

Justyna Włodarczyk-Madejska*

The course of divorce proceedings and the social and demographic characteristics of persons divorcing in 2015 against the background of case file research

INTRODUCTION

The concepts of marriage, family and divorce, and their social perception have undergone changes.¹ According to P. Szukalski, “The changes affecting marriage and family only reflect changes in the social, economic and demographic context of the modern world”². The above is manifested in legal regulations and in public opinion on the concepts; this thus has an effect on the number of contracted marriages and divorce decrees. In Poland, marriage³ has traditionally been a prominent factor in the development of families⁴, however, since the last decade of the 20th century, public tolerance of both non-formalised relationships between couples and of divorce has been on the rise. Moreover, the opinion that applicable divorce laws are “overly liberal” has also become less prevalent since the beginning of the same period⁵.

In the late 1980s and early 1990s, the average number of marriages contracted annually in Poland was 250,000. In 2002, the number of new marriages decreased to approx. 192,000. An analysis of the data shown in Chart 1 reveals an upward trend for the years 2005–2009 (from 206,916 to 250,794) and a systematic decrease, starting in 2009 (with 188,832 marriages recorded in 2015). The only exception to this trend is the year 2014, in which the number of marriages slightly increased after a five-year period of decrease.

* Assistant at the Department of Criminology of The Institute of Law Studies of the Polish Academy of Sciences and specialist in The Institute of Justice

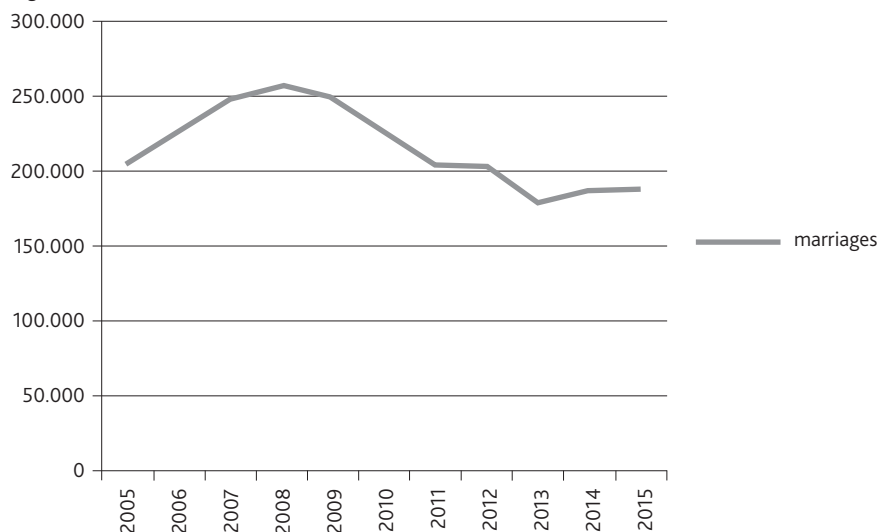
¹ For a synthetic but exhaustive presentation of this issue, see T. Szlendak, *Socjologia rodziny. Ewolucja, historia, zróżnicowanie*, Warsaw 2012, and in particular the book's chapters four (*History of the family in Western culture*) and five (*The contemporary family*) – pp. 299–502.

² P. Szukalski, *Małżeństwo. Początek i koniec*, Łódź 2013, p. 28 and the literature cited therein.

³ In the post-war period, there has been an observed decrease in the attractiveness of marriage relationships. With its relatively high marriage ratio, Poland was an exception to this rule until the 1970s (as in P. Szukalski, *Małżeństwo*, p. 46).

⁴ According to the 2011 National Census, 55.8% of persons above 15 years of age were married, 28.8% of such persons were single, 9.6% were widowed and 5% were divorced. See GUS [Central Statistical Office of Poland], *Ludność. Stan i struktura demograficzno-społeczna. Narodowy Spis Powszechny Ludności i Mieszkań 2011*, Warsaw 2013, pp. 61–62.

⁵ P. Rydzewski, *Postawy wobec rozwodów w Polsce w latach 1990*, *Studia Demograficzne* 1999 (1).

Chart 1.Marriages contracted in Poland, 2005–2015⁶

Data from the Central Statistical Office indicate that in recent years more marriages are dissolved than contracted. The main reason here is the death of a spouse (70% of the cases). However, in the remaining 30% of the cases, marriages end by way of divorce. In the 1990s and in the early 21st century, these two percentages were 80% and 20%, respectively⁷. The data shown in Chart 2 display three general trends: an increase in the number of divorces in 2005–2006 (up to the level of 71,912), a post-2006 decrease (61,300 divorces recorded in 2010) and a repeated increase after 2010. In 2015, 67,296 couples divorced in Poland.

The statistical characteristics of divorces after the year 2000 significantly differ from those from the preceding century⁸. For example, in 1950 and 1979, 11,125 and 40,322 divorces were recorded, respectively.⁹ These figures are, 83 and 40 percentage points (pp) less, respectively, than in 2015.

Among many thematic analyses of the phenomenon of divorce, the 1990s-focused study by P. Rydzewski should be mentioned.¹⁰ The study did show that there was a connection between the education, income, life outlook and place of residence of spouses and the risk of marriage breakdown. The social and demographic characteristics of divorcing persons are thus crucial and should be studied.

⁶ Authors' own elaboration based on data from the Central Statistical Office.

⁷ Główny Urząd Statystyczny, *Małżeństwa oraz dzietność w Polsce*, pp. 1–7, <http://stat.gov.pl/obszary-tematyczne/ludnosc/ludnosc/malzenstwa-i-dzietnosc-w-polsce,23,1.html>.

⁸ The option to dissolve a marriage by way of divorce in the whole territory of Poland was created with the entry into force of the "Family Law" Decree of 25 September 1945, Journal of Laws No. 48, item 270.

⁹ F. Adamski, *Socjologia małżeństwa i rodziny. Wprowadzenie*, Warsaw 1982, p. 270.

¹⁰ P. Rydzewski, *Ryzyko rozpadu małżeństw w Polsce. Empiryczne implikacje teorii Levingera*, Studia Demograficzne 2002 (1). This study revealed that the larger the town where the spouses lived, the more left-wing their political preferences were and the higher their income was, the higher the risk was of their marriage breaking down. Rydzewski found that a high risk of marital breakdown existed most frequently in the regions of central Poland and Silesia. He observed a somewhat lower risk in the western, eastern and Pomeranian regions and found that the lowest risk of divorce was associated with living in the north-eastern, Lesser Poland and Greater Poland regions. The hypothesis that assumes a correlation between the risk of marital breakdown and the age of spouses was not confirmed in this study.

Chart 2.The number of divorces in Poland, 2005–2015¹¹

The information presented in this paper is based on certain conclusions of a study performed by the Institute of Justice, which focused on the costs of court proceedings in divorce cases. The study covered the case files of 400 cases from 15 courts, selected at random from the pool of divorce cases heard in the first instance by Regional Courts [*sądy okręgowe*] in 2015.

GENERAL INFORMATION ON THE STUDIED DIVORCE PROCEEDINGS

Petitioner

In approx. 71% of the cases, a divorce petition was submitted by a woman.

Table 1. The person petitioning for divorce		
	No.	%
Woman	282	70.5
Man	118	29.5
Total	400	100.0

Divorce actions brought by men amounted to less than 30% of all divorce proceedings. The tendency for women to seek divorce more frequently has also been observed by other researchers¹².

¹¹ Authors' own elaboration based on data from the Central Statistical Office.

¹² For instance, a study of 107 divorcing persons attending the Family Diagnostic and Counselling Centre in Elbląg, performed by Plopa (M. Plopa, *Psychologia rodziny. Teoria i badania*, Kraków 2007, p. 156) showed

Remedies sought in a divorce petition

Dissolution of the marriage and the determination of the spouse at fault for the disintegration of matrimonial life

As well as seeking the dissolution of their marriage, petitioners most frequently asked the court to refrain from determining which party was at fault for the disintegration of matrimonial life. Approximately only one in five divorce petitions contained a request for a fault-based divorce. In only three cases, petitioners argued that both parties were at fault; in the remaining cases petitioners asserted that the respondent was at fault. Men most frequently sought a non-fault based divorce (a 13-pp difference with women) and less frequently asked the court to determine that a female respondent was at fault (a 12-pp difference). Similar conclusions were arrived at in Domański's study of divorce proceedings in which parental responsibility was awarded to one of the parents. 64.4% of the studied persons requested a non-fault based divorce; Domański did not note any substantial gender-specific difference in the percentage of petitions filed for a fault-based divorce. He did note, however, that men tended to seek a non-fault based divorce more often than women, which is consistent with the findings of the above-mentioned studies¹³.

Table 2.
Petitioner's request regarding the determination of fault

	Petitioner				Total	
	Woman		Man			
	No.	%	No.	%	No.	%
A non-fault based divorce sought	205	72.7	101	85.6	306	76.5
Divorce sought on the basis of the respondent's fault	73	25.9	16	13.6	89	22.3
Divorce sought on the basis of both parties' fault	2	0.7	1	0.9	3	0.8
Other*	2	0.7	0	0	2	0.5
Total	282	100	118	100	400	100

The "other" category includes two separation petitions submitted by women.

Minor children of the parties and requests for the award of parental responsibility

45% of the divorcing married couples had minor children together.

that 67% of the filed divorce petitions originated from women, compared to 33% filed by men. Similar results were revealed by the Institute of Justice's own study, led by Domański (M. Domański, *Powierzenie wykonywania władzy rodzicielskiej jednemu z rodziców w wyroku rozwodowym*, p. 5 http://www.iws.org.pl/pliki/files/IWS_Doma%C5%84ski%20M._Powierzenie%20wyk.%20w%C5%82%20rodz%20jednemu%20z%20rodzic%C3%B3w%20w%20wyroku%20rozwodowym.pdf). In cases where the court awarded parental responsibility to one of the parents, the relevant figures were 79% (women) and 21% (men), while in cases where the exercise of parental responsibility was awarded to both parents who shared custody on an alternating basis, these percentages were 70% for women and for 30% for men. Łobodzińska ascertained that as recently as in the 1960s it was the man who generally filed for divorce, typically leaving his existing partner for another (B. Łobodzińska, *Rodzina w Polsce*, Warsaw 1974, pp. 149–150).

¹³ M. Domański, *Powierzenie wykonywania władzy*, p. 15.

Table 3.
The number of couples' minor children as at the date of the divorce petition

	No.	%
None	180	45.0
One child	144	36.0
Two children	55	13.8
Three children	5	1.3
No data available	16	4.0
Total	400	100

Nearly one in three married couples had one minor child together, and one in seven had two such children. Five couples had three minor children together at the time the divorce action was brought.

In 110 petitions (which is 50% of the cases where spouses had minor children together), petitioners sought the award of parental responsibility to the mother and demanded the limitation of the father's parental responsibility (obviously, such an arrangement was considerably more often requested in petitions filed by women – a difference of almost 40 pp). In 40% of the petitions, petitioners sought the award of parental responsibility to both parents. In 9 petitions, the father asked for the award of the exercise of parental responsibility and for the limitation of the mother's parental responsibility. Within the "other" category, the most frequent request was for the award of parental responsibility to the mother and for the father to be deprived of parental responsibility. In total, this was sought in 9 petitions, including 8 brought by the wife.

Respondent's answer

The majority of respondents (68.8%) did not contest the divorce petition. One in five respondents expressed their conditional consent to divorce; in this group, more than half agreed not to contest the petition if the petitioner was named the party at fault for the disintegration of matrimonial life.

The absence of consent, defined as a motion to dismiss the petition, was recorded in 6.4% of the proceedings.

The respondent's answer to the petition concerning the ascertainment of fault for the disintegration of matrimonial life "depended on" the position expressed by the petitioner. If a petition included a motion for a no-fault divorce, in 80.7% of the cases the petition was fully consented to by the respondent. As a rule, respondents gave conditional consent to a petition with a request for a divorce resulting from the fault of the respondent or that of both spouses (in 53.3% and 100% of the cases, respectively). In some instances, this consent was given on the condition that the petitioner was named the party at fault.

Only in 88 out of the 400 reviewed cases did the files not reveal any conflict between the parties to the proceedings and, *as a consequence, there was no indication of the causes of the disintegration of matrimonial life that would suggest a spouse's responsibility for*

such a *disintegration*. In other cases, the following culpable causes of the disintegration of matrimonial life were given: abuse of alcohol or alcohol dependence (108 cases), violent behaviour (92 cases) and adultery (46 cases)¹⁴. Almost one in three marriages broke down for reasons that were not caused by any party's fault: in 179 cases, a note was made of disagreements, incompatibility of characters or different life objectives present in the marriage¹⁵. In 75 cases, both culpable and not culpable causes of the disintegration of matrimonial life were recorded. In this category, apart from the incompatibility of characters, other factors, namely alcoholism or violence, appeared in a total of 43 cases.

Table 4.
Respondent's answer to the submitted petition (391 cases studied)

		Petitioner's request regarding the determination of fault								Total	
		A non-fault based divorce sought		Divorce sought on the basis of the respondent's fault		Divorce sought on the basis of both parties' fault		Other			
		No.	%	No.	%	No.	%	No.	%	No.	%
Respondent's answer to the submitted petition	Full consent (uncontested divorce)	243	80.7	18	21.2	0	0	0	0	261	66.8
	Conditional consent	0	0	36	42.4	2	66.7	1	50.0	39	10.0
	Consent if the petitioner was named at fault	30	10.0	11	12.9	1	33.3	0	0	42	10.7
	Absence of consent (contested divorce)	17	5.6	8	9.4	0	0	0	0	25	6.4
	Other	11	3.7	12	14.1	0	0	1	50	24	6.1
Total		301	100	85	100	3	100	2	100	391	100

Outcome of the proceedings

In the majority of the proceedings (393), courts ordered a divorce. In 5 cases, judicial separation was decreed; in one case, a petition was dismissed and in another the proceedings were discontinued. In only 10% of the reviewed cases there was a written justification of the issued decision¹⁶.

¹⁴ Domański observed similar reasons for divorce in his studies. As the most frequent causes, he listed the husband's alcoholism or alcohol abuse (38.1%), the husband's physical or psychological abuse of family members (21.3%) and adultery (27.5%) – cf. M. Domański, *Powierzenie wykonywania władzy*, p. 16. Similar causes of the disintegration of matrimonial life have also been shown in other studies. For example, Adamski named the main two: a spouse's adultery and alcoholism (the latter was usually associated with the husband) – cf. F. Adamski, *Socjologia małżeństwa*, pp. 270–271.

¹⁵ Zieliński noted that the incompatibility of characters (along with alcoholism and adultery) is the cause of the disintegration of matrimonial life most frequently cited in divorce petitions (cf. A. Zieliński, *Rozwody. Materialnoprawne podstawy rozvodu oraz postępowanie odrębne w sprawach o rozwód*, Warsaw 2013, p. 31).

¹⁶ On average, the justification of a decision issued in a reviewed case was 8.4-pages long, with half of the justifications shorter than 8 pages. The shortest justification had 2.2 pages, the longest had 18.7 pages. The aforementioned study by Domański revealed a similar percentage of decisions substantiated in writing (15%) – M. Domański, *Powierzenie wykonywania władzy*, p. 15.

In more than half of the decisions issued, courts ordered the payment of spousal and/or child maintenance. In most cases (94%), a maintenance order was issued in situations where the parties had minor children together. In 13 proceedings, spousal maintenance was awarded.

An award of parental responsibility was recorded in 89% of the cases, while 56% of divorce decisions included a child contact arrangement.

In 81 cases, courts ruled on the fault for the disintegration of matrimonial life. Notably, courts more often undertook to determine fault in cases where there were no minor children (a 6-pp difference).

Only exceptionally did a divorce decree include information about a former spouse's eviction from the matrimonial home or the division of matrimonial property.

Table 5.
Court's ruling in the decision issued in a case

		Did the parties have minor children together at the moment the petition was filed?			Total
		Yes	No	No data available	
Matters decided in the court's ruling:	Maintenance obligation	196	13	0	209
	Parental responsibility	195	0	4	199
	Child contact arrangements	124	0	2	126
	Fault for the disintegration of matrimonial life	38	43	0	81
	Eviction	4	8	0	12
	Division of marital property	5	0	4	9

Appellate review and duration of proceedings

Seventeen decisions issued by first instance courts were appealed against by a party to the proceedings, which represents approx. 40% of the cases in which a motion for the drawing up of a justification was made. In the majority of these cases, the second instance court dismissed the appeal (in 10 proceedings). In 4 cases, the first-instance decision was reversed and the case was sent for reconsideration. In one case the appellate court amended the decision issued in the first instance.

Domański has also noted a low percentage of divorce decrees challenged on appeal: appellate proceedings were conducted in a low 8.1% of the cases he studied¹⁷.

The duration of the reviewed proceedings, counted from the date of the divorce petition being filed to the date of the first instance decision, was on average 6 months. Half of the proceedings lasted for 4 months or less. The shortest proceedings were concluded inside a month, while the longest took 34 months (cf. Table 6).

Inter-instance proceedings¹⁸ were conducted in only 9 cases. Such proceedings were generally longer than first-instance proceedings: On average, the duration of

¹⁷ Ibid., p. 19.

¹⁸ Defined as a period between decisions issued by the first instance court and the second instance court.

inter-instance proceedings was 8 months (median: 7 months). It is of note that the maximum duration was not longer than one year (and the shortest duration was one month).

Domański's study offers comparable statistics. He estimated that the average (mean) duration of court proceedings was 8.6 months (median: 7 months). The shortest recorded duration was one month, and the longest one was 42 months¹⁹.

Table 6.
Duration of proceedings from the date the first-instance decision was issued (in months) (400 cases)

Mean	6
Median	4
Minimum	1
Maximum	34
No data available	1

DIVORCING SPOUSES

Age

The average age of divorcing persons was 38 years (women) and 41 years (men). Half of the women were younger than 36. The youngest woman was 20, the oldest was 75. Half of the men were 39 years old or younger. The youngest man was 21, the oldest was 82.

Table 7.
Age of the studied persons as at the effective filing date of petitions

	Woman (No. of persons studied: 399)	Man (No. of persons studied: 398)
Mean	38	41
Median	36	39
Minimum	20	21
Maximum	75	82
No data available	1	2

Domański observed a similar age structure of divorcing persons in his study of divorce cases in which parental responsibility was awarded to one of the parents. The average age of females and males studied was 35 and 38, respectively (median: 35 and 37). The youngest woman was under 19 years of age (for men, the lowest age was 21) while the oldest woman was 51 (65 for men)²⁰.

Duration of marriages ending in divorce

On average, the participants in divorce proceedings from the reviewed sample group married at the age of 25 (women) and 27 (men) (cf. Table 8).

¹⁹ M. Domański, *Powierzenie wykonywania władzy*, p. 14.

²⁰ M. Domański, *Powierzenie wykonywania władzy*, pp. 5, 8.

Table 8.

Age of the studied persons as of the effective filing date of petition

	Woman (No. of persons studied: 397)	Man (No. of persons studied: 396)
Mean	25	27
Median	23	26
Minimum	17	18
Maximum	61	68
No data available	3	4

The average duration of a marriage from the studied sample was 14 years; half of the marriages were dissolved with a divorce decree after a period of no longer than 10 years. The studied sample included a divorce ordered after less than a year from the marriage date. The longest marriage dissolved by a divorce lasted for 45 years.

Domański's study of divorces in which one parent was awarded parental responsibility revealed that the average duration between the start and dissolution of marriage was 12 years (median: 11.3 years). The shortest marriage was dissolved after less than a year, while the longest one was dissolved after 31 years²¹.

Plopa conducted a survey of both divorcing couples and those whose marriages could be described as "successful" (125 in each group). Plopa analysed the "development" of satisfaction from marriage in both groups, the factor he considered to significantly affect a spouse's decision to end their marriage. The results of the survey confirmed that in long-lasting marriages the assessment of the quality of matrimonial life is fairly positive in all phases of the marriage's duration. In the group of long-lasting marriages, a subcategory of low-satisfaction marriages was distinguished, in which wives' satisfaction was lower in the first year of the marriage and had significantly decreased after the passage of 11–13 years. Within the group of divorcing couples, Plopa recorded that lower marriage satisfaction of wives appeared in almost all phases of marriage; he also observed that both spouses' satisfaction from marriage decreased proportionally over the time spent in the marriage²².

The remit of this study does not allow for comment on the durability of marriages. However, it should be noted that the length of the aforementioned period of 11–13 years, in which the satisfaction of one party to the marriage (the woman) decreases, is equal to the average duration of the studied marriages ending in divorce.

Table 9.

Duration of marriages ending with a divorce (in years; number of marriages studied: 393).

Mean	14
Median	10
Minimum	1
Maximum	45
No data available	7

²¹ M. Domański, *Powierzenie wykonywania władzy*, p. 5.

²² M. Plopa, *Psychologia rodziny. Teoria i badania*, Oficyna Wydawnicza „Impuls”, Kraków 2007, pp. 150–151.

Plopa also studied the motives for marriages, both in successful marriages and divorcing couples. He asked the study participants to select three out of ten presented factors as those that guided their decision to enter into a marriage. The study revealed significant differences between the two groups. The factors most frequently chosen by members of the “successful marriage” group were love, their partner’s character, the need to have a close person, and the desire to have a family. Divorcing persons also mentioned unplanned pregnancy and social pressure. It thus may be said that the motives behind successful marriages were more based on values, which, as Plopa claims, may contribute to the proper functioning of a marriage²³.

In some of the reviewed cases, the mention of an unplanned pregnancy appeared as the reason for a person’s decision to marry. More detailed information on this aspect has not been obtained.²⁴ What can be said is that the studied group indeed included couples that entered into a marriage motivated by the factors characteristic of the “unsuccessful marriage” group, as listed by Plopa.

Education

Based on the data from Table 10, it may reasonably be concluded that divorcing women are better educated than divorcing men. In total, 65% of the women completed secondary or higher education, which is a higher percentage than that observed in divorcing men (44%). Every sixth woman and every third man had basic vocational education. 5.3% of divorcing women and 7.5% of divorcing men only completed their education at primary or middle school level.

Table 10.
Parties’ education

	Woman		Man	
	No.	%	No.	%
Primary / Middle school	21	5.3	30	7.5
Basic vocational	66	16.5	135	33.8
Secondary	142	35.5	120	30.0
Higher	119	29.8	57	14.3
No data available	52	13.0	58	14.5
Total	400	100	400	100

Notably, similar results were obtained by Plopa in his study of 107 divorcing couples, of whom 33% had vocational education and 37% had secondary education²⁵. Similar conclusions may be drawn from Domański’s study on the award of parental responsibility to one of the parents: 37.4% of women and 30.5% of men had secondary education; for vocational education, the percentages were 22%

²³ Ibid., pp. 145–146.

²⁴ For a discussion on “reparatory” marriages and the frequency of their conclusion, see P. Szukalski, *Małżeństwo*, pp. 65–69.

²⁵ M. Plopa, *Psychologia*, p. 156.

(women) and 38.3% (men); for higher education, these figures were 20% and 8.4%, respectively; for primary education, they were 18.1% and 22.1%, respectively²⁶.

The economic situation of divorcing spouses

70% of the members of the studied sample were gainfully employed; approx. half were employed on a permanent basis. On average, every tenth studied person worked on a non-regular basis. Nearly 5% of the women and almost 7% of the men obtained income from running their own business. Pensions, disability benefits and social assistance allowances were collected by approx. 14–15% of the studied persons. A similar proportion of the studied persons had “unemployed” status, based on their registration at an employment office (45 women and 47 men). Two persons were dependants of their spouse or another family member (in both cases, these were women) and 4 continued their education at university level (one of the four students worked a casual job).

Table 11.
Social and professional situation as at the date of the court's decision

	Woman		Man	
	No.	%	No.	%
Permanent employment	213	53.3	186	46.5
Casual employment	32	8.0	49	12.3
Unemployed	45	11.3	47	11.8
Disability allowance	6	1.5	8	2.0
Pension	12	3.0	21	5.3
Dependent on a spouse	1	0.3	0	0
Dependent on family	1	0.3	0	0
Agricultural farm	1	0.3	5	1.3
Own business	18	4.5	27	6.8
Social assistance	11	2.8	1	0.3
Other	29	7.3	18	4.5
No data available	31	7.8	41	10.3
Total	400	100	400	100

Six persons (including one woman) lived off an agricultural farm. As at the date of their divorce decree, 8 women were on maternity or parental leave. There were also cases of persons simultaneously taking on gainful employment and collecting social assistance allowances (9 in total, including one woman); two persons worked as employees and ran their own business at the same time.

The parties studied by Domański in proceedings in which parental responsibility was awarded to one of the parents had a similar social and professional status. 52.2% of the women had permanent employment, 12% were employed on a casual basis.²⁷

²⁶ M. Domański, *Powierzenie wykonywania władzy*, pp. 5 and 9.

²⁷ Ibid., p. 6.

Since most of the case files did not contain information about the spouses' financial situation at the time a divorce decree was issued, only fragmentary data were collected for both studied groups. These data could have been obtained, as a rule, from two sources: motions for an exemption from court fees on the grounds of a bad or difficult financial situation, and transcripts of parties' testimonies during a trial or hearing. For the above reasons, the presented information was based on divorcing parties' own subjective assessment of their own financial situation. The assessment shows that nearly every third woman and every tenth man perceived their financial situation as "bad". The financial situation of a total of 13 studied persons was average. The smallest percentage of all divorcing parties (11 persons) described their financial situation as "good" or "very good".

Table 12.
Average net monthly income determined (in PLN)

	Woman		Man	
	No.	%	No.	%
Less than the minimum wage	91	22.8	53	13.3
Below the average wage	140	35.0	116	29.0
Above the average wage	47	11.8	83	20.8
No data available	122	30.5	148	37.0
Total	400	100	400	100

The average monthly income of studied persons was determined for 278 women and 252 men. It was approx. PLN 1,990 for women and over PLN 2,770 for men. Earnings of 50% of the women did not exceed PLN 1,599.80. The lowest income was about PLN 153, the highest was PLN 12,000.

Table 13.
Average net monthly income determined cont. (in PLN)

	Woman No. of persons studied: 278	Man No. of persons studied: 252
Mean	1987	2772.70
Median	1599.80	2100
Minimum	153.0	187.50
Maximum	12,000.00	20,000.00

For almost every fourth woman, the obtained income did not exceed the amount of the monthly minimum wage, one woman in three obtained income not exceeding the amount of the average wage. The income of approx. 12% of the women was higher than PLN 2,700. The analysis of the data given in Tables 12 and 13 results in the conclusion that the studied men obtained higher income. Within this group, the average monthly income was PLN 2,772.70; the earnings of at least half of the men did not exceed PLN 2,100.

The lowest recorded amount of income was PLN 187.50, the highest was PLN 20,000. The income of nearly one in eight studied persons was lower

than the minimum wage, while the earnings of one in eight were close to the average wage. One in five men earned more than PLN 2,700 (which is a difference of 8.2 pp when compared to women).

As other factors, such as maintenance obligations or the extent to which these obligations are performed, may also determine the economic situation of parties, the study included the collection of information about the discharge of such obligations. The majority of studied persons were not ordered to pay maintenance for the minor children they had together with their spouses²⁸: this was true in the case of 98.3% of women and 84% of men. The obligation to provide maintenance was imposed on 7 mothers and 61 fathers. In more than half of the cases (4 women and 36 men), a maintenance obligation was imposed. Four of the men performed this obligation only partially.

Place of residence

Most frequently, parties lived in a city with a population of less than 50,000 (35.8% of women, 36.8% of men) or a city with a population of more than 100,000 (37.5% of women and 34.3% of men).

Table 14.
Parties' place of residence

	Woman		Man	
	No.	%	No.	%
Rural area	46	11.5	56	14.0
City with a population below 50,000	143	35.8	147	36.8
City with a population of 50,000-100,000	44	11.0	42	10.5
City with a population over 100,000	150	37.5	137	34.3
Foreign residence	17	4.3	16	4.0
No data available	0	0	2	0.5
Total	400	100	400	100

On average, only one in ten women and one in seven men resided in a rural area. Similar percentages resided in cities with a population of 50,000–100,000. In exceptional cases, spouses resided abroad (approx. 4% for both men and women).

Analysis of the data given in Table 14 shows no material differences regarding the place of residence of parties in divorce proceedings. A slightly higher percentage of men (as compared to women) lived in rural areas and cities with a population of less than 50,000 (a difference of 2.5 pp for rural areas and 1 pp for the cities) while women more often lived in cities with a population exceeding 50,000 and cities with more than 100,000 residents (a difference, when compared to men, of 0.5 pp in the case of the former and 3.2 pp in the case of the latter).

Similar conclusions may be drawn from Domański's study of divorce proceedings in which parental responsibility was awarded to one of the parents. Domański's

²⁸ This group also included persons who did not assume this obligation because they did not have minor children.

study revealed that participants in such proceedings most frequently lived in a city with a population of above 100,000 (35.4% of women) or a city with a population of less than 50,000 (25.5% of women). On average, every fourth woman and every third man lived in a rural area. A foreign residence was recorded in the case of 5.7% women and 16% men.²⁹

The majority of divorcing spouses lived in cities. Without doubt, this is a consequence of the fact that most of the Polish population lives in urban areas, but the negative influence of urban anonymity and social mobility on family life, a factor mentioned in the literature, should also be borne in mind here. According to some scholars, the conditions of urban life often provoke divorce³⁰.

SUMMARY

Analyses of research results and statistical data collected by the Central Statistical Office lead to the following conclusions:

- Since 2009, the number of marriages contracted in Poland has decreased (except for 2014, when a slight increase was recorded);
- Since 2010, the number of divorces has increased (with slight exceptions in 2012 and 2014);
- Divorce petitions were submitted mostly by women (in approx. 70.5% of cases);
- In 76.5% of cases, divorce petitions contained a motion for a non-fault divorce;
- 68.8% of respondents did not contest the divorce petition, fully agreeing with the petitioner's arguments;
- The average age of females and males studied was 38 years (women) and 41 years (men);
- On average, women married at the age of 25, and men married at the age of 27;
- The average length of the studied marriages was 14 years;
- Divorcing women were better educated than divorcing men – over 65% of women had completed secondary or higher education, as compared to 44% of divorcing men;
- In most cases, divorcing parties lived in a city with a population of less than 50,000 or a city with a population of more than 100,000;
- 70% of the studied persons were gainfully employed; approx. half of them were employed on a permanent basis.

In summary, divorcing persons in Poland are, statistically speaking, in their forties and have been married for about 14 years. Spouses part mainly for culpable reasons, including due to the negative consequences of the abuse of alcohol or alcohol dependence, violent behaviour and adultery. Equally frequent (and

²⁹ M. Domański, *Powierzenie wykonywania władzy*, pp. 6, 9.

³⁰ Z. Tyszką, *Socjologia rodziny*, Warsaw 1974, p. 233. The author claims that anonymity and social mobility are conducive to spousal adultery, which is a major cause of the disintegration of a marriage.

non-culpable) causes for divorce are the “incompatibility of characters”, different life objectives, expectations and aspirations. Most often spouses request a non-fault based divorce. The information presented supports the argument that divorce is sought mainly by persons who are young enough to “put their lives together again”, which includes starting a new family.

Słowa kluczowe: małżeństwo, rozwód, pozew o rozwód, postępowanie w sprawie o rozwód, cechy społeczno-demograficzne osób rozwodzących się.

Streszczenie

Justyna Włodarczyk-Madejska – Przebieg postępowań o rozwód oraz społeczno-demograficzne cechy osób rozwodzących się w 2015 r. w świetle badania akt spraw sądowych. Streszczenie

Opracowanie zawiera informacje będące fragmentem wyników przeprowadzonego w Instytucie Wymiaru Sprawiedliwości badania poświęconego problematyce kosztów postępowań sądowych w sprawach rozwodowych. Główne problemy badawcze sprowadzały się do ustalenia rzeczywście ponoszonych kosztów postępowania sądowego, jak również ustalenia podmiotów odpowiedzialnych za pokrycie tych kosztów. W trakcie prowadzonych badań dokonano analizy postępowania sądowego prowadzonego w sprawie o rozwód (z uwzględnieniem stanowisk stron postępowania), jak również charakterystyki społeczno-demograficznej osób rozwodzących się. Analiza ta, uzupełniona o dane statystyczne, nt. liczby zawieranych małżeństw oraz liczby rozwodów w Polsce w latach 2005–2015, stanowi przedmiot niniejszego opracowania.

Keywords: marriage, divorce, divorce petition, divorce proceedings, socio-demographic characteristics of persons who divorce.