

# Child Protection Act

Promulgated, State Gazette No. 48/13.06.2000, amended, SG No. 75/2.08.2002, effective 2.08.2002, SG No. 120/29.12.2002, effective 1.01.2003, amended and supplemented, SG No. 36/18.04.2003, effective 18.04.2003, SG No. 63/15.07.2003, amended, SG No. 70/10.08.2004, effective 1.01.2005, SG No. 115/30.12.2004, effective 1.01.2005, SG No. 28/1.04.2005, effective 1.04.2005, SG No. 94/25.11.2005, effective 25.11.2005, SG No. 103/23.12.2005, SG No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No. 38/9.05.2006, amended, SG No. 82/10.10.2006, supplemented, SG No. 59/20.07.2007, effective, 24.07.2007, amended, SG No. 69/5.08.2008, amended and supplemented, SG No. 14/20.02.2009, supplemented, SG No. 47/23.06.2009, effective 1.10.2009, amended, SG No. 74/15.09.2009, effective 15.09.2009, supplemented, SG No. 42/4.06.2010, effective 2.06.2010, amended, SG No. 50/2.07.2010, amended and supplemented, SG No. 59/31.07.2010, amended, SG No. 98/14.12.2010, effective 1.01.2011, amended and supplemented, SG No. 28/5.04.2011, amended, SG No. 51/5.07.2011, amended and supplemented, SG No. 32/24.04.2012, effective 24.04.2012, amended, SG No. 40/29.05.2012, effective 1.06.2012, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 68/2.08.2013, effective 2.08.2013, supplemented, SG No. 84/27.09.2013, amended, SG No. 79/13.10.2015, effective 1.08.2016, amended and supplemented, SG No. 8/29.01.2016, amended, SG No. 85/24.10.2017, amended and supplemented, SG No. 103/28.12.2017, effective 1.01.2018, amended, SG No. 17/23.02.2018, supplemented, SG No. 77/18.09.2018, effective 1.01.2019, amended, SG No. 102/11.12.2018, effective 1.01.2019, SG No. 17/26.02.2019, amended and supplemented, SG No. 24/22.03.2019, effective 1.07.2020 (\*), SG No. 58/23.07.2019, amended, SG No. 101/27.12.2019

Text in Bulgarian: Закон за закрила на детето

## Chapter One GENERAL PROVISIONS

### Purpose of the Act

**Article 1.** (1) (Previous text of Article 1, SG No. 36/2003, amended, SG No. 38/2006) This Act shall govern the rights of the child; the principles and the measures for child protection; the state and municipal bodies and their interaction in the process of performing child protection activities, as well as the participation of legal entities and natural persons in the said activities.

(2) (New, SG No. 36/2003) The state shall protect and guarantee the basic children's rights in all spheres of public life for all groups of children in view of the age, social status, physical, health and mental development, as providing appropriate economic, social and cultural environment, education, freedom of expression and security.

(3) (New, SG No. 36/2003, amended, SG No. 38/2006) The state policy for child

protection shall be implemented on the basis of a National Strategy for the Child adopted by the National Assembly on a proposal by the Council of Ministers, and founded on the principles of this Act. In implementation of the national strategy the Council of Ministers shall adopt a National Programme for Child Protection proposed by the minister of Labour and Social Policy and the Chairperson of the State Agency for Child Protection.

(4) (New, SG No. 36/2003) State bodies within the framework of their competence shall carry out the state policy for child protection and shall promote appropriate environment for the development of the child.

#### Definition of "a child"

**Article 2.** Within the meaning of this Act a child shall be any natural person, who has not reached the age of 18.

#### Principles of Protection

**Article 3.** Child protection shall rest on the following principles:

1. recognition and respect for the child's personality;
2. the child shall be brought up in a family environment;
3. (amended, SG No. 14/2009) the best interest of the child shall be secured;
4. (amended, SG No. 14/2009) special protection shall be provided to children at risk;
5. voluntary participation in child protection activities shall be encouraged;
6. persons directly involved in child protection activities shall be selected in accordance with their personal qualities and social communication abilities, and with care as to their professional training
7. restrictive measures shall be of temporary nature;
8. (new, SG No. 36/2003) child protection actions shall be immediate;
9. (new, SG No. 36/2003, amended, SG No. 38/2006, SG No. 14/2009) care in accordance with the needs of the child;
10. (new, SG No. 14/2009) the development of children of prominent talent shall be ensured;
11. (new, SG No. 14/2009) responsible parenthood shall be encouraged;
12. (new, SG No. 14/2009) support for the family;
13. (new, SG No. 38/2006, renumbered from Item 10, SG No. 14/2009) preventive measures for child safety and protection;
14. (renumbered from Item 8, SG No. 36/2003, renumbered from Item 10, SG No. 38/2006, renumbered from Item 11, SG No. 14/2009) the effectiveness of measures undertaken shall be controlled.

#### Protection Measures

**Article 4.** (Amended, SG No. 36/2003) (1) Child protection under this Act shall be carried out through:

1. assistance, support and services rendered in the child's family environment;
2. placement of the child with relatives or close families;
3. (repealed, SG No. 63/2003, new, SG No. 38/2006) adoption;

4. placement of the child with a foster family;
5. (new, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) provision of social and integrated health and social services for residential care;
6. (renumbered from Item 5, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);
7. (renumbered from Item 6, SG No. 14/2009) police protection;
8. (renumbered from Item 7, SG No. 14/2009) specialised protection at public places;
9. (renumbered from Item 8, SG No. 14/2009) provision of information with regard to the rights and obligations of children and parents;
10. (renumbered from Item 9, SG No. 14/2009) provision of preventative measures for security and protection of the child;
11. (renumbered from Item 10, SG No. 14/2009) provision of legal assistance by the state;
12. (amended, SG No. 38/2006, renumbered from Item 11, SG No. 14/2009) special care for children with disabilities;
13. (new, SG No. 59/2007, renumbered from Item 12, SG No. 14/2009) taking of measures of a provisional character for the protection of a child in the cases and under the terms established by Article 12 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for Protection of Children, done at The Hague on the 19th day of October 1996 (ratified by law, promulgated in the State Gazette No. 9 of 2006) (Convention promulgated in the State Gazette No. 15 of 2007), hereinafter referred to as "the Convention of 1996".
  - (2) (New, SG No. 63/2003, amended, SG No. 14/2009) A child may be adopted under the terms and conditions laid down in the Family Code.
  - (3) (Renumbered from Paragraph (2), SG No. 63/2003, amended, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

#### Special Protection

**Article 5.** (Supplemented, SG No. 36/2003, amended, SG No. 28/2005, SG No. 94/2005, SG No. 103/2005, SG No. 14/2009) (1) Special protection shall be provided to children at risk.

(2) (Amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The conditions and procedure for implementing measures to prevent the abandonment of children and their placement in social and integrated health and social services for residential care as well as their reintegration shall be determined in a Regulation of the Council of Ministers at the proposal of the Minister of Labour and Social Policy and the State Agency for Child Protection.

#### Protection of children of prominent talent

**Article 5a.** (New, SG No. 14/2009, amended, SG No. 50/2010, SG No. 68/2013, effective 2.08.2013) The protection of children of prominent talent shall be implemented under the conditions and the procedure determined in a Regulation of the Council of Ministers at the proposal of the Minister of Culture, the Minister of Education and Science,

the Chairperson of the State Agency for Child Protection and the Minister of Youth and Sports, which shall also provide measures for:

1. promotion of the talent and the needs of the children;
2. provision of opportunities and conditions for the enrolment of the children in sports and art schools;
3. financial support and incentives through scholarships and specialised educational programmes.

#### Specialised protection of children at public places

**Article 5b.** (New, SG No. 14/2009) (1) (Amended, SG No. 98/2010, effective 1.01.2011, SG No. 68/2013, effective 2.08.2013, SG No. 79/2015, effective 1.08.2016) The specialised protection of children at public places shall be ensured by the bodies of the Ministry of the Interior, the Social Assistance directorates, the mayors, regional divisions of education of the Ministry of Education and Science, the regional health Inspectorates and by the owners, renters and users of commercial sites, cinemas or theatres, as well as by the organisers of public events.

(2) The specialised protection of children at public places shall be ensured under the conditions and the procedure determined in a Regulation of the Council of Ministers at the proposal of the Minister of Labour and Social Policy, the Minister of the Interior and the Chairperson of the State Agency for Child Protection.

(3) (Amended, SG No. 58/2019) The offering and sale of alcoholic beverages, tobacco products and related products to children shall be prohibited.

#### Child Protection Bodies

**Article 6.** Child protection shall be implemented by:

1. (amended, SG No. 36/2003) the Chairperson of the State Agency for Child Protection and the administration that shall assist her/him in exercising his/her powers;
2. the Social Assistance Directorates;
3. (new, SG No. 36/2003, amended, SG No. 38/2006, supplemented, SG No. 14/2009, amended, SG No. 68/2013, effective 2.08.2013) The Minister of Labour and Social Policy, the Minister of the Interior, the Minister of Education and Science, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Culture, the Minister of Health Care and the mayors of municipalities.

#### Responsibilities of the child protection bodies under Item 3 of Article 6

**Article 6a.** (New, SG No. 14/2009) (1) The bodies under Item 3 of Article 6 shall develop and take part in the implementation of the state policy in the field of child protection,

(2) The bodies under Item 3 of Article 6 shall develop and take part in the implementation and reporting on the National Strategy for the Child and the National Programme for Child Protection,

(3) The bodies under Item 3 of Article 6 shall, jointly with the Chairperson of the State Agency for Child Protection, develop a coordination mechanism for interaction in accordance with their competences in the field of child protection towards ensuring an effective

prevention and control system on the observance of the rights of children.

(4) Within the scope of his powers:

1. The Minister of Labour and Social Policy shall:

a) (amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) govern, coordinate and control the implementation of the social policy of the state for providing support to the family and children, the social services and the national adoption;

b) assist and encourage the cooperation with citizens organisations aimed at their active participation in the process of the formulation, implementation and monitoring of the policy of child protection;

c) govern, coordinate and control the activities for encouraging and supporting responsible parenthood;

d) (amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) govern, coordinate and control the drafting of legislative acts, strategies, programmes, action plans and reports in the field of demographic policy, social services, the family and children;

2. The Minister of the Interior shall:

a) provide police protection to a child through the specialised bodies of the Ministry of the Interior;

b) take part in the implementation and control of the specialised protection of children at public places;

c) effect control with regard to children crossing the Bulgarian state border;

3. (amended, SG No. 68/2013, effective 2.08.2013) the Minister of Education and Science shall:

a) (amended, SG No. 79/2015, effective 1.08.2016) ensure the safety of children in the state schools and kindergartens in the pre-school and school education system;

b) (amended, SG No. 79/2015, effective 1.08.2016, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) through the regional education bureaus, ensure interaction with the management bodies of the social and integrated health and social services for residential care for establishing the educational needs of each child and providing suitable training;

c) implement activities on preventing and for solving the problem of pupils who do not go to school

d) takes part in implementing the special protection of children of prominent talent;

4. The Minister of Justice shall:

a) govern the activities related to intercountry adoption under the Family Code, and implement the functions assigned to the Ministry of Justice as a central body on the international conventions in the field of intercountry adoption and the protection of children;

b) ensure the safety of children who serve punishments of deprivation of liberty in reformatory establishments, are in prisons or prison communities or have been detained in custody;

c) take actions to study the possibilities for proposing and concluding bilateral accords with the states - parties to the Convention on Protection of Children and cooperation in the field of intercountry adoption, concluded in The Hague on 29 May 1993 (ratified by law - SG No. 16/2002) (SG No. 78/2002) in respect of intercountry adoption of children with health problems and specific needs;

5. The Minister of Foreign Affairs shall:

a) ensure the protection of the rights and interests of children - Bulgarian citizens,

outside the country;

b) take part in the development and control on the implementation of the obligations of the Republic of Bulgaria to other state and international organisations in the field of the rights of children;

c) coordinate and take part in the preparation, conclusion and implementation of international accords in the field of the rights of children;

6. The Minister of Culture shall:

a) ensure the discovery, support and education of children of prominent talent in the field of culture;

b) implement a policy for the protection and development of culture, assisting the mental, spiritual, moral and social development of the child;

c) ensure the safety of children in the schools and organisational structures in the system of the Ministry of Culture;

7. The Minister of Health Care shall:

a) effect control on providing accessible and quality medical services with a priority on children, pregnant women and mothers of children under the age of one year;

b) (repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);

c) govern and control the activities on the protection of the health of children towards securing the highest attainable for the country standard of their state of health;

8. The mayors of municipalities shall:

a) ensure the implementation of the state policy for the protection of the child in the municipality and coordinate the activities on child protection at local level;

b) (amended, SG No. 79/2015, effective 1.08.2016) ensure the safety of children in the municipal schools, kindergartens and personality development support centres;

c) take measures to ensure the safety of children in the structures and teams on the territory of the respective municipality;

d) assist and encourage the cooperation with citizens organisations at local level aimed at their active participation in the process of the formulation, implementation and monitoring of the policy of child protection.

#### Obligation to Cooperate

**Article 7.** (1) (Supplemented, SG No. 36/2003, amended, SG No. 38/2006) Persons, who become aware of the existence of a child in need of protection, shall immediately report the case to the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of the Interior.

(2) The same obligation shall be undertaken by all persons, who become aware of the said situation in the course of exercising their profession or occupation, irrespective of them being bound by an occupational secret.

(3) (New, SG No. 38/2006) Upon submission of a report to the State Agency for Child Protection that a child needs protection, the chairman thereof shall immediately forward the said report to the Child Protection Department of the Social Assistance Directorate at the child's current address.

(4) (New, SG No. 38/2006) Upon receipt of information under Paragraph (1) relating to the activity of another institution, the information shall be sent to that institution on grounds of competence.

(5) (New, SG No. 36/2003, renumbered from Paragraph 3, SG No. 38/2006, amended, SG No. 17/2019, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) Central and regional bodies of the executive power, as well as the providers of social services under the Social Services Act shall render timely assistance and provide information to the State Agency for Child Protection and to the Social Assistance Directorates in view of their official duties.

#### Rights and Obligations of Parents, Tutors, Curators or Other Persons Who Take Care of a Child

(Title supplemented, SG No. 14/2009)

**Article 8.** (1) (Supplemented, SG No. 14/2009) All parents, tutors, curators or other persons who take care of a child may request and be granted assistance from the bodies pursuant to this Act.

(2) (Amended, SG No. 14/2009) Parents, tutors, curators or other persons who take care of a child shall have the right to be informed and consulted on all the measures and activities undertaken pursuant to this Act, with the exception of cases under Article 13, and may request alteration of measures in the event of a change of circumstances.

(3) (New, SG No. 36/2003, amended, SG No. 38/2006, SG No. 14/2009) Parents, tutors, curators or other persons who take care of a child shall accompany him or her at public places after 8 p.m. if the child has not reached the age of 14, respectively after 10 p.m. if the child has reached the age of 14, but has not reached the age of 18.

(4) (New, SG No. 14/2009) If the parents, tutors, curators or other persons who take care of a child are unable to accompany him or her, they shall provide an active adult person to accompany the child at public places after 10 p.m. if the child has reached the age of 14, but has not reached the age of 18.

(5) (Renumbered from Paragraph 4, SG No. 36/2003, repealed, SG No. 14/2009, new, SG No. 42/2010, repealed, SG No. 40/2012, effective 1.06.2012).

(6) (Renumbered from Paragraph 3, SG No. 36/2003, renumbered from Paragraph 4, amended, SG No. 14/2009) The parent, tutor, curator or person who takes care of a child shall bring into effect the measures undertaken under this Act and shall provide assistance towards the implementation of child protection activities.

(7) (New, SG No. 14/2009) The parent, tutor, curator or person who takes care of a child shall certify his capacity of accompanying person of the child pursuant to Paragraph (4) according to the procedure established by the regulation under Article 56 (2).

(8) (New, SG No. 14/2009) Parents, tutors, curators or other persons who take care of a child shall not leave without supervision or care children under 12 years of age if this creates a danger for their physical, mental and moral development.

(9) (New, SG No. 59/2010) Parents, tutors, curators or other persons who take care of a child shall not permit the child's participation in advertisements or other types of commercial messages for genetically modified foodstuffs.

(10) (New, SG No. 28/2011) Parents, tutors, curators or other persons who take care of a child shall not allow the participation of children in broadcasts within the meaning of the Radio and Television Act which are detrimental or pose threats to their physical, psychological, moral and/or social development.

**Article 8a.** (New, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

#### Participation of Legal Entities

(Title amended, SG No. 38/2006)

**Article 9.** (1) (Amended, SG No. 38/2006) Legal entities, as well as individual natural persons shall participate in the activities related to child protection under the terms and conditions prescribed by law.

(2) The persons under Paragraph (1) and the state and municipal bodies shall cooperate in child protection activities.

## **Chapter Two RIGHTS OF A CHILD**

#### Right to Protection

**Article 10.** (1) Every child has a right to protection with a view to his/her normal physical, intellectual, moral and social development and to protection of his/her rights and interests.

(2) (New, SG No. 84/2013) A person - victim of violence or exploitation - whose age is not determined and who could be assumed, with good reason, to be a child, has a right to protection according to the procedure of this Act.

(3) (Supplemented, SG No. 36/2003, renumbered from Paragraph 2, SG No. 84/2013) There shall be no limitation of rights, nor any privilege, on the grounds of race, nationality, ethnic background, sex, origin, property status, religion, education and convictions or disability.

#### Protection against Violence

**Article 11.** (1) Every child has a right to protection against involvement in activities that are harmful to his or her physical, mental, moral and educational development.

(2) Every child has a right to protection against all methods of upbringing, that undermine his or her dignity; against physical, psychical or other types of violence; against all forms of influence, which go against his or her interests.

(3) Every child has a right to protection against the use of children for purposes of begging, prostitution, dissemination of pornographic material, receipt of unlawful pecuniary income, as well as protection against sexual abuse.

(4) Every child has a right to protection against forcible involvement in political, religious and trade union activities.



#### Protection of the Child's Personality

**Article 11a.** (New, SG No. 14/2009) (1) No information or data about a child may be disclosed without the consent of his/her parents or legal representatives save in the cases pursuant to Article 7 (1).

(2) In cases when a measure for the protection of a child has been taken, no information or data about a child may be disclosed without the written opinion of the child protection body taking the measure.

(3) When the child has reached the age of 14, his/her consent for the disclosure of information or data shall also be required.

#### Right to Freedom of Expression

**Article 12.** Every child has a right to express freely his or her opinion on all issues affecting his or her interests. He or she may seek the assistance of the bodies and persons, to whom his or her protection pursuant to this Act has been assigned.

#### Information and Consultation

**Article 13.** Every child has a right to be informed and consulted by the child protection body even without the knowledge thereof of his or her parents or of the persons who take care of his or her rearing and upbringing, should that be deemed necessary in view of protecting his or her interests in the best possible way and in case where informing the said persons might harm the child's interests.

#### Protection of Religious Beliefs

**Article 14.** (1) The attitude of children under 14 years of age towards religion shall be decided upon by their parents or legal guardians; while those of children between 14 and 18 shall be decided by common consent between them and their parents or their guardians.

(2) Where such consent cannot be reached, the underage person may refer through the bodies pursuant to this Act to the regional court to settle the dispute.

#### Participation in Procedures

**Article 15.** (1) All cases of administrative or judicial proceedings affecting the rights and interests of a child should provide for a mandatory hearing of the child, provided he or she has reached the age of 10, unless this proves harmful to his or her interests.

(2) In cases where the child has not reached the age of 10, he or she may be given a hearing depending on the level of his or her development. The decision to hear the child shall be substantiated.

(3) Before the child is given a hearing, the court or the administrative body shall:

1. provide the child with the necessary information, which would help him or her form his or her opinion;

2. inform the child about the possible consequences of his or her desire, of the opinion supported by him or her, as well as about all the decisions made by the judicial or administrative body.

(4) (Amended, SG No. 36/2003, SG No. 14/2009) The judicial and administrative bodies shall ensure appropriate surroundings for hearing the child in accordance with his/her age. The hearing and the consultation of a child shall mandatorily take place in the presence of a social worker from the Social Assistance Directorate at the current address of the child and when necessary - in the presence of another appropriate specialist.

(5) (New, SG No. 36/2003, amended, SG No. 38/2006, SG No. 14/2009) The court or the administrative body shall order that the hearing of the child shall take place also in the presence of a parent, tutor, curator, other person who takes care of the child, or another close person known to the child, except where this does not correspond to the child's interest.

(6) (Renumbered from Paragraph 5, amended, SG No. 36/2003, amended and supplemented, SG No. 38/2006, amended, SG No. 14/2009) In every legal case the court or the administrative body shall notify the Social Assistance Directorate at the current address of the child, whereby the provisions of the Code of Civil Procedure shall apply to the notification by the court, and the provisions of the Administrative Procedure Code shall apply to the notification by the administrative body. The Social Assistance Directorate shall send its representative who shall express an opinion, and if unfeasible, he/she shall present a report.

(7) (Renumbered from Paragraph 6, SG No. 36/2003) The Social Assistance Directorate may represent the child in cases provided for by law.

(8) (Renumbered from Paragraph 7, SG No. 36/2003) The child has a right to legal aid and appeal in all proceedings, affecting his or her rights or interests.

#### Respect for the Parents, Tutors, Curators and Other Members of Society

**Article 15a.** (New, SG No. 38/2006, amended, SG No. 14/2009) In the exercise of its rights the child shall respect and observe the rights of its parents, tutors, curators, other persons caring for the upbringing of the child, as well as of the other members of society, observe public order and the requirements of public health and morality.

#### Confidentiality of Information

**Article 16.** (1) (Supplemented, SG No. 14/2009) All information, obtained through administrative or judicial proceedings and concerning a child shall not be disclosed without the consent of the parents or of the legal representatives, or without the child's consent where the child has reached the age of 10.

(2) The court may permit the bodies under this Act to use information pursuant to Paragraph (1) without the consent of persons under Paragraph (1), should it become necessary in view of the child's interests or for purposes of undertaking child protection measures.

(3) (New, SG No. 36/2003) Social workers and officials who become aware of personal data when implementing their duties are obliged to keep the legal provisions regarding the protection of personal data as well as to respect the personal dignity.

## **Chapter Three**

# **CHILD PROTECTION BODIES**

#### Chairperson of the State Agency for Child Protection

**Article 17.** (Amended, SG No. 36/2003) (1) The chairperson of the State Agency for Child Protection is a specialised body under the Council of Ministers in charge of the governance, co-ordination and control of child protection activities.

(2) The State Agency for Child Protection is a legal entity maintained from state budget funds, having its seat in the city of Sofia.

(3) The Agency is governed and represented by a Chairperson, who shall be determined by a decision of the Council of Ministers.

(4) A Deputy Chair shall assist the activities of the Agency Chairperson.

(5) The Agency's activities, structure, work organisation and staff shall be determined by a Regulation, adopted by the Council of Ministers upon a proposal of the Chairperson.

#### Functions of the Chairperson of the State Agency for Child Protection

**Article 17a.** (New, SG No. 36/2003) (1) (Previous text of Article 17a, SG No. 14/2009) The chairperson of the State Agency for Child Protection shall have the following powers to:

1. (amended, SG No. 28/2005, SG No. 94/2005, SG No. 103/2005, SG No. 50/2010, SG No. 68/2013, effective 2.08.2013) work out the state policy for child protection, together with the Minister of Labour and Social Policy, the Minister of Health Care, the Minister of Education and Science, the Minister of Justice, the Minister of the Interior, the Minister of Culture, the Minister of Finance, the Minister of Youth and Sports, the head of the National Insurance Institute, the Secretary of the Central Commission for Juvenile Antisocial Behaviour under the Council of Ministers and the National Association of Municipalities in the Republic of Bulgaria;

2. work out and control the implementation of national and regional programmes for child protection;

3. (amended, SG No. 14/2009) monitor and analyse the implementation of the state policy for child protection, provide methodological instructions to the Child Protection Departments within the Social Assistance Directorates and provide methodological guidance on the protection of the rights of the child;

4. (amended, SG No. 63/2003, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);

5. (amended, SG No. 38/2006, effective as of the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union - regarding the words "persons under Items 3 and 4 of Article 18 (1) of the Social Assistance Act", repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);

6. (amended, SG No. 68/2013, effective 2.08.2013) assist the Minister of Labour and Social Policy, the Minister of Health Care, the Minister of Education and Science, the Minister of Justice, and the Minister of the Interior in the process of the formulation and implementation of the EU integration policy in the field of child protection;

7. may represent the State in international organizations and programmes in the field of child protection, when entitled by the Council of Ministers;

8. work out and participate in the deliberations of draft legislative acts in the field of child protection;

9. (amended, SG No. 38/2006) develop and maintain a national information system, whose functioning shall be regulated by the Implementing Regulation on this Act; the system shall contain data:

- a) on children at risk; on children at risk;
- b) on children of prominent talent;
- c) from the registers kept by the Regional Social Assistance Directorates with the Social Assistance Agency according to the procedure of the Family Code;
- d) (repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);
- e) on not-for-profit legal entities working on child-related programmes;
- f) on children not attending school;
- g) (repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);
- h) other data relevant to child protection;

10. assist the activities of the not-for-profit legal entities working in the field of child protection;

11. organize and conduct scientific research and educational activities in the field of child protection;

12. work out a Regulation on the structure, organization and the activities of the National Council for Child Protection, adopted by the Council of Ministers;

13. organize and chair the National Council for Child Protection activities as a Chairperson of the Council;

14. (supplemented, SG No. 38/2006, amended and supplemented, SG No. 14/2009, amended, SG No. 79/2015, effective 1.08.2016, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) exercise control by organising checks with regard to the observance of children's rights by all state, municipal and private schools, kindergartens and nurseries, personal development support centres, medical establishments, Social Assistance Directorates, providers of social services for children and not-for-profit legal entities working in the field of child protection, and, where violations are established, issue compulsory prescriptions to remedy such violations, personally or through a person empowered by him/her;

15. (amended, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);

16. (new, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);

17. (new, SG No. 14/2009) establish and maintain a harmonized telephone number with national coverage providing information, consultation and help for children;

18. (renumbered from Item 16, SG No. 14/2009) submit to the Council of Ministers the annual report on the activities of the Agency;

19. (new, SG No. 14/2009) perform other activities defined by law or by an act of the Council of Ministers.

(2) (New, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The compulsory prescriptions under Paragraph 1 Item 14 shall be accompanied by methodological instructions for their implementation and a mechanism for interaction between the responsible institutions.

(3) (New, SG No. 14/2009, supplemented, SG No. 77/2018, effective 1.01.2019) The compulsory prescriptions under Paragraph 2 may be appealed against before the relevant administrative court under the procedure of the Administrative Procedure Code. The court's

decision shall be final.

#### National Council on Child Protection

**Article 18.** (1) (Amended, SG No. 75/2002, SG No. 36/2003, SG No. 28/2005, SG No. 94/2005, SG No. 103/2005, supplemented, SG No. 38/2006, SG No. 14/2009, amended, SG No. 50/2010, SG No. 68/2013, effective 2.08.2013) A National Council on Child Protection with consultative and coordinating functions shall be set up to the State Agency for Child Protection and shall comprise representatives of the Ministry of Labour and Social Policy, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of Health, the Ministry of the Interior, the Ministry of Finance, the Ministry of Culture, Minister of Youth and Sports, the Agency for Social Assistance, the National Anti-Trafficking Commission, the National Drugs Council, the National Statistical Institute, the National Insurance Institute, the Central Commission for Juvenile Antisocial Behaviour under the Council of Ministers and the National Association of Municipalities in the Republic of Bulgaria, as well as not-for-profit legal entities, whose purpose of activity is child protection.

(2) (New, SG No. 14/2009) The draft legislative acts which contain provisions related to the rights of the children shall be submitted to the Council of Ministers after a preliminary opinion by the National Council on Child Protection.

(3) (Renumbered from Paragraph 2, SG No. 14/2009) The structure, organisation and activities of the National Council of Child Protection shall be determined by a Regulation, adopted by the Council of Ministers.

#### Functions of the Agency

**Article 19.** (Repealed, SG No. 36/2003).

#### Social Assistance Directorate

**Article 20.** (1) (Amended, SG No. 36/2003) The Social Assistance Directorate is a specialised body in charge of conducting child protection policies within the municipality. A child protection department shall be set up in the Social Assistance Directorate.

(2) (Amended, SG No. 36/2003, amended and supplemented, SG No. 14/2009, supplemented, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The Social Assistance Directorate shall work in cooperation and coordination with state bodies and providers of social services, natural persons and legal entities, whose purpose of activity is child protection.

#### Commission for the Child

**Article 20a.** (New, SG No. 36/2003, amended, SG No. 82/2006, SG No. 69/2008, SG No. 14/2009) (1) (Amended, SG No. 98/2010, effective 1.01.2011, SG No. 79/2015, effective 1.08.2016) A Commission for the Child with consultative and coordinating functions shall be set up with every municipality and shall comprise representatives of the municipal administration, the regional Directorate of the Ministry of Interior, the regional division of

education, the regional Health Inspectorate, the Social Assistance Directorate, the local commission for juvenile antisocial behaviour as well as not-for-profit legal entities and others, whose purpose of activity is child protection.

(2) Chairperson of the Commission under Paragraph (1) is the mayor of the municipality or an official empowered by him.

(3) The Commission under Paragraph (1) is the coordinating team of the policies for all children on the territory of the municipality and shall form and secure the implementation of local policy on child protection.

#### Functions of the Social Assistance Directorate

**Article 21.** (Amended, SG No. 36/2003) (1) Pursuant to this Act the social assistance directorate shall:

1. perform the current practical activities of child protection within the municipality and shall make proposals to the municipal councils for municipal programmes for child protection;

2. determine and bring into effect concrete measures on child protection and shall control their implementation;

3. (supplemented, SG No. 14/2009) make checks relating to complaints and signals for violation of children's rights and shall make compulsory prescriptions to remedy the breaches under the terms and procedure determined by the implementing regulations of the act;

4. give advices and consultations on child rearing and upbringing;

5. provide information on services offered and render assistance and support to the parents and families of children in need thereof;

6. compile and update registers on:

a) children in need of special protection;

b) children under police protection;

c) (amended, SG No. 38/2006) children not attending school;

d) children placed to live with relatives' or close friends' families;

e) children placed in foster families;

f) (amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) children placed in social and integrated health and social services for residential care;

g) (repealed, SG No. 32/2012, effective 24.04.2012);

h) not-for-profit legal entities, working on child protection programs;

i) (repealed, SG No. 38/2006);

7. render assistance and cooperation to not-for-profit legal entities, performing child protection activities;

8. assist children in their occupational orientation and qualification of children at risk, including persons that have completed their secondary education after they had come of age;

9. (amended, SG No. 32/2012, effective 24.04.2012) organise the training and consultations for foster parents and shall participate in the selection of the latter;

10. alert the police authorities, the prosecution and the courts, who shall take immediate steps to ensure child protection;

11. organize immediate assistance for children in disastrous (force-major) situation including the cases under Article 41 when the 48 hours police protection is over;

12. propose for appointment guardian councils and trustees;

13. (amended, SG No. 38/2006) investigate adoption candidates from the country and provide a written conclusion concerning the candidates suitability to adopt a child; provide an opinion in the cases, envisaged in the Family Code; organize consultations and training for the adoption candidates and for the adopters and provide a monitoring of the child for a period of two years after the date of the adoption;

14. bring claims to the court for deprivation or limitation of parental rights in interest of the child or enter as a party into court proceedings that have been already commenced;

15. (amended, SG No. 38/2006, SG No. 14/2009) prepare written reports and opinions in the cases under Article 15 (6) while prior to submission to the requiring body, the report shall be brought to the knowledge of the child's parents, tutors, curators or other persons who take care of the child, as well as to the child if aged over 14 unless this would harm his/her interest.

(2) The Director of the Social Assistance Directorate shall nominate the persons in charge of representative functions under Article 15 (6).

(3) (New, SG No. 59/2007) In pursuance of Article 35, paragraph 2 of the Convention of 1996, the Social Assistance Directorate, exercising competence over the permanent address of the parent who has approached the relevant competent authority with a request to obtain or to maintain access to the child who does not habitually reside in the Republic of Bulgaria, shall gather information or evidence and shall make a finding on the suitability of that parent to exercise the rights of access, as well as on the conditions under which access is to be exercised.

Cooperation with the Guardianship and Trustee Body

**Article 22.** The Social Assistance Directorate shall work in cooperation with the guardianship and trustee body.

## **Chapter Three "a"** **(New, SG No. 59/2007)** **PROCEEDINGS CONCERNING RETURN OF A CHILD OR EXERCISE OF RIGHTS OF ACCESS**

**Article 22a.** (New, SG No. 59/2007) (1) An application for the return of a child or for the exercise of rights of access under the Hague Convention on the Civil Aspects of International Child Abduction, done at The Hague on the 25th day of October 1980 (ratified by law, promulgated in the State Gazette No. 20 of 2003) (Convention promulgated in the State Gazette No. 82 of 2003), hereinafter referred to as "the Hague Convention", shall be examined by the Sofia City Court in public session with the participation of:

1. the Ministry of Justice or the applicant;
2. the interested parties;
3. a prosecutor.

(2) The Social Assistance Directorate with the municipality wherein the child has its current address shall submit an opinion in the proceeding under Paragraph (1). The court shall hear the child in accordance with Article 15 herein.

(3) The Ministry of Justice shall represent the applicant, where application has been lodged care of the said Ministry. The said Ministry may appoint a representative to act on its behalf.

**Article 22b.** (New, SG No. 59/2007) The court, acting on a motion as submitted or ex officio, may rule on a suitable provisional measure for the protection of the child for the purpose of avoiding any further dangers to the child or detriment to the parties.

**Article 22c.** (New, SG No. 59/2007) (1) The court shall render judgment within one month after submission of the application.

(2) In the proceeding under Article 22a (1), the court shall not examine the question of exercise of the rights of custody on the merits.

**Article 22d.** (New, SG No. 59/2007) (1) The judgment of the Sofia City Court shall be appealable by the persons covered under Article 22a (1) before the Sofia Appellate Court.

(2) Within one month after lodgement of any such appeal, the court shall render judgment which shall be final.

**Article 22e.** (New, SG No. 59/2007) In this proceeding, the court may collect evidence of its own motion, as well as assist the parties in exercising their procedural rights.

**Article 22f.** (New, SG No. 59/2007) Where a foreign court applies Article 15 of the Hague Convention, the Bulgarian authority competent to determine that the removal or retention of a child was wrongful shall be the court which has examined or is examining the questions regarding the rights of custody, or the Ministry of Justice, where the said questions have not been subject of a court proceeding.

**Article 22g.** (New, SG No. 59/2007) (1) The rules of this Chapter shall furthermore apply, mutatis mutandis, in respect of the Convention of 1996 concerning parental responsibility and measures for the protection of children.

(2) In the cases and under the terms of Articles 8, 9 and 13 of the Convention of 1996, the competent court first seised, if it considers that this is in the child's best interests, may decline jurisdiction in favour of a foreign court second seised or accept to examine the case and render judgment, where the foreign court first seised has declined jurisdiction in favour of the said competent court.



(3) In the cases referred to in Paragraph (2), the judgment rendered by the foreign court shall be recognizable and enforceable according to the procedure established by Chapter Three B.

**Chapter Three "b"**  
**(New, SG No. 59/2007)**  
**SPECIAL RULES FOR RECOGNITION AND**  
**ADMISSION TO ENFORCEMENT OF DECISIONS OF**  
**FOREIGN COURTS AND OF OTHER FOREIGN**  
**BODIES CONCERNING CUSTODY AND MEASURES**  
**FOR THE PROTECTION OF CHILDREN**

**Article 22h.** (New, SG No. 59/2007) (1) An application for recognition and admission to enforcement of a decision of a foreign court or another foreign authority concerning the exercise of rights of custody and restoration of the exercise of rights of custody upon improper removal of a child, based on the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 1980, done at Luxembourg on the 20th day of May 1980 (ratified by law, promulgated in the State Gazette No. 21 of 2003) (Convention promulgated in the State Gazette No. 104 of 2003), hereinafter referred to as "Luxembourg Convention", shall be examined by the Sofia in public session with the participation of:

1. the Ministry of Justice;
2. the parties to the foreign decision;
3. a prosecutor.

(2) Paragraph (1) shall not apply where the applicant has seised the court directly.

(3) The Social Assistance Directorate with the municipality wherein the child has its current address shall submit an opinion in the proceeding under Paragraph (1). The court shall hear the child in accordance with Article 15 herein.

(4) The court, acting on a motion as submitted or ex officio, may rule on a suitable provisional measure for the protection of the child for the purpose of avoiding any further dangers to the child or detriment to the parties.

**Article 22i.** (New, SG No. 59/2007) (1) The court shall suspend the proceeding under Article 22g (1) here where:

1. the decision is subject to appeal;
2. a proceeding on the merits of the dispute, which has commenced before the proceeding in the State of origin of the decision whereof the recognition and/or admission to enforcement is applied for, is pending before a Bulgarian court;
3. another decision concerning the exercise of the rights of custody is the subject of a

proceeding for recognition and/or admission to enforcement of the said decision.

(2) In the cases referred to in Item 2 of Paragraph (1), the court shall immediately notify the relevant court, which shall be obligated to pronounce within one month after notification.

**Article 22j.** (New, SG No. 59/2007) (1) The court shall render judgment within one month after submission of the application.

(2) The judgment of the court shall be appealable before the Sofia Appellate Court.

(3) The Sofia Appellate Court shall render judgment within the time limit referred to in Paragraph (1). The said judgment shall be final.

**Article 22k.** (New, SG No. 59/2007) (1) Recognition and enforcement of a decision on exercise of the rights of custody, rendered after the removal of the child, may be applied for according to the procedure established by this Chapter, if the said removal has been declared improper by the said decision.

(2) A recognition and enforcement of the decision of another State party to the Luxembourg Convention shall be refused in the cases covered by Articles 8 and 9, where the grounds provided under Article 10, paragraph 1 of the Convention exist.

(3) A recognition and enforcement of the decision shall be admitted solely in so far as the said decision is enforceable in the State of origin of the said decision.

**Article 22l.** (New, SG No. 59/2007) Save in so far there are no special rules concerning this proceeding, the standard action proceeding rules in the Code of Civil Procedure shall apply.

**Article 22m.** (New, SG No. 59/2007) The rules of this Chapter shall furthermore apply, mutatis mutandis, in respect of the Convention of 1996 concerning the recognition and enforcement of decisions of foreign courts and of other foreign bodies.

## **Chapter Four**

# **CHILD PROTECTION MEASURES**

Protection Measures in a Family Environment

**Article 23.** The following shall constitute protection measures in a family environment:

1. provision of pedagogic, psychological and legal aid to parents and to persons, entrusted with parental functions, concerning problems with child rearing, upbringing and education;

2. (amended, SG No. 38/2006, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) referring persons to appropriate social services;
3. (supplemented, SG No. 14/2009) consulting and informing the child in accordance with his or her age and with the level of his or her development;
4. (amended, SG No. 14/2009) consulting and assistance on issues of social assistance and services;
5. (amended, SG No. 14/2009) assistance with a view to improve living conditions;
6. conducting social work to facilitate child-parent relations and solution of relations conflicts and crises;
7. studying the individual abilities and interests of a child and referring him or her to a suitable educational establishment;
8. assistance in finding appropriate jobs for children in need thereof, who have reached the age of 16, under the conditions set forth by the labour legislation;
9. referring the child to appropriate activities to fill up his or her spare time;
10. assisting the adoptive parents in their preparation to assume their parental responsibilities, to complete the act of adoption, as well as protecting the child's rights in cases of termination of adoption;
11. (new, SG No. 14/2009) assistance for the persons who care for children in the preparation and performance of their functions.

#### Provision of Protection Measures in a Family Environment

**Article 24.** (1) (Amended, SG No. 14/2009) The child protection measures pursuant to Article 23 shall be undertaken by the Social Assistance Directorate upon the request of parents, tutors, curators, other persons who take care of the child, as well as at the discretion of the Social Assistance Directorate and shall be implemented by social service providers for children or by the Social Assistance Directorate.

(2) The protection measures under Paragraph (1) may be rendered in combination with other protection measures pursuant to this Act.

#### Grounds for Placement out of the Family

**Article 25.** (1) (Amended, SG No. 36/2003, previous text of Article 25, SG No. 14/2009) A child may be placed to live out of his or her family in cases where:

1. the parents have passed away, are unknown or have their parental rights deprived or limited;
2. (supplemented, SG No. 14/2009) the parents, tutors or curators without a valid reason continuously do not provide care for the child;
3. (supplemented, SG No. 14/2009) the parents, tutors or curators are in a position of permanent inability to rear the child;
4. the child is a victim of violence in the family and is in danger of his/her physical, mental, moral, intellectual and social development;
5. (new, SG No. 59/2007) in the cases covered under Article 11 of the Convention of 1996;
6. (new, SG No. 28/2011) whose parents, tutors or curators have consented to, and refuse to terminate the child's participation in broadcasts within the meaning of the Radio and

Television Act which are detrimental or pose threats to his/her physical, psychological, moral and/or social development.

(2) (New, SG No. 14/2009) The placement of the child outside the family shall be imposed as a measure of protection after all possibilities for protection within the family have been exhausted save in the cases when urgent removal is necessary.

#### Placement out of the Family

**Article 26.** (1) (Supplemented, SG No. 36/2003, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The placement of a child with a family of relatives or friends, with a foster family or in a social or integrated health and social service for residential care shall be done by the court. Until the court comes out with a ruling, the Social Assistance Directorate at the current address of the child shall provide for temporary placement by an administrative order.

(2) (Amended, SG No. 38/2006) The request to apply measures under Paragraph (1) shall be submitted to the court by the Social Assistance Directorate, by the prosecutor or the parent. They shall refer to the regional court.

(3) (New, SG No. 14/2009) The request for placement made by the Social Assistance Directorate shall be accompanied by:

1. a report of the Social Assistance Directorate at the current address of the child;
2. the declarations of the child's family or relatives in the cases under Article 27 (3) and (4);
3. information from the register of the Social Assistance Directorate about the entered foster families with which children may be placed.

(4) (New, SG No. 14/2009) When the request is made by the prosecutor or by a parent, the court shall request ex officio the documents pursuant to Paragraph (3) from the Social Assistance Directorate.

(5) (New, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) A social or integrated health and social service for residential care shall be used by a child together with a parent on the basis of a referral from the Social Assistance Directorate.

#### Temporary Placement by an Administrative Order

**Article 27.** (1) (Amended, SG No. 38/2006, supplemented, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The placement of a child with the family of relatives or friends, with a foster family and in a social or integrated health and social service for residential care shall be done by the order of the Director of the Social Assistance Directorate at the current address of the child.

(2) (New, SG No. 38/2006, amended, SG No. 14/2009) Within one month of the issue of the order under Paragraph (1), the Social Assistance Directorate shall make a request to the regional court at the current address of:

1. the child - in case of urgent measures;
2. the parents - in all other cases.

(3) (Renumbered from Paragraph (2), amended, SG No. 38/2006, SG No. 14/2009) In cases of placement with the family of relatives or friends, it is necessary to obtain the consent

of the person with whom the child will be placed, and his suitability is examined. The consent of the receiving person shall be expressed with a sample declaration.

(4) (New, SG No. 14/2009) The disagreement of the relatives or friends to raise the child shall be certified by them with a sample declaration.

(5) (Renumbered from Paragraph (3), amended, SG No. 38/2006, renumbered from Paragraph (4), amended, SG No. 14/2009, SG No. 32/2012, effective 24.04.2012, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) In cases of placement with a foster family, placement shall be done after a check has been performed on the suitability of the candidate foster family. After placement by an administrative order, a contract shall be signed between the foster family and the municipality, a licensed provider of social services referred to in Article 34a or the Social Assistance Directorate at the current address of the foster family.

(6) (Amended, SG No. 30/2006, renumbered from Paragraph (4), SG No. 38/2006, renumbered from Paragraph (5), SG No. 14/2009) The acts of the Director of the Social Assistance Directorate shall be issued and appealed against according to the procedure established by the Administrative Procedure Code.

#### Placement by Order of the Court

**Article 28.** (1) (Supplemented, SG No. 36/2003, amended, SG No. 38/2006, amended and supplemented, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The requests for placing a child with the family of relatives or friends, with a foster family and in a social or integrated health and social service for residential care shall fall within the jurisdiction of the regional court at the current address of the child.

(2) (New, SG No. 14/2009) In the proceeding under Paragraph (1) the court may collect evidence at its own initiative.

(3) (Supplemented, SG No. 38/2006, renumbered from Paragraph (2), SG No. 14/2009) The court shall immediately consider the request in an open session, where the bodies or the persons, that have submitted the request shall participate along with the child pursuant to the provision of Article 15.

(4) (Renumbered from Paragraph (3), SG No. 14/2009) The court shall come out with a ruling within one month. The ruling shall be disclosed to the parties concerned and shall be brought to immediate effect. In specifying the child protection measures the court shall follow the order established by Article 26 (1), unless that goes against the child's interests.

(5) (New, SG No. 38/2006, renumbered from Paragraph (4), amended, SG No. 14/2009) The ruling under Paragraph (4) must specify the term of the placement.

(6) (Renumbered from Paragraph (4), SG No. 38/2006, renumbered from Paragraph (5), SG No. 14/2009) The ruling shall be appealable to the district court within seven days. In cases where a complaint or a letter of protest has been submitted, the court shall schedule the hearing within a period of less than seven days. The district court shall come out with a ruling, which shall be final.

(7) (Renumbered from Paragraph (5), SG No. 38/2006, renumbered from Paragraph (6), SG No. 14/2009) The court may change the measure that has been ruled out upon request of the persons under Article 26 (2) where this is in the child's interest.

#### Grounds for Termination of the Placement

**Article 29.** The placement out of the family shall be terminated:

1. upon cancellation of the contract;
2. at the expiration of the term;
3. by mutual consent of the parties to the contract;
4. at the adoption of the child;
5. (supplemented, SG No. 14/2009) at the child's coming of age, and if studying - until the completion of secondary education, but not after the age of 20;
6. (supplemented, SG No. 14/2009) at the invalidation of grounds under Article 25 (1);
7. at the death of the spouses or of the foster family person;
8. at a change in the protection measure;
9. (new, SG No. 14/2009) in the event of changes in the circumstances relating to the child, if it is in his/her interest;
10. (new, SG No. 38/2006, renumbered from Item 9, SG No. 14/2009) in the event of death of the person/persons of the family of relatives or friends;
11. (new, SG No. 38/2006, renumbered from Item 10, SG No. 14/2009) in the event of death of the child.

#### Procedure for Placement Termination

**Article 30.** (1) (Amended, SG No. 38/2006, SG No. 14/2009) The placement shall be terminated by the regional court upon request of the foster family, of the family of relatives of friends, of the Social Assistance Directorate, of the child's parents or of the prosecutor, except in the cases under Items 4, 5, 7, 10 and 11 of Article 29.

(2) (Amended, SG No. 14/2009) The placement may be terminated temporarily by the Social Assistance Directorate until the ruling of the court comes out. In that case, the Social Assistance Directorate may make a decision concerning the future rearing and upbringing of the child; or it may adopt another temporary protection measure if the best interests of the child are ensured in this way.

(3) The ruling of the regional court may be appealed against in front of the district court. The act of appeal may not stop the execution. The ruling of the district court shall be final and is not subject of cassation appeal.

(4) The ruling to terminate the placement shall be executed in the administrative procedure.

#### Alteration of the Child Protection Measure

**Article 30a.** (New, SG No. 36/2003, amended, SG No. 38/2006, SG No. 14/2009, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The procedure for placement of children under Articles 26 to 28 shall be followed in cases of alteration of the child protection measure under Items 2, 4 and 5 of Article 4(1).

#### Foster Family

**Article 31.** (Supplemented, SG No. 36/2003, SG No. 38/2006, effective 1.01.2007,

amended, SG No. 14/2009, SG No. 32/2012, effective 24.04.2012) (1) A foster family shall consist of two spouses or of a separate individual, with whom a child is placed to be reared pursuant to a contract under Article 27. The spouses or the individual of the foster family shall not bear parental rights and responsibilities.

(2) The applicants for foster families shall be approved by the Commission for foster care, which shall be established with the Regional Social Assistance Directorate.

(3) The Regional Social Assistance Directorate shall keep a register of the approved foster families.

(4) (Amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The foster family may also be a professional foster family. In this case it must also have additional qualifications to rear children, acquired according to the procedure established by the regulation referred to in Paragraph 6, and shall conclude a contract with the municipality, a licensed provider of social services referred to in Article 34a or the Social Assistance Directorate.

(5) The terms and procedure for financing of the professional foster family shall be established by the Implementing Regulation on this Act.

(6) The terms and procedure for application, selection and approval of the foster families and the placement of children with the foster family, as well as the composition, organisation and functions of the Commission for foster care, shall be established by a Regulation of the Council of Ministers upon a proposal of the Minister of Labour and Social Policy.

#### Persons Who Are Ineligible to Become a Foster Family

**Article 32.** The persons who are ineligible to become a foster family are those that:

1. have not come of age;
2. have been placed under prohibitory injunction;
3. have been deprived of their parental rights or whose parental rights have been limited, unless that has happened for objective reasons and their parental rights have been restored;
4. may not act as guardians;
5. are guardians or trustees, as well as foster families, who have been discarded of that activity for culpable failure to fulfil obligations;
6. are unsuitable to perform parental functions as they lack the personal qualities to bring up a child and they do not have financial means to rear and care for a child.
7. are adoptive parents at the moment of adoption termination, which has been caused through their fault pursuant to the procedure established by the Family Code;
8. (amended, SG No. 70/2004 - effective 1.01.2005) are afflicted with AIDS and illnesses pursuant to Article 61 (1) and Items 1 and 2 of Article 146 (1) of the Health Act;
9. (new, SG No. 38/2006) who have been convicted of a premeditated offence at public law;
10. (new, SG No. 38/2006) against whom criminal proceedings have been instituted for a premeditated offence at public law.

#### Relations with Birth Parents

**Article 33.** (1) (Amended, SG No. 38/2006) The foster family and the family of relatives or friends must provide information about the child to his or her parents and must assist them in their personal relations with the child. Where such relations are to the interest of the child, the regional court shall rule out on their regime by a decision.

(2) (Supplemented, SG No. 38/2006) The decision under Paragraph (1) may be appealed pursuant to the procedure established by the Code of Civil Procedure by the parents, the child, the prosecutor, the Social Assistance Directorate, the family of relatives or friends or the foster family.

#### Expression of Opinion

**Article 34.** (Amended, SG No. 38/2006) The foster family and the family of relatives or friends shall have a right to express an opinion before a decision has been issued concerning a change in the child protection measure.

#### Foster Care

**Article 34a.** (New, SG No. 38/2006, supplemented, SG No. 14/2009, amended and supplemented, SG No. 32/2012, effective 24.04.2012, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) Foster care is a measure for the protection of the child pursuant to Article 4(1) for the rearing and upbringing in the family environment of a child placed with the family of relatives or friends or with a foster family.

(2) Families of relatives or friends, applicants for foster families and approved foster families shall receive support through social services that include activities for recruiting and assessment of applicants for foster families, training, mutual adaptation, support and monitoring of the rearing of the child.

(3) Social services referred to in Paragraph 2 shall be provided by municipalities and by providers of social services licensed in accordance with the procedure laid down in the Social Assistance Act.

(4) The activities referred to in Paragraph 2 shall be carried out by the Social Assistance Directorate at the current address of the family only in the cases where the municipality does not provide social services that include said activities and where there are no licensed providers that provide such social services.

#### Residential Care

(Title amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

**Article 35.** (Amended, SG No. 36/2003, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) Residential care shall be provided to children only in cases where the possibilities for the child to remain in the home and family environment and the possibilities of applying child protection measures in a family environment have been exhausted.



## Control

**Article 36.** The Director of the Social Assistance Directorate shall exercise current control on the effectiveness of measures undertaken.

## Notification of Immediate Risk of Abandonment

**Article 36a.** (New, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

(1) Anyone who becomes aware of an immediate risk that a child will be abandoned or that a child is neglected shall be obliged to report immediately to the Social Assistance Directorate.

(2) The report referred to in Paragraph 1 shall be checked upon immediately under conditions and according to a procedure laid down in the ordinance referred to in Article 5(2).

## Actions in the Event of an Immediate Risk of Abandoning a Child after Birth

**Article 36b.** (New, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

(1) The manager of a medical treatment facility with a maternity ward and the general practitioner of a pregnant woman who have become aware that there is an immediate risk of abandoning a child immediately after birth are obliged to report immediately to the Social Assistance Directorate.

(2) The manager of a medical treatment facility with a maternity ward shall assign the obligation to file a report in accordance with Paragraph 1 by a written order to a person from the maternity ward staff, provide access to the mother and child and assist in the check performed in connection with the report.

(3) The manager of a medical treatment facility in which a living child has been surrendered, found, abandoned or left has the obligation provided for in Paragraph 1.

(4) The manager of a medical treatment facility with a maternity ward may not discharge the child until the expiration of the time period for the check in connection with the report referred to in Article 36a(2).

(5) The report shall be checked upon immediately under conditions and according to a procedure laid down in the ordinance referred to in Article 5(2).

## Preventing the Abandonment of a Disabled Child

**Article 36c.** (New, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

(1) The head of the maternity ward in which a disabled child is born or a medical practitioner designated thereby shall inform the child's parents immediately and in an appropriate manner after the disability is diagnosed.

(2) Medical practitioners in the maternity ward in which a disabled child is born shall endeavor to motivate parents not to abandon their child as well as to provide them with complete information on the condition of the child, the possible treatments, the consequences for the child's development and the necessary care.

(3) The head of the maternity ward shall immediately inform the Social Assistance Directorate and a provider of social services for early intervention in cases of disability so that they can provide initial support to the parents and the disabled child.

#### Coordination Mechanism in Cases of Violence

#### **Article 36d.** (New, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

(1) In order to protect a child at risk or a child who is a victim of violence or exploitation, the Social Assistance Directorate shall set up a multidisciplinary team whose members work together until the case is completed and develop an action plan to protect the child or prevent violence.

(2) A social worker designated by the Director of the Social Assistance Directorate shall carry out an assessment of the report within 24 hours of receiving a report of a child at risk or a child who is a victim of violence or exploitation. If the information is confirmed, the social worker shall notify orally by phone, including a mobile phone, and in writing by mail, e-mail or fax the members of the team referred to in Paragraph 1 and shall set a date and time for a meeting of the team.

(3) The social worker designated by the Director of the Social Assistance Directorate shall be the leader of the team referred to in Paragraph 1. Representatives of the district department of the Ministry of Interior (district inspector, inspector in the sector for work with children or operative worker), the District Prosecutor's Office and a representative of the municipality must be involved in the team. At the discretion of the team leader, a representative of the regional health inspectorate, the child's general practitioner or a representative of the hospital which reported the case, a representative of the regional education administration and of the school, kindergarten or other educational institution and a representative of a provider of social services can be invited to participate.

(4) The mayor of the municipality shall support the coordination of the activities of the multidisciplinary team.

#### Protection of a Child who is a Victim of Violence or Exploitation

#### **Article 36e.** (New, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

(1) The protection of a child at risk or a child who is a victim of violence or exploitation shall be undertaken after the case has been investigated by the multidisciplinary team and according to the proposed action plan referred to in Article 36d(1).

(2) The Action Plan shall contain health, social and educational services to prevent violence or to restore the child.

(3) Where the violence has been committed by a parent, by a person who has been entrusted with the care of the child or by a person to whom the child has been entrusted, the child victim may be granted protection by placing it in a social service for children who are victims of violence or victims of trafficking. The court decision shall sets out measures regarding parental rights and measures that refer parents to social services to raise parental capacity on a proposal from the Social Assistance Directorate.

(4) Where the violence has been committed by a parent, by a person who has been entrusted with the care of the child or by a person to whom the child has been entrusted, the Social Assistance Directorate may refer the case to the court or a prosecutor so that measures can be taken against the perpetrator in accordance with the Protection Against Domestic Violence Act.

(5) If data about a crime exist, the Social Assistance Directorate shall send a report to the District Prosecutor's Office for taking measures with respect to the perpetrator in accordance with the Criminal Code.

(6) Where the violence against or the exploitation of a child has been committed by a person to whom the child has been entrusted for said person to provide care, protection, treatment or training on the basis of a court decision, employment or another contract, the prosecuting authorities shall, when submitting the file to the court, notify immediately the Social Assistance Directorate at the current address of the child and the employer concerned in order to immediate separate that person from the child or children.

#### Police Protection

**Article 37.** (1) The provision of police protection to a child shall be done by the specialised bodies of the Ministry of the Interior.

(2) (Repealed, SG No. 14/2009).

#### Grounds

**Article 38.** (Supplemented, SG No. 14/2009) Police protection is an urgent measure to be applied when the child:

1. (amended, SG No. 14/2009) has become subject of a crime or there is an immediate threat for his or her life or health, as well as when there is a danger of the child getting involved in a crime;
2. (amended, SG No. 14/2009) has been lost or is in a helpless condition;
3. (amended, SG No. 14/2009) has been left without supervision.

#### Police Protection Measures

**Article 39.** (1) The specialised bodies of the Ministry of the Interior may:

1. accommodate the child in special premises, where they shall not permit any contacts with the child that may prove harmful to him or her;

2. (supplemented, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) place the child in social services for residential care and, where necessary, provide him or her with food;

3. (amended, SG No. 14/2009) return the child back to his or her parents or the persons who care for the child.

(2) The specialised bodies under Paragraph (1) shall inform the child and explain to him or her in an understandable manner the measures undertaken and the grounds for them.

(3) (New, SG No. 38/2006) The bodies under Paragraph (1) may conduct checks on receiving information and reports on the presence of circumstances under Article 38.

#### Obligation to Notify

**Article 40.** The police bodies, who have implemented the protection, shall notify immediately:

1. (supplemented, SG No. 14/2009) the child's parents, tutors, curators or persons who take care of the child;

2. the Social Assistance Directorate of the region where protection has been implemented;

3. (amended, SG No. 36/2003) the Social Assistance Directorate at the current address of the child;

4. the prosecutor's office;

5. (new, SG No. 14/2009) the regional directorate of the Ministry of the Interior at the current address of the child.

#### Term

**Article 41.** (Amended, SG No. 36/2003, SG No. 14/2009) Police protection shall be offered for up to 48 hours.

#### Search for a Disappeared Child

**Article 42.** The actions for the search of a disappeared child shall be undertaken immediately.

#### Regulation

**Article 43.** The terms and conditions to provide police protection shall be governed by an ordinance issued by the Minister of the Interior in consultation with the State Agency for Child Protection.

#### Specialised Protection of Children at Public Places

**Article 43a.** (New, SG No. 36/2003, supplemented, SG NO. 38/2006, repealed, SG No. 14/2009).

**Chapter Four "a"**  
**(New, SG No. 36/2003, effective 1.01.2004, repealed, SG**  
**No. 24/2019, effective 1.07.2020 - amended, SG No.**  
**101/2019)**  
**LICENSING**

**Article 43b.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 38/2006, SG No. 68/2013, effective 2.08.2013, SG No. 8/2016, SG No. 17/2018, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43c.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 38/2006, effective 1.01.2007, supplemented, SG No. 8/2016, amended and supplemented, SG No. 103/2017, effective 1.01.2018, amended, SG No. 85/2017, supplemented, SG No. 103/2017, effective 1.01.2018, amended, SG No. 17/2018, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43d.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 38/2006, SG No. 8/2016, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43e.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 38/2006, supplemented, SG No. 14/2009, amended, SG No. 8/2016, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43f.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 30/2006, SG No. 8/2016, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43g.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 51/2011, SG No. 8/2016, SG No. 103/2017, effective 1.01.2018, SG No. 17/2018, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43h.** (New, SG No. 36/2003, effective 1.01.2004, amended, SG No. 38/2006, effective 1.01.2007 - concerning the word "persons", SG No. 8/2016, SG No. 8/2016, SG No.

17/2018, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

**Article 43i.** (New, SG No. 8/2016, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

## **Chapter Five**

### **FINANCING OF CHILD PROTECTION ACTIVITIES**

#### Sources of Financing

**Article 44.** (Amended, SG No. 36/2003) (1) Child protection activities are financed from:

1. (Amended, SG No. 15/2013, effective 1.01.2014) The state budget;
2. Municipal budgets;
3. National and international programmes and agreements in the field of child care;
4. Donations of Bulgarian and international natural persons and legal entities;
5. (Amended, SG No. 51/2011) The Social Protection Fund;
6. Other sources.

(2) (Amended, SG No. 38/2006, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The Social Assistance Directorate under the Agency for financial aid under terms and according to a procedure laid down by the Implementing Regulation on the Child Protection Act.

(3) (Amended, SG No. 38/2006, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The financial aid and/or assistance shall be allocated by an order of the Director of the Social Assistance Directorate under the Social Assistance Agency.

(4) (Amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The financial aid and/or assistance shall be granted in cash and shall be one-time and monthly.

(5) (Amended, SG No. 38/2006, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

(6) (Amended, SG No. 38/2006, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The financial aid and/or assistance shall be provided as to support the child and his/her family for the purpose of prevention and reintegration, rearing of the child in families of relatives or friends or in foster families.

(7) (Amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) The financial aid and/or assistance shall be free of taxes, fees and deductions.

#### Child Assistance Fund

**Article 44a.** (New, SG No. 63/2003, repealed, SG No. 115/2004).

## **Chapter Six**

### **ADMINISTRATIVE PENALTY PROVISIONS**

#### Sanctions

**Article 45.** (1) (New, SG No. 38/2006, amended, SG No. 14/2009, SG No. 58/2019) A fine or a pecuniary penalty of BGN 2000 or exceeding this amount but not exceeding BGN 4000 shall be imposed on any person who sells alcoholic beverages or tobacco products and related products to children where no heavier administrative penalty is provided for by a special act or the act does not constitute a criminal offence. In the case of a repeated violation compulsory measures shall be taken for the temporary cessation of activity for a set term, but no longer than one year.

(2) (New, SG No. 38/2006, amended, SG No. 14/2009, supplemented, SG No. 42/2010, amended, SG No. 40/2012, effective 1.06.2012) A fine or a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any person who allows a child into a commercial establishment under his management between 10 p.m. and 6 a.m. in violation of Paragraphs (3) and (4) of Article 8, and in the case of a repeated violation with a fine or a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 8,000.

(3) (New, SG No. 38/2006, amended, SG No. 14/2009, supplemented, SG No. 42/2010, amended, SG No. 40/2012, effective 1.06.2012) A fine of BGN 300 or exceeding this amount but not exceeding BGN 500 for a first violation, and a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000 for a second violation, shall be imposed on any parent, tutor, curator or other person who takes care of a child who violates Article 8 (4), or on a parent, curator or other person who takes care of a child who fails to provide a person to accompany the child pursuant to Article 8 (3).

(4) (New, SG No. 14/2009) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 2,000 for a first violation, and a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 for a second violation, shall be imposed on any person who in violation of Article 8 (7) leaves without supervision and adequate care a child under 12 years of age in his care, whereby he creates a danger for his or her physical, mental and moral development, unless liable to a heavier administrative penalty under a special law or unless the act constitutes a criminal offence.

(5) (New, SG No. 38/2006, renumbered from Paragraph (4), amended, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

(6) (Amended, SG No. 36/2003, renumbered from Paragraph (1), amended and supplemented, SG No. 38/2006, renumbered from Paragraph (5), amended, SG No. 14/2009, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) Any person who fails to fulfil an obligation pursuant to this Act with the exception of the cases under Paragraphs (1) to (4) shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1000 for a first violation, and a fine of BGN 1000 or exceeding this amount but not exceeding BGN 2000 for a second violation, unless liable to a heavier administrative penalty under a special law or unless the act constitutes a criminal offence.

(7) (Amended, SG No. 36/2003, renumbered from Paragraph (2), amended, SG No. 38/2006, renumbered from Paragraph (6), amended, SG No. 14/2009) Any official who fails

to fulfil an obligation shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000 for a first violation, and a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 2,000 for a second violation, unless liable to a heavier administrative penalty under a special law or unless the act constitutes a criminal offence.

(8) (New, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

(9) (New, SG No. 14/2009) Any person who fails to fulfil a compulsory prescription pursuant to this Act shall be liable to a fine or a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 for a first violation, and a fine or a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 for a second violation.

(10) (New, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

(11) (New, SG No. 14/2009) Any person, who in violation of Paragraphs (1) and (2) of Article 7 fails to inform the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of the Interior of the need for child protection, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 2,000 for a first violation, and a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 for a second violation, unless liable to a heavier administrative penalty under a special law or unless the act constitutes a criminal offence.

(12) (New, SG No. 14/2009, amended, SG No. 28/2011) Any person who, in violation of Article 11a, discloses information and data about the personality of a child shall be liable to a fine from BGN 1,000 to BGN 3,000, or a pecuniary penalty from BGN 3,000 to BGN 5,000 unless liable to a heavier administrative penalty under a special law or unless the act constitutes a criminal offence. In case of a recurrent violation, the pecuniary penalty shall be from BGN 5,000 to BGN 10,000.

(13) (New, SG No. 47/2009, effective 1.10.2009) An official failing to perform an obligation under Article 27, paragraph 2 shall be punished with a fine ranging from BGN 1,000 to BGN 2,000 for a first violation and from BGN 1,500 to BGN 3,000 for a repeated violation, unless the official is subject to a more severe administrative punishment prescribed by a special law or the action constitutes an offence.

(14) (New, SG No. 59/2010) Parents, tutors, curators or other persons who take care of a child and who violate Article 8, paragraph 9 shall be punished with a fine ranging from BGN 250 to BGN 500 for a first violation and from BGN 500 to BGN 1,000 for repeated violations.

(15) (New, SG No. 28/2011) Any parent, tutor, curator or another person taking care of a child who has, in violation of Article 8(10), allowed the participation of a child in broadcasts within the meaning of the Radio and Television Act and thus poses threats to his/her physical, psychological, moral and/or social development shall be liable to a fine from BGN 1,000 to BGN 2,000, unless liable to a heavier administrative penalty under a special law or unless the act constitutes a criminal offence. In case of a recurrent violation, the pecuniary penalty shall be from BGN 2,000 to BGN 5,000.

Proceeds from Sanctions Imposed

**Article 45a.** (New, SG No. 38/2006, supplemented, SG No. 14/2009, amended, SG No.



102/2018, effective 1.01.2019) The proceeds from fines and pecuniary penalties imposed under this Act shall be credited to the National Health Insurance Fund - for activities related to the treatment of children, financed with transfers from the budget of the Ministry of Health.

#### Procedure

**Article 46.** (Amended and supplemented, SG No. 36/2003, SG No. 38/2006, amended, SG No. 69/2008, SG No. 14/2009) (1) Violations under Paragraphs (1) to (4) of Article 45 shall be ascertained by an act of the police bodies, and the penalty decree shall be issued by the Director of the regional directorate of the Ministry of the Interior or by an official empowered by him.

(2) (Amended, SG No. 59/2010, SG No. 28/2011, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) Violations under Paragraphs (6), (11), (12), (14) and (15) of Article 45 shall be ascertained by an act of an official of the Child Rights Control Chief Directorate with the State Agency for Child Protection, and the penalty decree shall be issued by the Chairman of the State Agency for Child Protection or by an official empowered by him.

(3) (Supplemented, SG No. 47/2009, effective 1.10.2009) Violations under Article 45 (7) and (13) shall be ascertained:

1. of an official from the Social Assistance Directorate - by an act of an inspector from the Agency for Social Assistance, and the penalty decree shall be issued by the Executive Director of the Agency for Social Assistance or by an official empowered by him;

2. of other officials - by an act of an official of the Child Rights Control Chief Directorate with the State Agency for Child Protection, and the penalty decree shall be issued by the Chairman of the State Agency for Child Protection or by an official empowered by him.

(4) Violations under Article 45 (9) shall be ascertained:

1. by an act of a social worker from the Social Assistance Directorate - for failure to fulfil the compulsory prescriptions under Article 21 (1) Item 3 and the penalty decree shall be issued by the Director of the Social Assistance Directorate or by an official empowered by him;

2. (amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) by an act of an official of the Child Rights Control Chief Directorate with the State Agency for Child Protection – for failure to fulfil the compulsory prescriptions under Article 17a, Item 14, and the penalty decree shall be issued by the Chairman of the State Agency for Child Protection or by an official empowered by him.

(5) Upon ascertainment of violations, the persons under Paragraphs (2) - (4) may seek assistance from the police bodies of the Ministry of the Interior.

(6) Acts ascertaining violations and penalty decrees shall be drawn up and appealed against according to the procedure established by the Administrative Violations and Sanctions Act.

## SUPPLEMENTARY PROVISION

**§ 1. Within the meaning of this Act:**

1. (New, SG No. 36/2003) "Protection" of the child" shall be a system of legislative, administrative and other measures for the implementation the rights of the child.

2. (New, SG No. 14/2009, amended, SG No. 17/2019) "Information and data about the personality of a child" shall be any information about child within the meaning of Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ, L 119/1 of 4.5.2016).

3. (New, SG No. 14/2009) "Other persons who take care of the child" shall be the family or relatives or friends or a foster family with which the child has been placed pursuant to the procedure of Article 26, as well as the other persons where the child resides according to current address.

4. (New, SG No. 14/2009) "Harmonized telephone number with national coverage providing information, consultation and help for children" shall be a harmonized number for a service of social value of the range 116 for rendering assistance to children, accessible through a free telephone number.

5. (New, SG No. 14/2009) "The best interest of the child" shall be an assessment of:

- a) the desires and feelings of the child;
- b) the physical, mental and emotional needs of the child;
- c) the age, gender, past and other characteristics of the child;
- d) the danger or harm which has been caused or which is likely to be caused to the child;
- e) the ability of the parents to care for the child;
- f) the consequences which will ensue for the child with a change of circumstances;
- g) other circumstances with a bearing on the child.

6. (New, SG No. 14/2009) "Care" shall be the totality of all actions proceeding from the rights and obligations of the parents, tutors, curators or other persons with whom the child lives by virtue of other legal grounds, for guaranteeing the rights of the child and the protection of his or her interests.

7. (Renumbered from Item 1, SG No. 36/2003, renumbered from Item 2, SG No. 14/2009) "A family environment" shall be the biological family of the child or the family of the adoptive persons, of the grandmother and grandfather or of the child's relatives, or a foster family, with whom the child is being placed pursuant to Article 26.

8. (Renumbered from Item 2, SG No. 36/2003, amended, SG No. 38/2006, renumbered from Item 3, SG No. 14/2009, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) "Services" within the meaning of Article 23 shall be the social services specified in Article 15 (1) to (7) of the Social Assistance Act.

9. (Renumbered from Item 3, SG No. 36/2003, repealed, SG No. 38/2006, renumbered from Item 4, SG No. 14/2009).

10. (Renumbered from Item 4, amended, SG No. 36/2003, renumbered from Item 5, SG No. 14/2009, repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019).

11. (Renumbered from Item 5, SG No. 36/2003, amended, SG No. 38/2006, renumbered

from Item 6, amended, SG No. 14/2009) "A child at risk" shall be a child:

- a) who does not have parents or has been permanently deprived of their care;
- b) who has become victim of abuse, violence, exploitation or any other inhuman or degrading treatment or punishment either in or out of his or her family;
- c) for whom there is a danger of causing damage to his or her physical, mental, moral, intellectual and social development;
- d) (repealed, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019);
- e) for whom there is a risk for dropping out from school or whom is dropped out from school.

12. (Renumbered from Item 6, SG No. 36/2003, renumbered from Item 7, SG No. 14/2009) "A child of prominent talent" shall be a child that has demonstrated permanent capabilities and achievements in the field of science, arts or sports, and his or her achievements outdo those of his or her peers.

13. (New, SG No. 36/2003, renumbered from Item 8, amended, SG No. 14/2009) "Prevention" shall be protection of the child through information, assistance, support and services.

14. (New, SG No. 36/2003, renumbered from Item 9, amended, SG No. 14/2009, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) "Reintegration" shall be a process of lasting reunification of the child placed outside the family in accordance with Items 2, 4 and 5 of Article 4(1) with his/her biological family or his/her adoption.

15. (New, SG No. 36/2003, renumbered from Item 10, SG No. 14/2009) "Current address of the child" shall be the address whereat the child resides.

16. (New, SG No. 38/2006, renumbered from Item 11, SG No. 14/2009) "Repeated violation" shall be any violation committed within one year of the entry into force of a penalty decree whereby the offender was penalised for a violation of the same kind.

17. (New, SG No. 14/2009) "Specialised protection of children at public places" shall be the creation of conditions that do not endanger the physical, mental and moral development of the children.

18. (New, SG No. 14/2009) "Suitability" are the financial and personal quality of the person who takes care of the child.

19. (New, SG No. 58/2019) "Tobacco products" are the products within the meaning of Item 4 of § 1 of the supplementary provisions of the Tobacco, Tobacco Products and Related Products Act.

20. (New, SG No. 58/2019) "Products related to tobacco products" are the products within the meaning of Item 8 of § 1 of the supplementary provisions of the Tobacco, Tobacco Products and Related Products Act.

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. Within a period of six months from the effective date of this Act, the Council of Ministers shall by decree establish a State Agency for Child Protection under the terms and according to the procedure established by the Administration Act. The financing under Items 1 and 2 of Article 44 shall become effective as of the 1st day of January 2001.

§ 3. Within a period of six months from the effective date of this Act, the state authorities, specified in the respective provisions, shall issue the secondary legislative acts provided for by the Act.

§ 4. The implementation of this Act is assigned to the Council of Ministers.  
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FINAL PROVISIONS

to the Act to Amend and Supplement the Child Protection Act  
(Promulgated, SG No. 36/2003, effective 18.04.2003)

§ 32. The Minister of Justice, the Minister of Labour and Social Policy, the Minister of Education and Science, the Minister of Health Care and the Minister of the Interior shall adjust the secondary legislation they have issued to the provisions of this Act within six months of its effective date.

§ 33. The Council of Ministers shall adopt the Implementing Regulations on this Act within six months of its effective date.

§ 34. This Act shall enter into force on the date of its promulgation in The State Gazette, except for § 27, which will enter into force on the 1.01.2004.

FINAL PROVISIONS

to the Act to Amend and Supplement the Child Protection Act  
(SG No. 38/2006)

§ 38. The Council of Ministers shall bring the acts of secondary legislation into conformity with the provisions of this Act within six months of the entry of the said Act into force.

.....  
§ 40. Paragraph (20) shall enter into force on the 1st day of January 2007, and Item 1 of § 10 (regarding the words "persons under Items 3 and 4 of Article 18 (1) of the Social Assistance Act"), § 28 (regarding the words "persons under Items 3 or 4 of Article 18 (1) of the Social Assistance Act") and § 31 (regarding the word "persons") shall enter into force as of the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union.

FINAL PROVISIONS

to the Act to Amend and Supplement the Child Protection Act  
(SG No. 14/2009)

§ 41. Nurseries, kindergartens, schools, the providers of social services for children, health and treatment facilities shall display prominently information about number 116 within a term of 6 months after its establishment.

.....  
§ 43. The Council of Ministers shall bring the acts of secondary legislation on the implementation of the Act into conformity with the provisions of this Act within six months of the entry of the said Act into force.

FINAL PROVISIONS

to the Act amending and supplementing

the Vocational Education and Training Act  
(SG No. 74/2009, effective 15.09.2009)

.....  
§ 26. In the Child Protection Act (promulgated, SG No. 48/2000, amended, No. 75 and 120/2002, No. 36 and 63/2003, No. 70 and 115/2004, No. 28, 94 and 103/2005, No. 30, 38 and 82/2006, No. 59/2007, No. 69/2008, No. 14 and 47/2009) the words "the Minister of Education and Science", "Minister of Education and Science", and "Ministry of Education and Science", shall be replaced by "the Minister of Education, Youth and Science", "Minister of Education, Youth and Science", and "Ministry of Education, Youth and Science".

.....  
TRANSITIONAL AND FINAL PROVISIONS  
to the Act amending and supplementing the Social Assistance Act  
(SG No. 32/2012, effective 24.04.2012)

.....  
§ 8. All professional foster families, which have concluded contracts for service with a Director of a Social Assistance Directorate as at the date of entry of this Act into force, shall be entitled to request an amendment of the contract with the selected provider of the "foster care" social service. In the event that the foster care family does not wish to amend the contract of service, this contract shall remain in effect until the expiry of the term specified in it.

§ 9. The Council of Ministers shall adopt the required amendments to the Implementing Regulations of the Child Protection Act and the regulation under Article 31 (6) of the Child Protection Act within three months of the entry of this Act into force.

§ 10. The Council of Ministers shall adopt the required amendments to the Structural Regulations of the Social Assistance Agency within one month of the entry of this Act into force.

§ 11. The Council of Ministers shall adopt the required amendments to the Implementing Regulations of the Social Assistance Act within three months of the entry of this Act into force.

§ 12. The Minister of Labour and Social Policy shall issue an ordinance on the career development of the social workers within 6 months of the entry of this Act into force.

§ 13. This Act shall enter into force as from the date of its promulgation in the "State Gazette".

TRANSITIONAL AND FINAL PROVISIONS  
to the Act amending and supplementing the Health Act  
(SG No. 40/2012)

.....  
§ 22. The provisions of § 1, 2, 3, 12, 13, 14, 15 and 21 come into force on June 1, 2012.

FINAL PROVISIONS  
to the Act to amend to the Youth Act  
(SG No. 68/2013, effective 2.08.2013)

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§ 28. In the Child Protection Act (promulgated, SG No. 48/2000, amended, SG No. 75 and 120/2002, SG No. 36 and 63/2003, SG No. 70, 115/2004, SG No. 28, 94 and 103/2005, SG No. 30, 38 and 82/2006, SG No. 59/2007, SG No. 69/2008, SG No. 14, 47 and 74/2009, SG No. 42, 50, 59 and 98/2010, SG No. 28 and 51/2011, SG No. 32 and 40/2012 and SG No.

15/2013) the words "the Minister of Youth, Education and Science", "Minister of Youth, Education and Science" and "The Ministry of Education, Youth and Science" is replaced by "the Minister of Education and Science", "Minister of Education and Science" and "the Ministry of Education and Science" and the words "Minister of Physical Education and Sport" and "Ministry of Physical Education and Sport" is replaced by "the Minister of Youth and Sports" and "Ministry of Youth and Sports".

.....  
ADDITIONAL PROVISION

to the Act Amending and Supplementing the Criminal Code  
(SG No. 84/2013)

§ 6. This Act implements the requirements of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101/1 of 15 April 2011).

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Social Assistance Act  
(SG No. 8/2016)

.....  
§ 15. Any licences issued pursuant to the Child Protection Act before the date of coming into force of this Act shall remain valid until they expire. Before the validity period of such licences expires, the persons under Article 18, paragraph 1, subparagraphs 3 and 4 of the Social Assistance Act shall submit an application for a new licence to the President of the State Agency for Child Protection pursuant to Article 43c of the Child Protection Act.

TRANSITIONAL AND FINAL PROVISIONS

to the Social Services Act  
(SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

.....  
§ 36. (Effective 22.03.2019 - SG No. 24/2019) (1) The existing homes for children deprived of parental care managed by municipalities and the existing homes for medical and social care for children managed by the Ministry of Health shall be closed down not later than 1 January 2021.

(2) For each child placed in a home for children deprived of parental care or in a home for medical and social care for children, a plan for removal from the home and preparation of the child for reintegration in a family environment or for the use of a social service shall be prepared under the direction of the Social Assistance Directorate.

(3) The mayor of the municipality responsible for the management of the respective home together with the Agency for Social Assistance shall prepare a plan for the closure of each home for children deprived of parental care.

(4) The Minister of Health, together with the mayor of the municipality on whose territory the home operates and with the Social Assistance Agency, shall prepare a plan for the closure of each home for medical and social care for children.

(5) The homes for children deprived of parental care that are managed by

municipalities shall be closed down with an order of the Executive Director of the Social Assistance Agency.

§ 37. (Effective 22.03.2019 - SG No. 24/2019) (1) No new specialised institutions for the provision of social services - homes for children deprived of parental care, homes for adults with mental retardation, homes for adults with mental disorders, homes for adults with physical disabilities, homes for adults with sensory disorders, homes for adults with dementia and homes for the elderly - can be established until the Act enters into force.

(2) By 1 January 2021 it is forbidden to establish new homes for medical and social care for children.

§ 38. (1) The persons who have been entered in the register referred to in the repealed Article 18(2) of the Social Assistance Act before the entry of this Act into force shall be obliged to obtain licences in accordance with the procedure laid down in this Act by 1 January 2021.

(2) Persons which have a licence for a social service for children whose term has not expired on the date on which the application referred to in Article 149(1) is filed shall not owe a fee for issuing a licence in accordance with subparagraph 1.

§ 39. (1) Within 12 months of the entry of the Act into force providers of social services shall take action to bring the social services they provide in line with the requirements of the law and with the quality standards set out in the Ordinance on the Quality of Social Services.

(2) Within the time limit specified in subparagraph 1, the Agency for Quality of Social Services shall provide methodological support to providers of social services.

§ 40. Until the homes for children deprived of parental care and the homes for medical and social care for children are closed down, children shall be placed in said homes or children's placement in said homes shall be terminated according to the procedure for placing a child in a social or integrated health and social service for residential care laid down in the Child Protection Act.

.....  
§ 45. (Amended, SG No. 101/2019) This Act shall enter into force on 1 July 2020 with the exception of:

1. paragraph 6, subparagraph 5(a), paragraph 7, subparagraph 2(a) and (b), subparagraph 3, subparagraph 6(a), subparagraph 9 and subparagraph 10, paragraph 18(2) in the part concerning the "homes for medical and social care for children in accordance with the Medical Treatment Facilities Act" and paragraph 20, subparagraph 2 in the part concerning the deleting of the test "and the homes for medical and social care for children" and subparagraph 5(c), which shall enter into force on 1 January 2021;

2. paragraph 3(4)(f), (g) and (h) and paragraph 28, subparagraph 1(a) and subparagraphs 2 and 5, which shall enter into force on 1 January 2019;

3. Article 22(4), Article 40, Article 109(1), Article 124, Article 161(2), paragraphs 3(6), 30, 36, 37 and 43, which shall enter into force as from the day of promulgation of this Act in the State Gazette.