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The role of the family court in Poland in the prevention of demoralization and juvenile delinquency on the example of prophylactic and rehabilitation activity of probation officers

Rola sądu rodzinnego w Polsce w zapobieganiu przejawom demoralizacji i przestępczości nieletnich na przykładzie działalności profilaktyczno – resocjalizacyjnej kuratorów sądowych

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Abstract: The article in a holistic manner discusses the role of the family court in preventing the phenomena of juvenile demoralization and delinquency and presents the current cooperation of probation officers with the family court through the prism of multi-context and multidisciplinary prophylactic and rehabilitation activities. The article discusses educational-therapeutic measures and corrective measures taken by the court against a minor as well as other possibilities of practical impact on his environment. The text also includes an analysis of the scope of a probation officer's activities in cases concerning juveniles. The proposed concept of interventions at non-judicial and judicial levels is part of the Council of Europe recommendations covering the principles of community involvement and continuity of care. Activity of the family court and probation officer constitutes a significant care and re-socialization, prophylactic and rehabilitation, as well as repressive-control mechanism in the structures of the administration of justice in Poland.

Keywords: Ministry of Justice, Constitution of the Republic of Poland, Family court, District court, Resocialization, Council of Europe, Parental responsibility, Probation officer, District court, crime, Youth crime, demoralization

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Streszczenie: Artykuł omawia w sposób holistyczny rolę sądu rodzinnego w zapobieganiu zjawisku demoralizacji i przestępczości nieletnich oraz prezentuje aktualną przestrzeń współpracy kuratorów sądowych z sądem rodzinnym przez pryzmat wielokontekstowej i multidyscyplinarnej działalności profilaktyczno – resocjalizacyjnej. W artykule omówiono środki wychowawczo – lecznicze i poprawcze stosowane przez sąd wobec nieletniego oraz inne możliwości praktycznych oddziaływań na jego środowisko. W tekście zawarto także analizę zakresu czynności kuratora rodzinnego w sprawach nieletnich. Zaproponowana koncepcja działań interwencyjnych na poziomie przesądowym i sądowym wpisuje się w rekomendacje Rady Europy obejmujące zasady zaangażowania wspólnotowego i ciągłości opieki. Działalność sądu rodzinnego i kuratora sądowego stanowi istotny mechanizm wychowawczo – resocjalizacyjny, prewencyjno – profilaktyczny a także represyjno – kontrolny w strukturach wymiaru sprawiedliwości w Polsce.

Słowa kluczowe: Ministerstwo Sprawiedliwości, Konstytucja Rzeczypospolitej Polskiej, Sąd rodzinny, Sąd rejonowy, Resocjalizacja, Rada Europy, Władza rodzicielska, Kurator sądowy, Sąd okręgowy, przestępstwo

Family courts in Poland

Family courts began their evolution in the 1970s. January 1, 1978 was a time when 97 departments began operating in Poland; they were family and juvenile departments (colloquially referred to as "family courts"), including 117 district courts. The jurisdiction of family courts included matters related to family and guardianship law, compulsory treatment of addicts, minors and selected crimes specified in the then binding penal code. The author of a historical study on family courts, quoted the Minister of Justice, J. Bafii in the topic of: What will family courts be like? ("Polityka" no. 3/1978, p. 4), from which it resulted that the Ministry of Justice sought to ensure a high level of work of the newly formed family courts, already at that time stressing the value of settlements and a specific culture of prosecution, and not the statistical number of cases examined, which is particularly important in dealing with family cases as well as cases of minors. The legislator also noticed the circumstances of work organization and indicated that *the proper level of work of family courts also depends on high qualifications and a sufficient number of auxiliary staff. It is assumed that one well-trained professional probation officer and a dozen social probation officers*

*will cooperate with each judge in a court dealing with family cases.*²

Family cases dealt with in family courts currently include proceedings in the field of family and guardianship law; treatment of people addicted to alcohol as well as narcotic and psychotropic drugs; for minors (in the scope of preventing and combating demoralization against persons under 18 years of age, proceedings in cases involving criminal offenses against persons who committed a crime after 13 years of age, but before the age of 17; executing educational or corrective measures in relation to persons against whom they were pronounced, but no longer than until they reach the age of 21); regarding the control of placement of persons in psychiatric institutions. The procedure for dealing with juveniles in court (paragraphs 3a and 3b) results from the Act of October 26, 1982 on proceedings in juvenile cases (unified text OJ of 2014 item 382, later amended). Amendments made to the act that came into force on January 2, 2014 abolished the two-stage procedure of juvenile court proceedings. In accordance with the one-stage

² J. R. 'Sądy rodzinne – kompetencje, zadania, organizacja' (1978) 22/4 (244), *Palestra*, pp. 59–62.

procedure in force, the court conducts proceedings and adjudicates on cases in which there is a suspicion of demoralization or when a criminal offence has been committed by a minor.

Family cases are recognized by family courts, which act as family and ministry divisions in district courts, with the exception of certain matters, e.g., divorce and separation recognized by civil departments of district courts under the Act of 27 July 2001. Law on the common courts system (OJ of 2018, item 23, 3, 5, 106, 138, 771, 848, 1000, 1045).

Family probation officers who work with the family court on a daily basis are a professional formation constituting a separate specialty in the Probation and Court Services Association (together with adult probation officers), whose formation in the administration of justice began much earlier. Unlike adult probation officers, family probation officers have traditionally played an important role in all phases of proceedings; first a juvenile court and from 1978 a family court.³

Probation and Court Services Association in Poland

The Probation and Court Services Association has been functioning formally in the justice system of the Republic of Poland for nearly 100 years. Its formulation falls within the inter-war period, which was sometimes particularly difficult for the Polish state. For this reason, on 7 February 1919 the decree of the Provisional Head of the State Józef Piłsudski,⁴ resulted in the creation of juvenile courts and establishment of offices of permanent legal guardians. On July 26, 1919, the Minister of Justice of the Republic of Poland (OJ no. 63, item 378) issued a decree regarding the creation of juvenile courts. Three such courts were established based on the above provisions; they were located in

Warsaw, Łódź and Lublin. Their competence included reviewing all criminal cases of minors who were under the age of seventeen. The ordinance of July 26, 1919 also regulated the issue of so-called *social guardians*, which can be considered the first probation officers in Poland. Social carers were appointed by the judge. Their tasks included gathering information about minors (at the instruction of the judge), supervising minors who were suspended from serving their sentence and taking care of minors remaining under parental supervision or in cases when the supervision was not correct and required additional help from the guardian.⁵ Pursuant to the regulation of the Minister of Justice of June 25, 1929 (OJ no. 47, item 387, as amended), legal guardians have been transformed into juvenile probation officers acting by municipal courts, as well as by juvenile courts. The Nazi occupation prevented the reform of the law for minors, which was planned by the Codification Commission and was to take place in Poland in 1939. The status of juvenile probation officers underwent changes, and subsequent legal acts (including the MS Regulation of 13 February 1959 on juvenile probation officers (OJ no. 18, item 113) created an organizational canvas and specified the status of a probation officer, both professional and social.⁶ Another event in the history of the Probation Service after the end of acts of war was the creation of an institution of a social inspector. They operated by district courts under the ordinance of the Minister of Justice of July 3, 1956. Social inspectors were appointed by the president of a district court, and their work was of a social nature. They received solely a lump sum for their activities. The scope of their duties included: determining the living conditions of minors over whom care was established as well as minors remaining with parents, who were limited parental authority, providing assistance to parents and guardians in exercising parental author-

⁵ M. Pawlicka, *Kuratela sądowa w Polsce, Europie i świecie – historia i stan obecny*, (Warszawa: Wydawnictwo Impuls, 2007), pp. 15-16.

⁶ K. Stasiak, 'Ewolucja kurateli sądowej od początku do wejścia w życie rozporządzenia z 1986 r.', in: T. Jedynak, K. Stasiak (ed.) *Zarys metodyki pracy kuratora sądowego*, (Warszawa: Lexis Nexis, 2008), pp. 25-34.

³ T. Jedynak, K. Stasiak, 'Zadania kuratorów sądowych' in: K. Stasiak (ed.), *Zarys metodyki pracy kuratora sądowego* (Warszawa: Wolters Kluwer, 2018), pp. 95-108.

⁴ *Journal of Laws* 1919 No. 14, item 147 with amendments.

ity and exercising care.⁷ The institution of a probation officer and inspector was merged in 1973 pursuant to the ordinance of May 3, 1973 regarding juvenile probation officers (OJ no. 18, item 107 later amended). A breakthrough for juvenile probation officers was the establishment of family courts in 1978. From that moment, probation officers were associated with these courts and also performed tasks for them.

The adoption of the Act of June 20, 1985 – Law on Common Courts Organization had a significant meaning for the development of judicial guardianship in Poland (original text OJ no. 31, item 137; uniform text OJ of 1994 No. 7, item 25, as amended), which significantly increased the role of probation officer in the ordinary court system.⁸ Relying on the act of June 20, 1985, the Minister of Justice issued a decree of 24 November 1986 in the matter of probation officers (OJ no. 43, item 212 later amended). It regulated the functioning of the legal guardianship institution in a comprehensive manner. In paragraph 1, the ordinance indicated that probation officers have a special function coupled with responsibility for protecting public order and safety. Probation officers were then included into relevant departments in courts. Probation officers exercising their duties in the penitentiary and penal departments were adult probation officers, while those who carried out activities in the family and juvenile departments were family probation officers. After years of efforts, on July 27, 2001, the Sejm passed the law on probation officers.

The Act of July 27, 2001 on probation officers is an essential legal act regulating the activities of the Probation and Court Services Association. It defines the general rules of operation for probation officers. Probation officers can be divided into professional and social probation officers (volunteers), who execute criminal judgments for adults (adult probation officers) or in family and juvenile matters (family probation

officers).⁹ It should also be noted that a professional judicial probation officer is the executive body of the court.¹⁰ It should also be noted that the professional judicial probation officer is the executive body of the court. The tasks of judicial probation officers include a number of legal acts outside the Act on probation officers and arise from special provisions, i.e., art. 147 § 2 of the Act of July 27, 2001. The law on the system of common courts are defined in art. 1 of the Act on probation officers.¹¹ The basic division of tasks includes a distinction between family probation officers (performing tasks as part of court proceedings and executive proceedings) and adult probation officers (performing tasks in preparatory proceedings and executive proceedings). Tasks of the Probation and Court Services Association are characterized by diversity and are multi-context.

The mission of probation officers, which has been included in the ethos of this professional group¹² is: protection of human dignity and promotion of norms, principles and values expressed in the Constitution of the Republic of Poland; assistance in social rehabilitation of convicts and minors; social re-adaptation of the charges of courts; motivating and supporting parents in caring for and bringing up children; protection of the good of minor children; taking care of children's rights and human rights; protection of the society and the security of citizens; participation in maintaining public safety and reduction of social dysfunctions and limiting crime.¹³ The Probation and

⁷ Regulation of the Minister of Justice of July 3, 1956, §4, OJ no. 29, item 134.

⁸ K. Stasiak, 'Ewolucja kurateli sądowej od początku do wejścia w życie rozporządzenia z 1986 r.', in: T. Jedynak, K. Stasiak (ed.) *Zarys metodyki pracy kuratora sądowego*, (Warszawa: Lexis Nexis, 2008), pp. 25-34.

⁹ The Act on Probation Officers of July 27, 2001 (OJ of 12 September 2001), art. 1-3.

¹⁰ The Act of June 6, 1997, the Executive Penal Code (OJ no. 90, item 557, as amended), Art. 2.

¹¹ Further described in: T. Szymanowski, 'Kuratorzy sądowi i zadania przez nich wykonywane po dokonanej Reformie' (2005) 27, *Archiwum kryminologii* 2003-2004, pp. 67-113; T. Szymanowski, 'Ustawa o kuratorach sądowych na tle innych przepisów normujących ich zadania i obowiązki' (2002) 34-35, *Przegląd Więziennictwa Polskiego*, pp. 3-24.

¹² Ł. Wirkus, 'Ethos i etyka w Kuratorskiej Służbie Sądowej – obraz kreowany a odbiór społeczny' in: M. Konopczyński, Ł. Kwadrans, K. Stasiak (ed.), *Polska kuratela sądowa na przełomie wieków – nadzieje, oczekiwania, dylematy* (Kraków: Wydawnictwo Impuls, 2016), pp. 161-172.

¹³ Ł. Wirkus, 'Zasoby osobiste i społeczne kuratorów sądowych w kontekście realizowanych zadań ustawowych', in: I. Mudrecka (ed.), *Teoretyczne i*

Court Services Association is an important formation in the system of justice in Poland.

Conducting cases in the field of administrative supervision over the administrative activity of common and military courts in the scope of execution of criminal and civil judgments and judgments in family and juvenile matters is the task of the Department of Enforcement of Judgments and Probation, which is part of the organizational structure of the Ministry of Justice of the Republic of Poland. At the end of 2016, the Probation and Court Services Association comprised 5,193 posts of professional probation officers. Probation officers are a feminized profession (21.5% men, 78.5% women). In adult guardianship, the share of men is 23.4%, while there are only 18.6% among family probation officers. In the entire group, merely 102 people (2%) still have secondary education, 39 people (0.8%) have higher education - a bachelor's degree, and 5024 people (96.8%) graduate master degree studies.

Among probation officers, there are currently 28 people (0.5%) who have obtained a doctoral degree. Art. 7 of the Act of 27 July 2011 on probation officers establishes three grades of professional promotion: a professional probation officer, a senior professional probation officer and a specialist probation officer. Professional probation officers cooperated with a group of 24 971 social probation officers and jointly conducted a total of 888 985 cases and have conducted 584 766 environmental interviews. Probation officers are delegated to very dangerous missions, such as enforcing compliance with the legal order from people deeply demoralized and disturbed, usually alone, without any support or security. In 2016 there were 126 cases of active assault on a probation officer in connection with performance of official duties.¹⁴

metodyczne aspekty resocjalizacji młodzieży niedostosowanej społecznie, (Warszawa: Wydawnictwo Pedagogium, 2017), pp. 129-141.

¹⁴ Komisja Monitorowania Warunków Pracy i Płacy Krajowej Rady Kuratorów, Kuratorska Służba Sądowa w Polsce wg stanu na dzień 31.12.2016 roku (Warszawa 2017).

Demoralization and criminal offenses of minors

A minor is recognized as a person, who:

- is over 13 years of age, but is under 17 years of age in proceedings related to a punishable offense (art. 1 §1 item 2 of the Act on Counteracting Drug Addiction¹⁵),
- is under the age of 21 in proceedings concerning execution of pre-ordered parental or correctional measures (Article 1 § 1 item 3 of the Act on Counteracting Drug Addiction¹⁶),
- is under the age of 18 years in proceedings concerning the prevention and combating of demoralization (Article 1, § 1 item 1 The Act on proceedings in juvenile cases¹⁷). A minor shall be fined only in special cases referred to in Article 10 § 2 of the Penal Code.¹⁸

Punishable offenses are understood as deeds prohibited by law as a crime or fiscal offense or offense specified in art. 50a, art. 51, art. 69, art. 74, art. 76, art. 85, art. 87, art. 119, art. 122, art. 124, art. 133 or art. 143 of the Code of Administrative Offences. The Penal Code indicates that an offense is a crime or a misdemeanor. A crime is a deed punishable by imprisonment for a period not shorter than 3 years or a more severe punishment. A misdemeanor is a prohibited act threatened by a fine of more than 30 daily rates or above 5000 PLN, penalty involving deprivation of liberty for over one month or imprisonment exceeding one month.

Marianna Korcyl-Wolska casts some doubt regarding application of the act on proceedings in juvenile cases, stating that *in the face of the silence of the law regarding the lower age limit of minors in proceedings*

¹⁵ Act of October 26, 1982 on proceedings in juvenile cases (Journal of Laws of 2016, item 1654).

¹⁶ Act of October 26, 1982 on proceedings ...

¹⁷ Act of October 26, 1982 on proceedings ...

¹⁸ The Act of June 6, 1997 Penal Code (Journal of Laws of 1997 No. 88, item 553).

concerning the prevention and combating of demoralization, the question arises about the lower threshold of minority, as the literal interpretation of art. 1 § 1 (1) of the Act on Counteracting Drug Addiction leads to the conclusion that the age range of a minor in this procedure falls from the moment of birth until reaching the age of 18.¹⁹ There is an interpretation in literature that there are no grounds to accept whether manifestations of demoralization may occur in a very small child who may not yet have an understanding of what is good and what is evil.²⁰ Some people believe that the symptoms of demoralization may be shown by a juvenile who is at the stage of psychosocial development enabling interpretation of basic norms regulating relations with other people and himself and is between 7 and 9 years of age.²¹

The preamble of the act on juvenile delinquency proceedings includes its most important aim which is striving to counteract *demoralization and crime of minors and create conditions for a return to normal life of minors who have been in conflict with the law or the principles of social coexistence (...)*.²² Demoralization means rejection of binding moral norms, leading to violation of law, promiscuity of morals and the like or a person's actions or behavior that would cause others to reject such norms.²³ Article 3 § 1 of the Act on Counteracting Drug Addiction formulates one of the basic rules of conduct in matters of minors, namely the principle of being guided by child's well-being the well-being of a minor is understood as the pursuit of beneficial changes in his personality and behavior, in accordance with social expectations and the aim of the parents or guardian to fulfill their duties

towards the child in accordance with the social interest.²⁴ Criminologists understand demoralization as a state of cognitive structures that is not due to disease or developmental reasons, leading to the non-observance of moral norms, conducive to violation of criminal law norms. In other words, it is a process of moving away from the existing moral values.²⁵ However, as Andrzej Baładynowicz points out²⁶ the first signs of demoralization occur early and are often underestimated. Lack of reaction to negative tendencies in the behavior and attitudes of children not only cause their consolidation, but also result in formation of the syndrome of demoralization. Baładynowicz recommends activities in which multidirectional and systematic substantive support of the child and the family in their own environment will significantly reduce the inflow of charges to care and education facilities and reduce the number of interventions of family courts. In realizing influences on a child that shows signs of social maladjustment in his natural living environment, Baładynowicz observes the possibility of developing a form of social prophylaxis that is extremely important and penetrates deeply into problems. In his view, by placing the juvenile in an institution, the court rewards the parents who get rid of this problem; this causes that the law on parental liability for damage done by their children is not widely and responsibly used, resulting in a sense of impunity for juveniles.²⁷

Brunon Hołyst notes that the dynamic social changes taking place in Poland have not only led to a new image of the society's socio-political and economic condition, but also activated a number of important trends in the transformation of public life. Extreme differences in the living conditions of families, unem-

¹⁹ M. Korcyl-Wolska, *Postępowanie w sprawach nieletnich* (Warszawa: Wolters Kluwer, 2015), p. 63; A. Gaberle, M. Korcyl-Wolska, *Komentarz do ustawy o postępowaniu w sprawach nieletnich* (Gdańsk: Wydawnictwo Arche, 2002), p. 18.

²⁰ A. Haak-Trzuskawska, H. Haak, *Ustawa o postępowaniu w sprawach nieletnich. Komentarz* (Warszawa: Ed. C.H.Beck, 2015).

²¹ A. Gaberle, M. Korcyl-Wolska, *Komentarz do ustawy o postępowaniu w sprawach nieletnich* (Gdańsk: Wydawnictwo Arche, 2002).

²² The Act of October 26, 1982 on proceedings in juvenile cases (Journal of Laws of 2016, item 1654).

²³ Słownik Języka Polskiego. <http://sjp.pwn.pl/sjp/;2554658> (26.05.2018)

²⁴ The Act of October 26, 1982 on proceedings in juvenile cases (Journal of Laws 1982 No. 35 item 228).

²⁵ K. Bułat, P. Czarniak, A. Gorzelak, K. Grabowski, M. Iwański, P. Jakubek, J. Jodłowski, M. Małek, S. Młodawska-Mąsior, A. Papież, M. Stożek, *Kryminologia*, (Warszawa: Wolters Kluwer, 2007), p. 118.

²⁶ *Resocjalizacja z udziałem społeczeństwa*, (Warszawa: Ed. Prawo i Praktyka Gospodarcza, 2006).

²⁷ A. Baładynowicz, 'Rodzinne domy terapeutyczne wsparte na korczakowskiej idei twórczego wychowania w systemie środków probacyjnych dla nieletnich'(2013) 3, *Probacja*, pp. 5-26.

ployment, undertaking additional work, economic emigration and parents' failure to adapt to new living conditions, as well as other factors affect the dynamics of juvenile delinquency. The author noted that the lack of an integrated juvenile crime prevention system does not improve the society's condition. On the other hand, negative assessment of the effectiveness of institutional forms of care and upbringing forces us to seek alternative solutions in an open environment, which is natural for the currently used solutions in the field of non-custodial measures.²⁸ Marek Konopczyński accuses the system of social rehabilitation and sociotherapeutic centers for children and adolescents of basing on obsolete theoretical, organizational, and methodological concepts. In addition, their pupils are taught (...) conformism within the so-called false institutional socialization (...) which ultimately deprives them of skills and competences for functioning in an open environment.²⁹ The author thus indicates the need to search for and implement more effective forms of resocialization activity. Such an example may be educational measures taken by a family court in an open environment.

The number of criminal acts reported by the police in the period from 1990 to 2016 ranged from about 60 thousand in 1990 to approx. 82 thousand in 1995; it then presented an alternate upward and downward trend stabilized at around 63 thousand in 2002 and 2003. From 2004, this was followed by an increase in juvenile delinquency (except for 2006) to around 101 thousand in 2011. This then decreased to 71 thousand in 2013. Since 2014, there has been a radical decline in the number of such acts (see Table 1). P. Kozłowski conducted an analysis of the dynamics of juvenile delinquency in the period from 2003 to 2015, also emphasizing the radical downward trend.³⁰ A response to this situation is a change in the meth-

odology for collecting data on minors. By the end of 2012, juvenile offenses had been reported at the time the application to initiate proceedings was submitted to the Family and Juvenile Court. From the beginning of 2013, data are presented after obtaining information regarding the initiation and termination of proceedings by a family judge. In turn, from 1 January 2014 in accordance with the Regulation of the Council of Ministers of 9 August 2013 on the program of statistical surveys of public statistics for 2014 (OJ of 2013, item 1159) the Ministry of Justice is obliged to collect and submit data on minors and their criminal offenses to the Central Statistical Office (GUS). On their official website, the police inform that they have stopped presenting data on offenses committed by minors and persons who have committed them, and that presenting the phenomenon of "juvenile delinquency" exclusively from materials held by the Police can significantly distort the image of the phenomenon.³¹ Data of the Police are therefore different from information provided by the Central Statistical Office, because it provides data only on minors against whom corrective or correctional measures or penalties in common courts in relation to criminal offenses have been valid.

Real assessment of collected data did not often result in the view present in the public discourse that there is a real and radical decline in juvenile delinquency. Bearing in mind the demographic decline, one can even speak about the continuing trend in the dynamics of juvenile delinquency, which in turn negatively evaluates the current preventive and preventive measures undertaken against this phenomenon. In addition, there has been an upward trend in recent years in the area of particularly violent acts such as homicide and rape. In her analysis, Monika Noszczyk-Bernasiewicz noted that since 2007, there has been a continuous decline in the number of minors, the number of which in 2014 amounted to 31,912. In the

²⁸ B. Hołyst, *Kryminologia*, (Warszawa: Wydawnictwo PWN, 1999), pp. 645-662.

²⁹ M. Konopczyński, 'Misja i zasady pracy ośrodków resocjalizacyjnych i socjoterapeutycznych dla dzieci i młodzieży' (2016) 12, *Resocjalizacja Polska*, pp. 5-7.

³⁰ P. Kozłowski, *Wartości, cele i plany życiowe młodzieży nieprzystosowanej społecznie*, (Kraków: Wydawnictwo Impuls, 2016), pp. 28 – 30.

³¹ Juvenile delinquency in the years 1990-2013. <http://statystyka.policja.pl/st/wybrane-statystyki/przestepczosc-nieletni/50256,Przestepczosc-nieletnich-1990-2013.html> (20.06.2018)

Tab. I. Dynamics of juvenile delinquency in Poland in 1990–2016 and selected prohibited acts of minors in 1992–2016.

YEAR	CRIMINAL OFFENSES OF MINORS	SELECTED PROHIBITED ACTS					
		HOMICIDE ART. 148 OF THE PENAL CODE	Damage to health art. 156 and 157 of the Penal Code	Involvement in a brawl or beating art. 158 and 159 of the Penal Code	Rape art. 197 of the Penal Code	Robbery, theft, and extortion art. 280, 281, 282 of the Penal Code	Burglary art. 279 of the Penal Code
2016	11355	11	831	795	49	589	610
2015	12237	3	831	845	45	656	744
2014*	16388	6	1100	1237	42	844	1061
2013	71,642	4	2,624	2,217	106	9,701	6,201
2012	94,186	4	4,109	3,289	181	12,237	7,796
2011	101,026	6	5,496	3,580	126	12,438	9,329
2010	99,187	7	5,591	3,158	311	11,547	9,813
2009	85,020	14	4,636	3,039	137	9,121	8,546
2008	74,219	9	3,384	3,242	92	8,161	8,229
2007	72,476	11	3,534	2,958	126	7,511	9,185
2006	77,515	19	3,429	2,694	148	8,154	9,419
2005	71,482	11	3,016	2,147	116	8,081	11,052
2004	70,107	11	3,260	2,175	95	9,558	10,989
2003	63,239	7	2,835	1,923	237	9,472	11,238
2002	63,317	21	2,877	1,697	118	9,537	13,704
2001	69,366	20	2,853	1,727	166	10,838	16,814
2000	76,442	16	3,256	1,782	191	12,900	23,069
1999	70,245	28	2,943	1,571	137	11,104	24,847
1998	78,758	29	3,022	1,653	195	10,542	30,197
1997	72,989	36	2,924	1,486	245	8,658	29,631
1996	70,073	36	2,527	1,340	139	7,508	30,880
1995	82,551	26	2,205	1,101	166	7,790	29,810
1994	75,822	33	1,992	913	156	6,600	29,400
1993	72,152	22	2,018	664	142	5,335	26,247
1992	66,220	21	1,306	457	109	3,100	25,019
1991	62,834	-	-	-	-	-	-

Tab. I. cd. Dynamics of juvenile delinquency in Poland in 1990–2016 and selected prohibited acts of minors in 1992–2016.

YEAR	CRIMINAL OFFENSES OF MINORS	SELECTED PROHIBITED ACTS					
		HOMICIDE ART. 148 OF THE PENAL CODE	Damage to health art. 156 and 157 of the Penal Code	Involvement in a brawl or beating art. 158 and 159 of the Penal Code	Rape art. 197 of the Penal Code	Robbery, theft, and extortion art. 280, 281, 282 of the Penal Code	Burglary art. 279 of the Penal Code
1990	60,525	-	-	-	-	-	-

* change in the methodology of collecting information regarding juvenile offenses

Source: author's own elaboration based on: <http://statystyka.policja.pl/st/wybrane-statystyki/przestepczosc-nieletni/50256.dok.html>; <https://isws.ms.gov.pl/pl/baza-statystyczna/>; https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5515/2/16/1/rocznik_statystyczny_rzeczypospolitej_polskiej_2016.pdf

period of 2007–2014, the number of minors in general decreased by 15,381, i.e., by 32.5%. The author refers to the interpretation of the quoted tendency in relation to demographic parameters, i.e., the number of births of people aged from 13 to 17, who she believes predominate in judicial statistics. Demographic data for the 2000–2014 show that in this age category, it dropped by as much as over 1/3 (by 40%).³² Analyzing the dynamics of juvenile delinquency, Kozłowski considered that the problem of demoralization and juvenile delinquency is still significant as nowadays, about 4% of people aged 12–17 exhibit symptoms of demoralization. Bearing in mind the traits of psychosocial, moral and emotional development during adolescence, the author suggests placing a special emphasis on preventive actions. Kozłowski postulates that this is the only way to slow down the upward trend in the demoralization and relativization of social and legal norms, and in the future increase in crime at the general level.³³ Kozłowski's postulates refer to the view of Korcyl-Wolska, who noticed that juvenile delinquency has a tendency of increasing with age.³⁴ Crime of juvenile girls is becoming more and more

visible. Referring to research conducted by Noszczyk-Bernasiewicz, there has been an upward trend in this group; in the years from 2000 to 2014, minor girls significantly increased their share in the total number of minors (in 2000 they constituted 13% of this group, and in 2014 they were already 27%).³⁵

The role of the family court in preventing demoralization and juvenile delinquency

A study by Magdalena Arczewska published in 2009 in the book *Społeczne role sędziów rodzinnych* (transl. The social roles of family judges) define the tasks of the family judge in the area of his preventive, mediation, caring and resocialization activities. The surveyed judges stated that in the course of the proceedings they cooperate mainly with court probation officers and opinion-giving teams of judicial specialists.³⁶ In the opinion of surveyed judges, these ser-

³² M. Noszczyk-Bernasiewicz, 'Demoralizacja i czyny karalne wśród nieletnich – dynamika i rozmiary' (2016) 11, *Resocjalizacja Polska*, pp. 145 – 162.

³³ P. Kozłowski, 'Dynamika demoralizacji i przestępczości nieletnich - analiza statystyczna zjawiska i propozycja indywidualnych rozwiązań' (2010) 69, *Przegląd Więziennictwa Polskiego*, pp. 103–128.

³⁴ M. Korcyl-Wolska, *Postępowanie w sprawach nieletnich*, (Kraków: Kantor Wydawniczy Zakamycze, 2004), p. 16.

³⁵ M. Noszczyk-Bernasiewicz, 'Demoralizacja i czyny karalne wśród nieletnich – dynamika i rozmiary' (2016) 11, *Resocjalizacja Polska*, pp. 145 – 162.

³⁶ Opinion-giving Team of Judicial Experts - it consists of specialists in the field of psychology, pedagogy, selected branches of medicine (e.g., pediatrics, internal diseases, psychiatry, psychiatry of children and adolescents). The core area of the team's work is to draw up opinions on family and guardian matters as well as on juvenile matters. The opinion is issued after a specialist examination. Research covers persons indicated in the decision of the court, in family matters usually these are guardians and a minor child/children. In juvenile cases, an appropriately identified minor and his parents or guardian. Their functioning is regulated by the Act of 5 August 2015 on expert judicial teams of specialists (OJ of 2015.1418).

Tab. II. Final judgment against juveniles in cases of criminal offenses and demoralization in the years 2003–2016.

YEAR	NUMBER OF PERSONS COVERED BY COURT PROCEEDINGS			BOYS		GIRLS
	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION	CRIMINAL OFFENCES
2003	12206	25521	9145	22303	3061	3218
2004	15193	28342	11285	24652	3908	3690
2005	15454	26228	11498	22669	3956	3559
2006	16978	27419	12438	23597	4540	3822
2007	19503	27790	14115	23638	5388	4152
2008	20089	26957	14229	22462	5860	4495
2009	18221	24953	12895	20453	5326	4500
2010	16118	22758	11434	18318	4684	4440
2011	15670	22807	10811	18237	4859	4570
2012	15247	20980	10485	16888	4762	4092
2013	15184	19135	10222	15300	4962	3835
2014	15524	16388	10301	12922	5223	3466
2015	14599	12237	9737	9617	4832	2620
2016	15189	11355	10177	8735	5012	2620

Source: author's elaboration based on statistical data from the Ministry of Justice, <https://isws.ms.gov.pl/pl/baza-statystyczna/>

vices provide full and in-depth knowledge regarding the situation of the child and the family. Respondents put special emphasis on the importance of the role of a family probation officer who provides the court with information necessary in the decision-making process. Robert Opora and Anna Klas presented the results of research showing some tendencies in the specificity of functioning of juvenile families committing punishable offenses, but did not find predictors deciding on the appearance of antisocial behavior among them. The authors emphasize facts already known in the social rehabilitation and criminological literature, that it is difficult to state unequivocally which of the conditions of environmental functioning were of decisive importance for deviant behaviors among the underaged subjects. They are probably the aftermath of various factors that caused a deficit

state of affairs. The authors recommend conducting systemic activities that will correct the educational process of the unit with manifestations of demoralization, by surrounding support and eliminating factors detrimental to the development of juveniles in the living environment.³⁷ The proposed concept underlies the statutory tasks of family probation officers performing judicial decisions in matters of demoralization and punishable offenders. Table II shows how the number of beneficiaries of these actions is presented numerically and in the context of gender in relation to judgments issued by the family court.

³⁷ A. Klas, R. Opora, 'Wpływ środowiska rodzinnego na skłonność nieletnich do popełniania czynów karalnych na przykładzie osadzonych w Zakładzie Poprawczym w Gdańsku i Schronisku dla Nieletnich w Chojnicach' (2017) 1, *Probacja*, pp. 109-125.

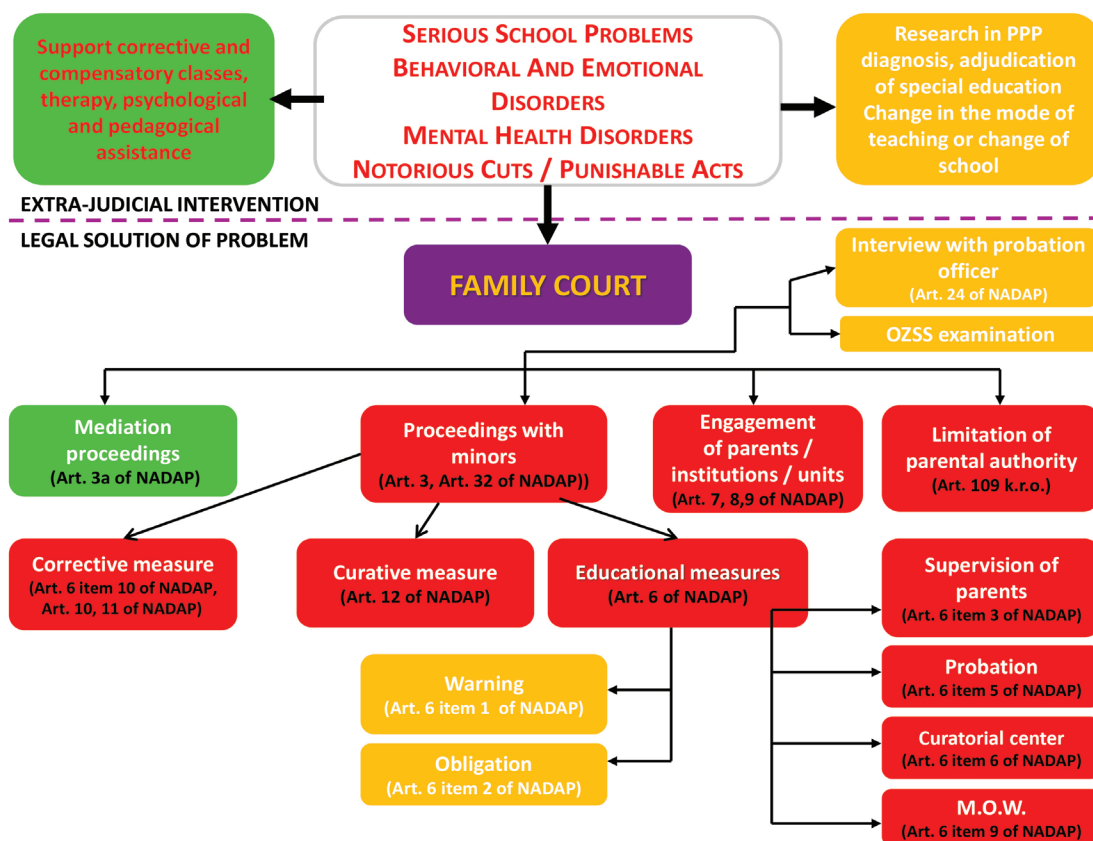


Fig. 1. Model of dealing with minors in the Polish legal system - judicial resolution of the problem and out-of-court intervention and out-of-court intervention.

While there is a noticeable decrease in final judgments for criminal offenses in the period 2007-2016, which corresponds to information regarding the strong demographic decline in the group of children and adolescents, the reverse is visible in the stable dimension of judgments related to demoralization. One may even talk about its growth, as there has not been a natural and radical drop in the decisions issued, as is the case with criminal acts. A noticeable increase in judgments concerning demoralization proceedings in the period 2007-2009 can be explained by the governmental program of improving the security situation in schools and facilities

"Zero tolerance for violence at school" adopted by the Resolution of the Council of Ministers no. 28/2007 of March 6, 2007. In the opinion of the Ministry of Education, the program assumed an immediate response to any violation of law by both students and teachers. Teachers and school principals who will fail to notify the police or the prosecutor's office about a crime committed on school grounds were threatened with liability for the so-called white-collar crime.³⁸ This could probably cause periodic

³⁸ Jakie będą założenia projektu "Zero tolerancji dla przemocy w szkołach"? <http://wiadomosci.gazeta.pl/wiadomosci/1,114873,3716915.html> (29.06.18).

Tab. III. Selected measures adjudicated by family courts in the years 2008–2016.

YEAR	TOTAL NUMBER OF PERSONS		TOTAL MEASURES ADJUDICATED (EDUCATIONAL, THERAPEUTIC, CORRECTIVE)		SUPERVISION OF A PROBATION OFFICER		REFERRAL TO A PROBATION CENTER		PLACEMENT IN A YOUTH CARE CENTER		PLACEMENT IN A PSYCHIATRIC HOSPITAL/ OTHER MEDICAL FACILITY
	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION	CRIMINAL OFFENCES	DEMORALIZATION AND PUNISHABLE ACTS
2008	20089	26957	24330	30553	8533	8554	374	292	603	843	13/35
2009	18221	24953	22088	28280	7830	7910	336	259	533	895	24/44
2010	16118	22758	19633	25956	7326	7615	300	210	465	762	37/39
2011	15670	22807	19031	26118	7124	7273	323	311	484	748	35/67
2012	15274	20980	18543	24222	6829	6559	320	262	659	852	35/66
2013	15184	19135	18590	22034	6946	5782	318	246	646	811	22/85
2014	15524	16388	18862	19064	6842	4923	332	230	639	728	35/118
2015	14599	12237	17808	14399	6377	3488	417	166	692	645	46/109
2016	15189	11355	18717	13295	6680	3297	376	188	699	615	51/112

Source: author's own elaboration based on MS statistical data.

increases in the dynamics of court ruling in cases of demoralization due to the increased impact of notifications from schools. Figure 1 presents the author's model of dealing with minors in the Polish legal system. The model includes out-of-court intervention and a judicial solution to the problem. Currently, many events can be subject to analysis and specific actions at the stage of out-of-court intervention within the framework of parenting teams, usually consisting of a school educator, class teacher, probation officer, community policeman and student, and his legal guardians. Such actions serve to attempt to solve diagnosed problems or to deepen their diagnosis, e.g., in psychological and pedagogical counseling centers as well as to offer specific forms of support for a child/minor.

If the problem cannot be resolved at the stage of out-of-court intervention, a procedure defined as a judicial solution to the problem can be implemented. In such a situation, Family Court takes action when a

minor shows signs of demoralization or commits an offense. The Family Court, when conducting proceedings, takes into account the circumstances regarding manifestations of demoralization, or committing a punishable act, as well as the contexts of social, family and school functioning of the juvenile,³⁹ with regard to his good, it may apply educational measures or a corrective measure, in accordance with art. 6 of the Act on Counteracting Drug Addiction,⁴⁰ that is:

1. *give a reprimand;*
2. *commit to a specific procedure, in particular to remedy the damage caused, to perform specific work or services for the victim or local community, to apologize to the victim, to study or work, to participate in appropriate activities of an educational, therapeutic or training*

³⁹ Articles 3 and 32 and its extension to the Act of October 26, 1982 on proceedings in juvenile cases (OJ of 2018, item 969).

⁴⁰ The Act of October 26, 1982 ...

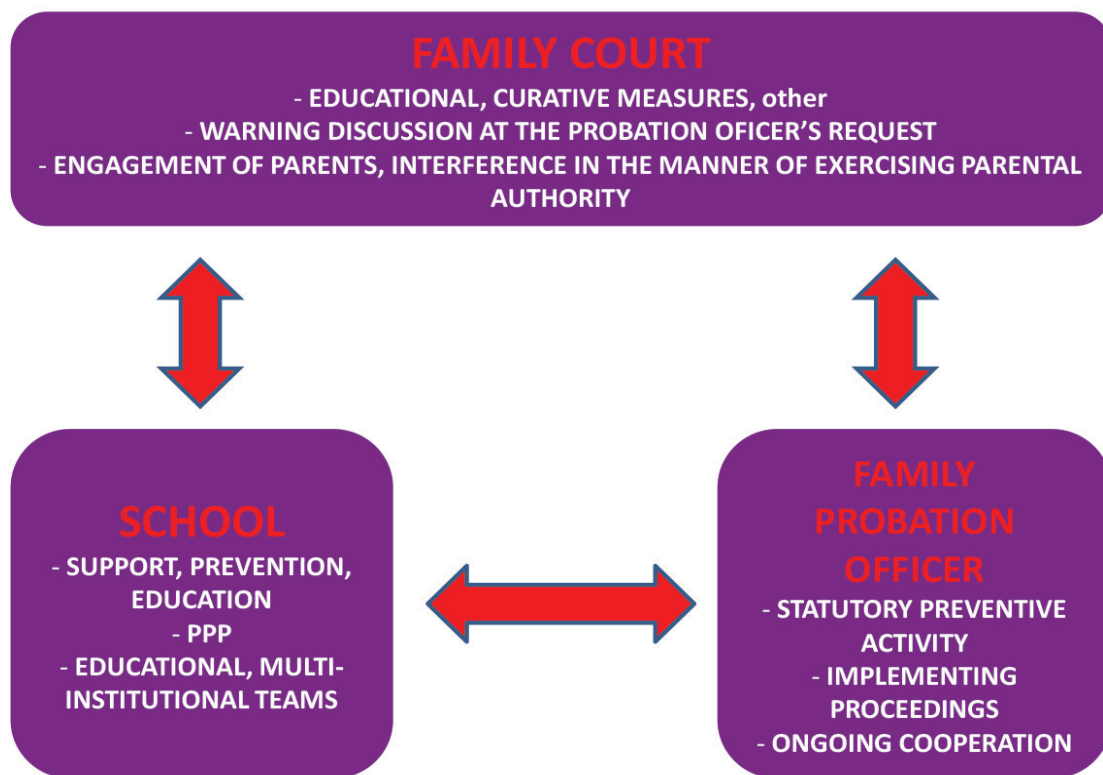


Fig. 2. Cooperation of the family court, probation officers and schools in the area of prophylaxis.

Source: own study.

nature, to refrain from being in certain environments or places or to stop using alcohol or other substance in order to enter into a state of intoxication;

zation or institutions dealing educational, therapeutic or training work with minors, after prior consultation with that organization or institution;

3. *establish supervision responsible supervision of parents or the guardian;*

7. *declare a ban on driving vehicles;*

4. *establish supervision of a youth organization or other social organization, workplace or trustworthy person - providing surety for a minor;*

8. *decide forfeiture of things obtained in connection with the commission of a punishable offense;*

5. *apply supervision of a probation officer;*

9. *rule on placement in a youth educational center or a professional foster family who have completed a training course to provide care for minors;*

6. *refer to a probation center, as well as to a social organi-*

10. *decide on placement in a correction center;*

11. *apply other measures reserved in this Act to the jurisdiction of the family court, as well as apply measures provided for in the Family and Guardianship Code,⁴¹ with the exception of placement in a related foster family, non-professional foster care, children's family home, a day care facility, a care and educational institution and a regional care and therapeutic institution.*

The court may also apply a curative pursuant to art. 12 on the Act on Counteracting Drug Addiction, which takes into account circumstances of the juvenile's mental retardation, mental illness or other disruption of mental activities, addiction to psychoactive substances and consists in the decision to place a juvenile in a psychiatric hospital or other appropriate medical facility. In a situation where a minor is mentally retarded to a deep degree and requires constant care, the court may place him in a nursing home. The family court may decide on placement in a youth detention center of a minor, who has committed a criminal offense referred to in art. 1 § 2 item 2(a) and if it is supported by a high degree of the minor's demoralization, circumstances and nature of the act, as well as a negative evaluation of the previously used educational measures and a negative criminological and corrective prognosis of the minor.⁴²

In addition, the court can refer to the behavior of the minor's parents in such a way that it can also:

1. *oblige the parents or guardian to improve the minor's pedagogic, living, or health conditions, as well as to closely cooperate with the school to which the minor attends, psychological and pedagogical counseling center or other specialist clinic, the workplace in which he is employed, and a doctor or medical facility,*

2. *oblige the parents or guardian to repair in whole or in part the damage caused by the minor.⁴³*

If the scope and quality of parental authority exercised is of concern to the court, the child's well-being is at risk and circumstances exist that meet the conditions for court interference in the manner of exercising parental authority, then the court initiates such proceedings pursuant to art. 109 of the Act of February 25, 1964 - the Family and Guardianship Code (OJ of 2017 item 682, from 2018, item 950). The court may also oblige state and local government institutions to perform specific actions in order to provide the necessary assistance in improving the juvenile's pedagogic, living or health conditions.

An important and rarely used element is directing to mediation proceedings pursuant to art. 3a of the Act on Preventing Drug Addiction. Table 3 presents the most frequently adjudicated measures in demoralization and criminal offenses.

It should be emphasized that despite the downward trend in family court proceedings regarding criminal offenses and their correlation with demographic trends, there is a relatively constant trend in the scale of people involved in the demoralization proceedings since 2010, when there were about 16 thousand of them (except for 2015) until 2016, when there were approx. 15 thousand. This testifies to the still dominant problem of minors' demoralization and lack of effective tools to limit this phenomenon. The situation is similar in the context of measures adjudicated by courts in demoralization proceedings. The dominant measure is still supervision of a probation officer, which is likewise adjudicated in demoralization proceedings in the period 2012 – 2016. However, what is worrying in the same proceedings is the increase in adjudication of an isolation measure, which is placement in a youth care center in the period 2010 – 2016 (with the exception of a small drop in 2013 and 2014). There is also a radical increase in the use of a measure in the form of placement in a psychiatric hospital or other medical facility caused by an increase in problems in minors' psychosocial functioning and progression of events concerning use of psychoactive substances. As can be seen, courts are increasingly

⁴¹ The Act of February 25, 1964 - the Family and Guardianship Code (OJ of 2017 item 682, from 2018, item 950).

⁴² The Act of October 26, 1982. ..., art. 10.

⁴³ The Act of October 26, 1982 on proceedings in juvenile cases (Journal of Laws 1982 No. 35 item 228).

obliging minors to a specific behavior. An optimistic trend is the increase in the application of a measure in the form of a referral to the probation center, which has become an important element of the juvenile rehabilitation system in Poland based on an open environment and its resources. Curatorial centers constitute an alternative to insulating educational measures and are the cheapest means of educating against much more expensive isolation measures. According to many authors, they comprise one of the most effective measures to prevent demoralization of minors.⁴⁴

Preventive and corrective activities of family probation officers

It was my intention in the study to omit the discussion regarding the tasks of a family probation officer, which concern family matters, persons obliged to treat addiction and other activities ordered by the court. I have limited my considerations in the text merely to the area of educational and corrective, diagnostic and preventive work with minors.

Tasks of family probation officers executing judgments in juvenile cases have been specified, among others, in the Act on Probation Officers and the Act on the Common Court System, the Family and Guardianship Code, the Code of Civil Procedure, the Act of October 26 on Juvenile Justice, the Act of October 26 on Upbringing in Sobriety and Counteracting Alcoholism and other laws. Probation officers carry out educational and corrective tasks, as well as duties of diagnostic, preventive and control nature, as defined by law, related to the execution of court decisions. Probation officers perform their tasks in an environment of charges, as well as in closed institutions and facilities. The legislator indicates in particular criminal institutions, care and educational centers, as well as medical and rehabilitation centers.⁴⁵ It is on a daily basis that family probation

officers cooperate with schools and family assistants,⁴⁶ community common rooms, outpatient mental clinics and psychological and pedagogical counseling clinics, which provide services in the field of counseling, prevention, diagnosis, psychological therapy, speech therapy and pedagogy as well as establishments and other institutions, important from the point of view of working with a minor.

The regulation of the Minister of Justice of June 24, 2014 on the supervision of minors sets out, among other things, the conditions and manner of performing duties and powers by probation officers in the scope of exercising supervision over a minor and controlling the minor's performance of imposed obligations. The regulation also applies to controlling performance of duties referred to in art. 7 § 1 of the Act of October 26, 1982 on proceedings in juvenile cases (the Act on Preventing Drug Addictions),⁴⁷ imposed on the minor's parents or guardian.

According to art. 70a § 1 of the Act on Preventing Drug Addictions, the supervising probation officer *organizes and conducts activities aimed at assisting the minor in changing reprehensible behaviors and attitudes, towards socially accepted attitudes*. The tasks of probations officers include:

1. conducting an environmental interview at the request of the family court (art. 24 § 1 of the Act on Preventing Drug Addictions) in order to establish data on the juvenile and his environment, behavior and educational conditions of the minor, family life, course of the minor's education, way of spending free time, his environmental contacts, the attitude of his parents/guardians towards him, educational interventions, health status and addictions.⁴⁸

⁴⁴ Ł. Kwadrans, 'Ośrodek kuratorski – środek wychowawczy wykonywany przez kuratorów sądowych' in: T. Jedynak, K. Stasiak (ed.), *Zarys metodyki pracy kuratora sądowego*, (Warszawa: Lexis Nexis, 2008), pp. 840 – 872.

⁴⁵ The Act on Probation Officers of July 27, 2001 (OJ of 12 September 2001), art. 1.

⁴⁶ Family Assistant - an employee of social service structures who, for a certain time, supports the family to help it can overcome life's uncertainties on its own in the future, especially regarding the care and education process. The tasks of a family assistant were defined in the Act of 9 June 2011 on supporting the family and system of foster care.

⁴⁷ The Act of October 26, 1982 on ... op. cit.

⁴⁸ H. Haak, 'Rola kuratora rodzinnego w realizacji ochrony prawnej udzielanej

Detailed rules and mode of conducting juvenile environmental interviews, i.e., time, date and place, and the scope of the report are regulated by the Regulation of the Minister of Justice of August 16, 2001 on detailed principles and mode of conducting environmental interviews on minors (OJ item 1010)

2. exercising probation service provided for in art. 6 item 5 of the Act on Preventing Drug Addiction as one of the catalogs of educational measures that a family court can apply. This is the most important and the most extensive sphere of tasks of a family probation officer in the context of working with minors and his parents, which is aimed at transforming the intra-family situation in the cognitive, behavioral or social category. An important goal of the work is not only to achieve a specific effect of the social rehabilitation plan but, above all, to consolidate behaviors and attitudes that are a source of motivation for a positive change.
3. exercising supervision as a temporary measure provided for in Article 26 of the Act on Preventing Drug Addiction, which serves to protect the juvenile's family situation for the duration of proceedings and to implement immediate stabilization and educational - corrective actions. This type of supervision may also be used until the juvenile has been placed in a suitable resocialization facility (based on art. 74 § 2 and 3 of the Act on Preventing Drug Addiction), which de facto limits the juvenile's sense of impunity and promotes his contemplativeness.
4. exercising supervision as a probation measure during the trial period specified by the court in connection with the failure to implement a corrective measure in specific situations (Articles 11, 87 - 88 of the Act on Preventing Drug Addictions), i.e., conditional suspension regarding a minor's placement in a correctional facility, conditional release of a juvenile from a correctional facility or

conditional withdrawal from placing a juvenile in a correctional facility,

5. performing tasks related to work in a probation center to which a minor may be directed. As per academic literature, the measure is often perceived as an intensive rehabilitation operation carried out by specialists employed in the center, including probation officers; some authors consider it a variant of probation service.⁴⁹ The tasks of curatorial centers have been described in the ordinance of the Minister of Justice of October 5, 2001 regarding curatorial centers (OJ item 1294),
6. controlling performance of duties imposed on a minor or other persons (Article 70b § 2 item 3 of the Act on Preventing Drug Addiction).

Powers and duties of a family probation officer include:

1. control over a minor's social functioning and behavior,
2. performing activities in the place of residence/ stay, maintaining constant contact with the school, place of study, professional practice, etc.
3. requesting necessary information from a minor or other persons who have been subject to supervision or for which the court has applied duties,
4. cooperation and implementation of additional activities in cooperation with non-governmental organizations, associations and foundations, as well as organizations to improve the minor's life, health or education conditions,
5. providing the minor with all help and support in order to stabilize his situation,
6. submitting applications to the court (Article 70a §

przez sąd rodzinny' in: K. Stasiak (ed.), *Zarys metodyki pracy kuratora sądowego*, ed. 4, (Warszawa: Wolters Kluwer, 2008), pp. 674-675.

⁴⁹ A. Gaberle, M. Korcyl-Wolska, *Komentarz do ustawy o postępowaniu w sprawach nieletnich* (Gdańsk: Lexis Nexis, 2001), p. 100.

2 items 9-14 of the Act on Preventing Drug Addiction) and participation in meetings regarding a minor who has been covered with supervision,

7. submitting a minor to a test in order to establish the presence of alcohol in the body or other means used to enter into a state of intoxication using methods that do not require laboratory testing (Article 70b § 1 of the Act on Preventing Drug Addiction) resulting from the Regulation of the Minister of Justice of 10 April 2012 on the conditions and manner of conducting tests for the presence of alcohol or other substance used in order to enter into a state of intoxication in the body of a minor (OJ of 2012, item 468).

The scope of prophylactic activities, carried out with the participation of the school and the family court, is presented in figure 2. It also covers the specificity of out-of-court intervention and a judicial solution to the problem, which I described in detail above.

Conclusion

Criminological analysis of the institutional context and existing care and resocialization, repression and control as well as preventative and corrective mechanisms indicates the need for further search for optimal methodological and systemic solutions that will be able to effectively reduce the phenomenon of social maladjustment among children and adolescents. Opora proposes to adopt the theory of symbolic interactionism as a theoretical basis for the pattern of communication between a judge, family probation officer, and a minor. He proposes using this concept in the practice of working with minors, which is aimed to result in stabilization and modification of the minor's role towards the expectations of people working with him. According to Opora, this approach limits the control and repressive approach and at the same time stimulates the educational system. Skillful application of the assumptions of symbolic interactionism not only favors changes in the behavioral area but, above all, corrects deficits in the cognitive

sphere. The author defines supervision of a probation officer over a minor as a separate interaction system in which the subject of analysis is role-play, a system of authorities, a communication system, problem-solving, decision-making and taking action.⁵⁰

The Council of Europe has recommended solutions to ensure compliance with the rights, care and protection of minors in various probation systems. There are 20 basic principles that formulate recommendations regarding the imposition and application of sanctions and measures to take into account the interests of juvenile offenders, the gravity of the offence (principle of proportionality), age, their physical and mental well-being, development, properties and personal circumstances in accordance with the principle of individualization. Prior to making a decision, it was recommended to conduct an environmental interview and to formulate a psychological diagnosis. The Council of Europe stressed the importance of the family court's judgment, commissioning the probation officer to conduct an environmental interview in the ongoing proceedings, which facilitates application of the optimal measure and making an adequate decision. The recommendations cited apply to activities of the family court and probation officers in Poland, because the criminal justice system that deals with minors must use a multidisciplinary and multi-institutional approach, and furthermore be integrated with a broad range of social initiatives for adolescents to provide a holistic approach, as well as continuity of care for young people (principles of community involvement and continuity of care).⁵¹

Currently, the Ministry of Justice is working on a new concept of the law on juvenile delinquency proceedings, which may soon revise current practices. I consider current solutions to be effective and properly

⁵⁰ R. Opora, *Rola sędziów i kuratorów w resocjalizacji nieletnich*, (Gdańsk: Wydawnictwo UG, 2006).

⁵¹ Rada Europy, *Rekomendacja CM/RC (2008)11 Komitetu Ministrów Rady Europy do państw członkowskich w sprawie Europejskich Zasad w sprawie Nieletnich Sprawców Przestępstw będących podmiotem Sankcji lub Środków*, (Strasbourg, 2008), pp. 3-5.

regulated in law, except for certain organizational shortcomings. The phenomenon of the significant role of the family court and the court's cooperation with family probation officers in the scope of preventive and resocialization activities in the area of counteracting demoralization and juvenile delinquency,

distinguishes Polish solutions against European experiences and implements an important recommendation of some representatives of the world of science, who as a result of conducted research forfeit resocialization work with a juvenile in his natural environment over isolation means.

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