

SUMMARY OF THE DOCTORAL DISSERTATION

„The child’s legal situation in intercountry adoption”

The doctoral dissertation discusses the child’s legal situation in intercountry adoption (also known as international adoption or foreign adoption). The dissertation focuses on the problem of the child's position before the establishment of intercountry adoption and the assessment of the circumstances under which this institution can be the most favorable solution for the child. The main research goal of this thesis is to determine, whether the principle of the child’s best interest is protected under the applicable substantive law and by the procedural rules of intercountry adoption, in other words, if they protect the improvement in the child's life perspective.

The dissertation mainly uses the formal-dogmatic method. Due to the international (cross-border) nature of foreign adoption, it was necessary to also use the comparative method.

Chapter I presents the specific characteristics of foreign adoption which justify that this type of adoption should be treated as a separate institution in law. In order to define those special features, this chapter outlines and discusses the main regulations of supranational law (international and EU law). The rest of the chapter presents considerations on the legal structure of intercountry adoption and its consequences for a child. The final part of this chapter highlights the problems related to the procedure of foreign adoption which should guarantee the proper protection of the child’s best interest and prevent the risk of illegal adoption practices.

In Chapter II the presented institution is discussed from a comparative legal perspective. This chapter attempts to develop the issue indicated in Chapter I of the lack of detailed regulations for intercountry adoption in national laws leading to different understanding of its legal structure and the functions assigned to it.

Chapter III comprehensively debates issues related to the status of the child in the presented institution. Considerations regarding the child's ability to be a party in intercountry adoption are conducted from different perspectives. This chapter raises as well the problem of children's rights which are particularly important in international adoption.

Chapter IV focuses on the importance of the consent of the biological parents. This chapter supplements the issue of the priority of the child's right to be raised by its biological parents presented in Chapter III.

Chapter V debates the special characteristics of the adopter which should ensure that the child's best interest is properly protected. To that end, the essential personal qualifications of the adoptive parent in intercountry adoption are detailed. This chapter concludes with considerations regarding the consequences of the lack of appropriate personal qualifications of the adopter discovered after the adoption order.

The conclusions of the doctoral dissertation are included together with a summary and development of the most important *de lege ferenda* remarks formulated in the thesis.

Research has shown that, in the light of the current solutions under Polish law, intercountry adoption is an institution that may provide a permanent family for a child for whom no suitable substitute family environment can be found in its country of origin. The success of international adoption depends on determining whether the reason of this institution is really justified by the protection of the child's best interest. International adoption is a desirable from the best interest of the child's perspective, if it can actually lead to a improvement in the life or health of a lonely child.