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**Abstract of the doctoral dissertation entitled
„The institution of the recognition of paternity – legal issues”**

The subject of this dissertation is an analysis of the legislation regarding the recognition of paternity in the Polish family law. It needs to be remarked that recently a growing interest in the issue of paternity has been observed in social sciences. The reason of such tendency is seen in changed expectations from men's social roles. The new image of a man has influenced the contemporary father figure. Moreover, the issue is important due to the development of biological sciences. Nowadays, it is possible to determine genetic relationships to the degree reaching certainty, and this state of the art should have influence on the shape of accepted legislation. On the other hand, there are also new problems related to the acceptability of applying medically assisted procreation procedures. It is necessary to consider whether current legal regulations adequately address social needs and development of biological sciences.

Detailed theses have been formulated in this dissertation. Firstly, it has been demonstrated that determining the descent of a child from a particular man is a fundamental human right. It shapes the civil status of a child and a father determining in this way their identity. The thesis statement that family life is a personal good, which is fundamental for creating family personal goods, including parenthood (understood as maternity and paternity) and parental personal goods, has been justified here. It has been affirmed that the recognition of paternity leads to the implementation of the parenthood protection right influencing thereby the protection of a personal good in the form of paternity.

A thesis has been supported that *de lege lata* the recognition of paternity is an act in law, which consists of two declarations of intent: man's who declares that he is the father of the

child and the child's mother who confirms that. Consequently, it is possible to apply the provisions of the Civil Code governing respective legal actions.

The dissertation has shown that in view of the current state of biological science development, it is necessary to amend provisions of The Family and Guardianship Code so that the legal consanguinity arises from the moment of conception. The work also stipulates the arguments which speak for the assumption that it should be legally possible to recognize paternity even in the absence of legal maternity as maintaining *lex lata* on this issue is anachronistic and detrimental to society.

It has been demonstrated that the current legal regulation concerning the recognition of paternity of a child that is born as a result of the medically assisted procreation procedure, neither secures the interests of the man who files a declaration necessary to recognize the child nor the child. Unclear and incomplete legislation leads to numerous problems in applying the law pertaining to such recognition.

A formal-dogmatic research method has been applied herein.

The dissertation consists of fourteen chapters. Chapter One outlines the basic concepts, relevant from the point of view of this work i.e.: family, consanguinity, affinity, determining the descent of the child from parents, legal and biological paternity. This chapter also describes the principles of determining the descent of a child from its parents.

Chapter Two contains the analysis the issue of the civil status, as the descent of a child from given parents constitutes one of the elements of the civil status of the child and the father. This chapter particularly deals with the statutory and doctrinal definition of the civil status as well as with principles of determining the civil status.

Chapter Three covers the issue of paternity as a personal good, therefore, the definition of a personal good has been laid out. Owing to the fact that family life is the basis for creation of family personal goods, including parenthood and parental personal goods, the analysis of personal good has been carried out in the form of family life.

Chapter Four focuses on normative ways of establishing paternity. It considers the mutual relationship between the ways of establishing paternity and legal consequences of filing the declaration of intent necessary for recognising paternity in the case when paternity over a given child had already been established.

Chapter Five generally characterizes the institution of paternity recognition. It presents the concepts appearing in doctrine that concern the legal nature of the recognition of paternity

together with author's own assessment of this issue. Moreover, this chapter deals with the form and content of the declaration used for the recognition of paternity.

Chapter Six analyses legal effects of the recognition of paternity. It considers the consequences of determining the family relation between a father and a child including, among the others, parental authority, alimony obligation and statutory succession.

Chapter Seven focuses on qualifications of persons filing declarations necessary for the recognition of paternity as well as the recognized child. This chapter elaborates on the capacity for making the declarations for the recognition of paternity.

Chapter Eight tackles the issue of the form of the declaration for the recognition of paternity and officials, who are legally competent to accept such declarations. This Chapter covers the issue of making the declaration for the recognition of paternity, if there is a danger directly threatening the life of the child's mother or the man who wants to recognize his paternity.

Chapter Nine sets out the recognition of paternity before the birth of a conceived child. Since it is related to unusually controversial issue of the legal status of such child, the legal capacity and entity of the conceived child have been described in this place. This chapter also considers legal effects of such recognition of paternity.

Chapter Ten focuses on the recognition of paternity of a child who is born as a result of the medically assisted procreation procedure. Declarations for the recognition of paternity, performed on the basis of Article 75¹ of The Family and Guardianship Code, and their legal effects have been discussed.

Chapter Eleven concerns the issue of the recognition of paternity of a deceased child. The elaboration of this chapter characterizes the time frame when the declarations for the recognition of paternity can be made after the death of the child and legal effects caused by such recognition of paternity.

Chapters Twelve and Thirteen analyse conditions determining the lack of legal effects of the recognition of paternity. These chapters characterize the premise of the request, the term to bring an action and entities qualified to bring an action. The proceedings to determine the ineffectiveness of the recognition of paternity have also been covered here.

Chapter Fourteen considers different ways of questioning the recognition of paternity other than the legal action to determine the ineffectiveness of the recognition of paternity.

The last part of the dissertation summarises the most important conclusions resulting from its chapters along with the conclusions *de lege ferenda*.

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