legislation, in: Is there a need for a change in family and guardianship law in Poland? Materials from the National Scientific Conference organized on 21–22.9.1995 in Katowice, ed. *B. Czech*, Katowice 1997, p. 459.

¹⁹ See *J. Ignaczewski*, Child's origin, p. 161–162; *Ignaczewski*, the Family and Guardianship Code comments, p. 568–569; *J. Ignaczewski*, in: Parental authority and contacts with a child) (edited by *J. Ignaczewski*), Warsaw 2010, p. 59–60; *Ignatowicz, Nazar*, Family law, 2010, p. 315.

– enabled to adjust the Polish regulations on parental authority to the European standards, with which they were not consistent in this respect²⁰ (until 13.6.2009) and to other legal and family solutions emphasizing the child's influence on the determination of his own legal situation²¹. However, for a more complete implementation of the right provided for in Article 12(2) of the Convention on the Rights of the Child and Article 72(3) of the Constitution of the Republic of Poland, it still seems necessary for our legislator to clearly determine also the issue of the status of a minor as a party to proceedings, also in matters concerning parental authority. The existing line of jurisprudence in the interpretation of Article 573 § 1 of the Civil Procedure Code – especially in cases concerning the removal of a child and cases concerning the deprivation of parental authority – is unstable, and the postulates of recognizing a child as a party to any proceedings, the outcome of which concerns him, as well as the personal and property interests of a child, are becoming more numerous²².

Both the mother and father are responsible for ensuring the best possible conditions for the child's proper development by undertaking actions aimed to protect his life and health, and to refrain from threatening behaviors which

²⁰ *W. Stojanowska*, Recommendation No. R (84) 4 on parental responsibility and the legal status in force in Poland, in: Standards, p. 224, assessing the compliance of Polish law with principle 3 of Recommendation No. R (84) 4 on parental responsibility.

²¹ Cf. *T. Smyczyński*, The child's personal rights, (in:) Convention on the Rights of the Child and Polish law, Materials from the scientific conference organized in the building of the Sejm of the Republic of Poland on 19–20.3.1991 (edited by *A. Łopatki*), Warsaw 1991, p. 105 and 107.

²² See in particular post. SN of 16.12.1997, III CZP 63/97, OSP 1999, No. 5, item 87 with partially critical comments *H. Dolecki*. Cf. also *A. Gersdorf*, Court proceedings in cases concerning parental authority, Pal. 1972, No. 4, p. 46 et seq.; *B. Dobrzański*, Review of the jurisprudence of the Supreme Court regarding the family and guardianship code, Supreme Court 1974, No. 3, p. 340; *H. Dolecki*, Legal situation of a minor in proceedings before the guardianship court in cases concerning parental authority, NP 1976, No. 11, p. 1154; *ibid.*, Intervention, p. 81–83; *W. Stojanowska*, *A. Strzembosz*, New rules of organization and proceedings before the guardianship court, ZNIBPS 1978, No. 10, p. 263; *W. Stojanowska*, Child in court proceedings, Jur. 1997, No. 5, p. 9 and *A. Rydzewski*, Problems of minors' participation in proceedings before the guardianship court in cases concerning "parental authority", Rej. 1997, No. 11, p. 88.

have far-reaching and irreversible consequences. The optimal situation is the preparation of both parents for the birth of a child, surrounding the child with love, care, acceptance, interest, establishing relations with him, and thus creating a special kind of bond and educational work.

“The influence of family environment on the development and shaping of the child’s personality proceeds in two ways: as a conscious educational work and as an unintended influence. It is an influence through the course of activities and events taking place in the family, through the way adults react to these events and activities, as well as through the conduct of adult family members or siblings, and especially through the way family members relate to each other and their attitude towards the child.”²³ In the course of educational process, a number of different attitudes towards the child can be observed, which are decisive for the development of adult personality in the person’s future.

M. Earth defines parental attitude as “a tendency of parents to feel, think about and act – verbally or non-verbally – in a certain way towards a child. Each attitude contains three elements: mental, emotional and action elements. A thought component can be expressed in words in the form of a view of attitude object: an example of such a form of element can be a statement about the child within the scope of our deliberations. The action-oriented component manifests itself in active behaviour towards the attitude object, e.g. when the mother hugs the child or punishes him. The emotional component is a kind of expression that accompanies both statements and behaviour.”²⁴ It can be stated that parental attitudes may be correct, stimulating and building the individual, but they may also be abnormal, negatively and adversely influencing the formation of child’s personality, and sometimes even inhibit development and cause destruction in adulthood. Therefore, it is worth noting that “parental attitudes have such a deep impact on the child, among others, because the emotional attitude of parents towards the child is expressed in almost every word addressed to

²³ M. Ziemska, *op. cit.*, p. 156.

²⁴ 77 *Ibid.*, p. 168–169.

the child, in every activity related to its care and support, and is also a component of every educational procedure. A relatively persistent emotional attitude, which is imbued with parental behaviour, triggers a reaction in the child in a form of specific behaviour.”²⁵

Conclusion

The reflections on communication and parental responsibility clearly lead to the conclusion that the scope of parental responsibility includes the proper shaping of the child’s communication competence as it is an essential element of life of every person in every group in which the child will have to live and find its own place. Parenthood is not achieved in a social vacuum. It has a rich social aspect, subject to social and cultural, civilization and demographic changes. In the context of human life is a lifelong task, as well as a multifaceted one, which includes among others “undertaking various forms of activity, the need to solve problems of different nature (moral, religious, social, cognitive, emotional, school or peer problems), the ability to cooperate in the marriage divide, taking care of their own educational competences.”²⁶ As L. Bakier rightly stated, parenthood implemented in the area of family life is based on the gene created by the mother and father. Therefore, it is based on fulfilling the role of mother and father, whose influence on the child’s development is different²⁷. The presence of both parents is equally important in the child’s upbringing. In their parental functions they complement, supplement and strengthen²⁸ each other, which allows for the creation of a proper educational climate in the family.

²⁵ 78 M. Ziemska, op. cit., p. 156.

²⁶ Opozda, D. (2007). Introduction. In: D. Opozda (ed.), *Parenthood. Selected issues of educational contexts in the situation of family disorganization and possibilities of supporting parents*. Lublin: KUL, p. 9.

²⁷ Bakiera, L. (2013). *Involved parenthood and auto-creative aspect of adult development*. Warsaw: Difin, p. 62.

²⁸ Izdebska, J. (2015). *Child – childhood – family – family education. Categories of family pedagogy from the perspective of personalistic pedagogy*. Białystok: Non-public Higher School of Pedagogy in Białystok, p. 113.

The communication role, both as an indicator of the development regularity in family environment and as a determinant of responsible, upbringing influence of parents, justifies the need for special, more precise concentration on it in research on the family tradition sharing, values or ideals. In particular, the search for a connection between parents' communication with their children and their identification with their families, societies and countries is justified and important.

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