

The purpose of the paper is to identify the legal nature and the meaning of the joint physical custody in the Polish family law and to determine the legitimacy of introducing into Polish law a developed substantive or procedural regulation of this institution as the primary model of the custody of the child when parents divorce, officially separate or factually part. The main thesis of the paper is that the joint physical custody does not only mean the systems of symmetrical child care, and the possibility to award the joint physical custody will require the courts to carefully weigh the pros and cons of such an arrangement in each, individual case. Currently, the Polish Family and Guardianship Code provides for the possibility of retaining full parental authority of both divorced (also factually and legally separated) parents included the possibility for the court to rule that parents will have physical custody of the child periodically, i.e. the child will live with each of the parents for a predetermined period of time. This ruling could either follow from the court's independent proposal based on assessment of the circumstances or from the parenting plan submitted by parents wishing to jointly retain full parental authority (written agreement of the parents on how to exercise parental authority and maintain contact with the child after the divorce or separation). Nevertheless, the institution of joint physical custody has not been regulated *expressis verbis* in the Polish family law and therefore raises many doubts. There is serious legal uncertainty in this matter, which leads to different treatment of citizens by the public authorities and courts. The paper focuses on presenting the academic and practical dilemmas faced in the process of introducing a new concept of the joint physical custody over a child when parents have parted. In foreign legal systems, the rule is to maintain parental authority of both parents in divorce rulings. Exception is awarding the exercise of parental authority to one of the parents, restricting the parental authority of the second parent to specific rights and duties in relation to the child. This corresponds to stronger and stronger belief at the international forum that such an arrangement is the most appropriate for the best interest of the child. Similarly to Poland, in the legal systems of other countries, there is a lack of formal definition of the joint physical custody, e.g. in the UK, but in their general understanding, it means that the child is living alternatively with each of the parents for a predetermined period of time. In contrast, in countries where this concept is defined in a system of law, e.g. in the USA and Australia, it does not mean symmetrical custody. The paper is going to change the stereotypical views on the joint physical custody as in a proportion 50/50. The paper fits within the context of the ongoing process of modernising family law regulations and their adaptation to changing social reality in Poland.