

## TITLE

The legal situation in the family of a person with mental disorders

## SUMMARY

The doctoral dissertation entitled “The legal situation in the family of a person with mental disorders” is devoted to the effects of an individual's mental disorders in the area of family and guardianship law. The difference between mental disorders and other health dysfunctions lies in the fact that they can influence the sphere of rights and obligations of an individual and his or her closest relatives. The dissertation considers individual institutions of the Act of February 25, 1964 – Family and Guardianship Code (unified text Journal of Laws of 2020, item 1359, as amended) provided for in the event of a mental disorders, concerning separately cases involving children and adults. Emphasis was placed on determining whether the institutions of the current family and guardianship law to a greater extent protect the interests of an individual with mental disorders or the interests of his or her closest relatives. These interests may be contradictory by nature, which makes it necessary for the legislator to intervene and bring them into balance. To the extent that the applicable law does not meet the needs of social or economic interactions, *de lege ferenda* postulates were formulated, taking into account bold suggestions to grant all persons suffering from mental disorders the widest range of rights possible and to abolish all manifestations of their limitations, including the institution of incapacitation and a ban on marriage, as guaranteed in particular by the UN Convention on the Rights of Persons with Disabilities, ratified by Poland in 2012.

## KEY WORDS

civil law, family and guardianship law, mentally ill individual, mental illness, mental disorders, Family and Guardianship Code, incapacitation, care, guardianship, legal capacity, UN Convention on the Rights of Persons with Disabilities