**Declaration of acceptance or rejection of inheritance**

**Where to apply?**

Authentication of a signature in the declaration on:

1. the simple acceptance of inheritance (without limitation of liability for debts);
2. the acceptance of inheritance with the benefit of inventory (limiting liability for debts to the amount of inheritance assets);
3. rejection of inheritance

- can be carried out at the competent consular office of the Republic of Poland.

To make the declaration effective, after it has been certified, you must submit it to the inheritance court - i.e. the court of the testator's last habitual residence, and if his/her habitual residence in Poland cannot be determined, to the court of the place, where the inheritance estate or part of it is located, and finally, if this place cannot be determined either, then the declaration should be submitted to the District Court of the Capital City of Warsaw - within 6 months of the day you were informed about the inheritance.

**Do you have to apply in person?**

Yes, the documents should be submitted in person.

**How to book an appointment?**

In order to book an appointment, you should contact the Section of Consular Affairs and Polonia of the Embassy of Poland in Yerevan by phone (+374 10) 54 24 97 or by email erywan.amb.wk@msz.gov.pl

**What documents do I need to submit?**

1. valid passport or ID;
2. a declaration of acceptance or rejection of inheritance – **note that you must sign the declaration yourself in the presence of the consul**!;
3. application for authentication of a signature;
4. **in the case of making a declaration on behalf of a child, additionally it is mandatory to obtain the permission of a Guardianship court,** since this is an act that exceeds the normal management of the child's property. The application for permission is submitted by the parent to the Guardianship court of the child's place of residence.

Declaration templates (Polish language only):

* [Declaration template on simple acceptance of inheritance](../Przyk%C5%82adowe_o%C5%9Bwiadczenie_o_przyjeciu_spadku_wprost.docx)
* [Declaration template on acceptance of inheritance with the benefit of inventory](../Przyk%C5%82adowe_o%C5%9Bwiadczenie_o_przyjeciu_spadku_z_dobrodziejstwem_inwentarza.docx)
* [Declaration template on rejection of inheritance;](../Przyk%C5%82adowe_o%C5%9Bwiadczenie_o_odrzuceniu_spadku.docx)
* [Declaration template on rejection of inheritance on behalf of a minor](../Przyk%C5%82adowe_o%C5%9Bwiadczenie_o_odrzuceniu_spadku_w_imieniu_osoby_ma%C5%82oletniej.docx)

Attention! The declarations attached above are for illustrative purposes only and their content should be adjusted to the specifics of each case.

**How much does it cost?**

The fee for authentication of a signature of a declaration on acceptance or rejection of inheritance is **30 EUR**.

Fees are collected in EURO, in cash, at the consular cash desk while submitting the application.

**What is the waiting time?**

The processing time of your case will be determined when submitting the documents.

**How to collect documents?**

You can collect your documents in person.

**How to appeal?**

In the event of refusal to perform the activity, the consul will issue a decision to which you can lodge a complaint to the Minister of Foreign Affairs within 7 days of delivery or receipt of the decision. The complaint is lodged through the consul, who issued the decision.

**Frequently Asked Questions (FAQs)**

**What does it mean to submit individual declarations?**

The submission of a **declaration on rejection of inheritance** results in the lack of liability for any inheritance debts and deprivation of claims to any assets left by the testator. In other words, you won't get inheritance assets, but you won't be responsible for debts either. In this case the heir rejecting the inheritance is treated as if he/she did not survive until the day of the opening of the inheritance and is replaced by the following heirs.

The submission of a **declaration on simple acceptance of inheritance** results in full liability for any inheritance debts, as well as the possibility of submitting a claim to the assets within the scope of the heir's share.

The submission of a **declaration on acceptance of inheritance with the benefit of inventory** means that the heir is responsible for inheritance debts up to the amount of the assets.

**What happens if I do not submit any inheritance declaration?**

Pursuant to the provisions of the Civil Code, if the heir does not submit any inheritance declaration within the statutory deadline, this will mean accepting inheritance with the benefit of inventory - i.e. limiting liability for debts to the amount of inheritance assets.

**I submitted a declaration on rejection of my mother's inheritance. Now the inheritance has passed on to my children. What is the time range to submit a declaration on rejection of inheritance on their behalf? As far as I’m concerned, I still need to obtain the consent of the Guardianship court.**

The deadline is six months from your submission of a declaration on rejection of inheritance. However, in accordance with the sentences of the Polish Supreme Court (of May 28th and September 24th, 2015, issued in cases III CSK 352/14 and V CSK 686/14) the submission to the Polish Guardianship court (within the mentioned six months) of the application for consent of the rejection of inheritance on behalf of a minor causes that this period will be interrupted. The deadline will be calculated again after the validation of the Guardianship court's decision to consent to rejection of inheritance on behalf of a minor.

**I submitted a declaration on rejection of my father's inheritance. The inheritance passed to my son. I know that I have to submit something in Poland. If I send a declaration on rejection of my inheritance to the District Court, will the issue "be settled"?**

No. The Inheritance court (usually the court of the testator's last habitual residence) is the court, where you must submit your own declaration on rejection. To make a declaration on behalf of a child, you must first obtain the consent of the Guardianship court, and only then make a declaration on behalf of the child with the consent of the Guardianship court in the Inheritance court. These are two different categories of cases. The first ones (making declarations regarding inheritance) are handled by civil departments in district courts. The second one (consent of the Guardianship court) lies within the competence of family and minor departments of district courts.

**I have two kids and two siblings. My brother lives in Poland. To make things simpler and faster, can I just resign from my inheritance in favor of my brother? He will arrange all the formalities in the country.**

It is not possible to reject inheritance in favor of a specific person (bypassing the rules on inheritance). The consul will refuse to do so, as it would be against the law.

**Materials**

* [Declaration template on simple acceptance of inheritance](file:///C%3A%5CUsers%5CNaira%5CDesktop%5CPrzyk%C5%82adowe_o%C5%9Bwiadczenie_o_przyjeciu_spadku_wprost.docx)
* [Declaration template on acceptance of inheritance with the benefit of inventory](file:///C%3A%5CUsers%5CNaira%5CDesktop%5CPrzyk%C5%82adowe_o%C5%9Bwiadczenie_o_przyjeciu_spadku_z_dobrodziejstwem_inwentarza.docx)
* [Declaration template on rejection of inheritance;](file:///C%3A%5CUsers%5CNaira%5CDesktop%5CPrzyk%C5%82adowe_o%C5%9Bwiadczenie_o_odrzuceniu_spadku.docx)
* [Declaration template on rejection of inheritance on behalf of a minor](file:///C%3A%5CUsers%5CNaira%5CDesktop%5CPrzyk%C5%82adowe_o%C5%9Bwiadczenie_o_odrzuceniu_spadku_w_imieniu_osoby_ma%C5%82oletniej.docx)

**Legal Basis**

Act of April 23rd, 1964 Civil Code (Journal of Laws of 2019, item 1145, with further amendments)

Act of November 17th, 1964 Code of Civil Procedure (Journal of Laws of 2019, item 1460, with further amendments)

Act of February 25th, 1964 Family and Guardianship Code (Journal of Laws of 2019, item 2086, with further amendments)

Act of June 25th, 2015 on Consular Law (Journal of Laws of 2020, item 195, with further amendments)