

## BULGARIA

*Activities conducted by*

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### Introduction

The areas chosen for the activities were the one of Sofia (with a population of 1.140.000), and the rural and much smaller Pleven (115.000), in the northern part of the country, that is the siege of our partner association Baliz.



## **The Child-Care Protection System in Bulgaria**

The aim of this description and analysis is to establish the current situation concerning children placed in out-of-family care, to review child protection legislation, and the operation of the child protection system in Bulgaria. This review also sets the context for the next steps of the research – the study of the child protection system through the opinions of professionals and users.

### **I. Responsibilities of the state institutions for child protection - an organizational chart**

There are at least four groups of children and adolescents who might be defined as “out-of-family”:

- children placed in institutions or alternative care as a child protection measure;
- street children;
- adolescents with behavioral disorders, placed in special “social-pedagogical internats” and delinquent adolescents placed in correctional internats;
- children placed in educational or medical institutions because of their special needs, which cannot be met while the child lives in the family (lack of community special schools or rehabilitation services).

The last category is not considered to be out-of-family children under the child protection law, and they are not monitored by the child protection departments.

The responsibility for the other three categories is illustrated in the chart below.



**The State Agency for Child Protection (SACP)** coordinates the work of the several state institutions which hold responsibility for different groups of children and different child protection services. It also develops standards, logistics, organizes trainings, and issues licenses to the providers of social services for children. There is a functional body attached to SACP – a National Council for Child Protection, where representatives of the different ministries and NGOs come together to discuss policy issues in the area of child protection. This Council is chaired by the SACP director.

**The Ministry of Foreign Affairs** is responsible for the child protection of Bulgarian minors abroad.

**The Ministry of Education** is responsible for child welfare in schools. Until 2007 the institutions, where children aged 3 – 18 are placed as a child protection measure, were governed by this ministry. Since January 2007 these institutions have been placed under the responsibility of the Municipality authorities.

**The Ministry of Internal Affairs** is responsible for the police, which has to execute emergency 48 hours protection to children in public places, and to help social workers with emergency protection in the family. The correctional institutions for delinquent adolescents are also placed here.

**The “Central Commission to combat delinquency of minors”** coordinates the activities of the municipality commissions, which take care to offer services to the adolescents in the family, or suggest to the court a placement in an institution.

**The Ministry of Health** is responsible for the institutions, in which children from 0 to 3 are placed as a child protection measure. It is also responsible to provide a GP and other medical care to all out-of-family children.

**The Ministry of Justice** is responsible for the international adoption and for custody issues of children from mixed marriages.

**The Ministry of Labor and Social Policy (MLSP)** holds the main responsibility for child protection.

One part is responsibility for the institutions, where disabled children 3 – 21 are placed as a child protection measure, usually for a long-term care. There is a suggestion to hand them over to the municipalities. The other child protection issues are handled by the ASA, which is under the umbrella of the MLSP.

**The Agency for Social Assistance (ASA)** has two main departments – the Social Support department (SSD), dealing with all kind of social benefits for children and adults, and the Child Protection Department (CPD) which coordinates and collects data.

The ASA monitors and finances the activities of the **Regional Directions for Social Assistance (RSDA)**, with similar division into SSD and CPD. The third structure of the regional RDSA comprises the Councils of adoption. They develop registers of the potential adopters and the children to be adopted, makes decisions about the adoption and offers it to the court. The RDSAs in Bulgaria are 28. There are Regional Councils for Child Protection – a community body, which supports the RDSA.

The **Local Directions of Social Assistance (LDSA)** operate at the level of municipalities as the primary agents in the local communities. After an organizational change in 2006 the number of units was diminished by merging some of the small directions, and there are 148 DSA in the country at present. They are divided into social support and child protection departments. The local (municipality) CPD has the primary responsibility for child protection

under the law. They consist of social workers – (child protection officers), a psychologist and a law professional. Other specialists may be involved according to the case. The number of social workers depends on the catchment area, but usually varies from 1 to 3. Some of the CPDs with smaller catchment area have no psychologist or jurist employed.

**Municipalities** are new actors in the child protection field since 2007. They have taken over from the Ministry of Education the governance of the residential institutions for children 3 – 18 years. As a result, these institutions will be transformed from educational into social institutions, offering social services to children at risk. The residential care will be one of these services. The transformation will be implemented by means of an institutional project, which each institution has to develop together with the municipality authorities and local NGOs, if available.

**Municipality services** for children and families: the first services of such a type were started as pilot projects in 1997 - 2005. The second phase in their development was realised under a governmental project aimed at improving child welfare in 2005 – 2006. It comprised 10 pilot sites, in which Complexes for Social Services to Children and Families were developed. They work free of charge with cases referred from the CPD. They usually have a mother-and-baby unit, several special programs for children and adolescents in the family (called Center for Community Support), and a street children program. These Centers are financed by the state via the municipality (state-delegated services, see below). The management of municipality services may be delegated to an NGO with a decision of the Municipality Council. In 2007 a new growth was initiated when several new community social services were developed. They are financed by the MLSP under a PHARE program for de-institutionalisation and development of community-based social services.

## **Child protection legal framework**

### **National laws**

- Child protection law – states the basic rights of children, principles and measures for child protection, gives definitions, defines the executive organs, prescribes actions.
- Family law – regulates the relationships in the family, guardianship, adoption
- Social benefits law – includes social benefits for children and families
- Family benefits for children law
- Integration of disabled people law
- Health law and Health insurance law
- Law to combat antisocial acts in children and adolescents – regulates the activities of the commissions to combat antisocial acts of minors

And 17 more legal acts guiding the implementation of the laws.

### **National plans**

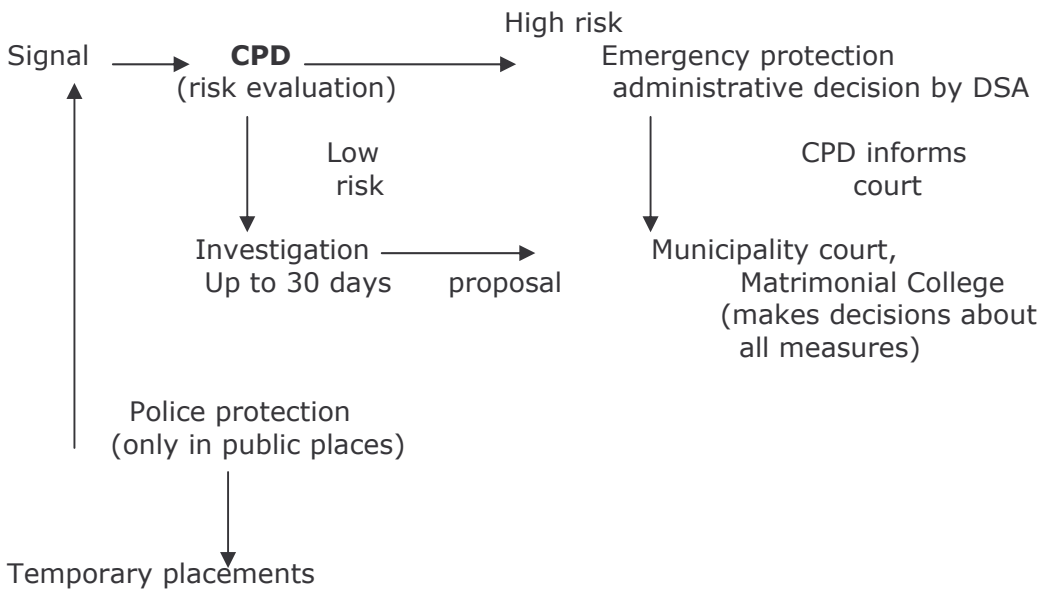
- National strategy for child protection 2004 – 2006. Each municipality has developed local strategy for child protection and welfare, setting local priorities.
- National plan to reduce the number of children in institutions 2003 - 2005
- National plan to reduce the number of children in institutions - emergency measures
- A project for a National strategy for the Child 2007 – 2017 has been circulated since May 2007 for discussion by the professionals, NGOs and the public.

### **International declarations ratified**

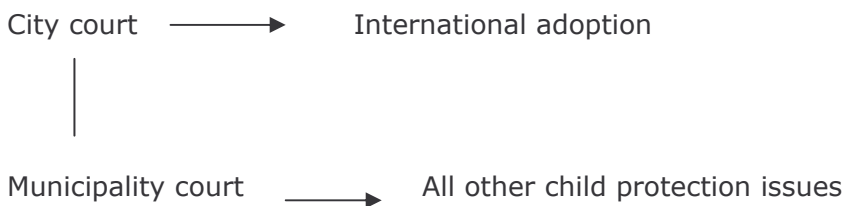
- European Social Chart (Revised)
- Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of Child Labour
- Convention on the Rights of the Child
- Convention on child protection and collaboration in the area of international adoption
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts
- Hague convention on the civil aspects of international kidnapping of children
- Recommendation of the Committee of ministers to protect children from sexual exploitation
- European convention on custody

## Child protection decision-making

The activities of this circle are regulated by the Child Protection Law.



## Court system



Signals for children in risk may be issued by everybody – citizens, teachers, the Maternity units of the hospitals, etc. The CPD officer has to conduct risk assessment as soon as possible. If there is a high risk, the child is placed in an emergency protection out of the family with an administrative decision signed by the Director of the Local Social Assistance Direction. The CPD social worker sends immediately a report to the municipality court (Matrimonial College, there are no specialised child courts). The court may approve, or disapprove of the emergency child protection measure. If it disapproves, the social worker is obliged to suggest a different decision.

If there is a low risk for the child, the CPD social worker with the help of the other professionals conducts an investigation (up to 30 days). During this period the CPD team may offer services to the child and the family, or may refer them to a social services provider. If after the period there is no improvement, the CPD issues a report to the municipality court, suggesting a child protection measure. The CPD social worker follows the case, making an individual plan for the child, and revising it every 6 months.

The police protection is an emergency child protection measure for 48 hours. It concerns public places (street children, child abuse in public places, etc.). After placing the child, the police office reports to the local CPD, and the child protection circle is activated.

**Child protection decision-making connected to adoption.** It is regulated by the Family law, and the Child protection law. Adoption was initially listed as a child protection measure in the CPL, then excluded in 2004, and entered back in the Child Protection Law in 2006.

When a baby is born, and the mother declares her reluctance to take parental responsibility, the maternity unit calls the CPD social worker within 24 hours. The social worker consults the mother. Within the next 14 days she may think over her decision. After this period, if the mother decides to abandon the child, she signs a declaration, giving her consent for an adoption. The social worker signs that she has consulted the mother and both signatures are confirmed by a notary. After this in 3 days the child is enlisted in the register for adoption. When the adoption case enters the court, one or both parents have to confirm, or may withdraw their consent. If no parent appears in court to confirm their consent, an official lawyer is appointed, and an announcement in the State Newspaper is issued. If the parents do not respond, the official lawyer acts on their behalf.

If there is no consent for adoption, and the baby is abandoned in the maternity, or in other places, the court issues a child protection measure for a certain period. If 6 months after the final date of this period the parents or other relatives do not appear, the director of the institution or another person in her capacity of a guardian may signal the RDSA to place the child on the adoption register without the consent of the parents. However, they are summoned to the court for the adoption case.

**Guardianship** – regulated by the Family law, not considered a child protection measure. Temporary guardianship may be granted to the persons who care for the child – relatives/friends, foster careers, the director of the institution. Guardianship is granted by the mayor of the municipality where the child lives, and one more administrative person from the local authority. The guardian takes care of the child and represents her legally.

## **Data**

Data has been obtained from the SACP and the ASA based on the reports of the Local Directions for Social Assistance.

Overall target population aged 0 – 19 years in Bulgaria according to the National Statistical Institute:

2004 - 1 592 951;

2005 - 1 557 873;

2006 – 1 523 931.

These figures show a steady negative tendency of reduction of the number of children in Bulgaria. This is part of the overall reduction of the population due to negative birth rate.

### **Children in contact with the social services**

It proved to be impossible to obtain information about the overall number of children in contact with social services due to different criteria used to collect data about social services in family environment. Therefore, a picture is presented of the types of child protection measures.

### **Child protection measures for children in contact with social services**

Child protection measure	2004	2005	2006
Social services to children in family environment (prevention of abandonment, school dropout, delinquency)	No data	5615 "cases"	Places in services – 2913
Placed in institutions	2456	4181	3133
Accommodated with relatives	3755	1620	1308
Placed in foster care	29	13	32
Adopted in the country	613	642	634
Re-integration (in biological family)	4162	3731	2653

This table shows the picture of child protection measures concerning children at risk in the last 3 years.

The first row – the number of social services delivered to children in family environment is difficult to analyze, because of the different indicators for data collection. In 2005 the number of "cases" was reported by the CPDs. This is not equal to the number of children in contact with the services. A "case", according to the definition of ASA describes the child protection activity of a CPD for a child, after a signal has been received and assessed. There may be several signals for one and the same child, and therefore several "cases" will be "opened".

In 2006, in line with the rapid growth of community-based social services, data for the places in these services has been collected as an evidence of the child protection measures. As there is no data about the turnover of these places, the question of how many children actually receive social services while in their family, is not easy to answer. An additional difficulty springs from the definition of social services, adopted in the Law for Social Assistance. The law envisages only the structural meaning of the word – e.g. a Day Care Center, a sheltered house, a Center for Community Support, etc. The functional social services (programs), offered within these organizations are not defined. Therefore, one child may use one program, or 3-4 programs – she will be "one place" despite of the different human resources and financing required.

The yearly institutional placements in out-of-family care show a serious increase in 2005, and a decrease in 2006. This, according to the comments of ASA, is due to juridical issues: some of the children, who have been staying in the institutions without a court or administrative order (placed before the child protection system was developed), had new orders issued, which makes them "new cases of accommodation". Even with this explanation, it is still obvious, that accommodation in institutions remains the dominant measure of child protection, when out-of-family care is required.

The accommodation with relatives is the next most frequent measure. The big number of accommodations in 2004 is most probably due to technical reasons – all children who lived with relatives before the introduction of the system had to receive a court or administrative order. However, there is a tendency of reduction in the placement with relatives. This should be studied separately – whether it is a matter of insufficient resources of the network of the children at risk, a problem in the organizational capacity of the Child Protection Departments to mobilize these resources, or a matter of insufficient financial and social support for the relatives. Interviews with CPD employees, conducted within another project, revealed a negative attitude towards arranging financial benefits for relatives. The dominant discourse seemed to be that relatives and biological families are obliged to take care of their children despite all financial difficulties.

The yearly number of placements in foster care shows the still insignificant place of this form of out-of-family care. In 2004 there were several NGO projects allowing for more placements, but after the activity was taken over by the CPDs, which have limited resources to develop this type of care, the placements dropped down in 2005. There is a positive tendency from 2005 to 2006, but the numbers remain insignificant, compared to the needs for alternative forms of out-of-family care.

The yearly numbers of national adoptions are practically constant in the last 3 years. Having in mind the amount of children in the Adoption Register in 2006 (2381) and the number of adoptive candidates (2241), it is clear, that the potential of this form of care is not fully used. One of the reasons may be that adoption was included in the child protection measures only in 2006. Until that time it was regulated by the Family code, which is clearly focused on the rights of the adults, and not the children.

The yearly numbers of re-integration of children in their families show a tendency of decrease similar to that of accommodation with relatives. This tendency needs to be studied additionally to find out the factors influencing it. Besides the options, listed above in the discussion of the accommodation with relatives, some disillusionment with rapid re-integration may be

operating, because the experience now shows, that it may result in abuse, neglect, or repeated placement of the child back in the institution.

### **Number of children in out-of-family residential care (institutional placement)**

Type of institution	2004		2006	
	No. of Institutions	No of children	No. of Institutions	No of Children
Home for medico-social care (0-3 yrs)	32	2897	32	3007
Home for children 3 – 18	86	5840	86	4960
Institution for disabled children 3-18	28	1720	27	1623
<b>Total</b>	<b>146</b>	<b>10457</b>	<b>145</b>	<b>9590</b>

This table shows the amount of children in institutional placement. The numbers are diminished by 8.3% from 2004 to 2006, which may be interpreted as a result of the efforts of the child protection system to promote de-institutionalisation. The main age group where it has been successful is the 3 – 18 years one. Two activities have contributed, as underlined in the Assessment Report on the Conditions and Perspectives of the Institutions for Children in Bulgaria of the Bulgarian Helsinki Committee (issued November 2006). One is the prevention of placement, and the other is re-integration (98% of the institutionalized children have at least one parent). The accommodation of the youngest group (0 – 3) in an institution, however, has increased, which is a point of worry, having in mind the negative effects of institutionalisation in this age.

### **Children in community (with professionals)**

This type of services has been included in the list of social services of the MLSP as a “Center for accommodation of a family type”. The main characteristic is, that the number of children is under 15. According to the data available in the Agency for Social Assistance, there are no such services in operation. There are few services run by NGOs or municipalities, providing child care, which is more individualized, but the number of children is higher (e.g. 18 – 25).

### **Family- home (with substitutive parents) (2005)**

SOS Kinderdorf	158
Sheltered housing	166

These figures are more or less constant also in 2006, they are defined by the capacity of the NGOs offering such services, and not by the needs of the target group.

### **Emergency care**

Type of action	No. of children		
	2004	2005	2006
Police protection	623	578	636

The figures of children accommodated under police protection are almost constant through the years.

### Care for street children

Type of service	2004	2006
	No. of intakes	Places
Day center for street children	246	84
Temporary shelter for street children	605	113

As it is seen from the table, the information is based on different indicators, which makes comparison difficult.

### Age/gender of children in residential institutions (2004 and 2006) – monitoring surveys of the SACP, numbers collected at the moment of the visit.

Age	2004			2006		
	Girls %	Boys %	Total %	Girls %	Boys %	Total %
0-3	11	11.6	22.6	No data	No data	27
4-11	13.7	17.3	31	17.9	22.8	33.1
12-16	11.9	15.3	27.2	14.8	20.1	23.5
16-18	5.1	7	12.1	6.3	8.2	9.7
Above 18	3.2	3.9	7.1	3.7	6.2	6.7
Total	44.9	55.1	100	42.7	57.3	100

### Social expenditure

There is no data available on the overall budget of all activities in the child protection area. The finances are dispersed among different institutions and organizations according to different rules, adopted usually through a Decision of the Council of Ministers. The principle of managed care is not used, the social services and the residential care have no cost, and there is no overall budget assigned to child care, or child protection.

Some examples of rules for 2007 are:

- Institutions - budget given by the ministries governing the different institutions according to standards for "material expenses" per child place, and fixed average values of the staff's

salaries. (For 2003 the budget spent for the institutions was evaluated to be 15 588 000 Euro).

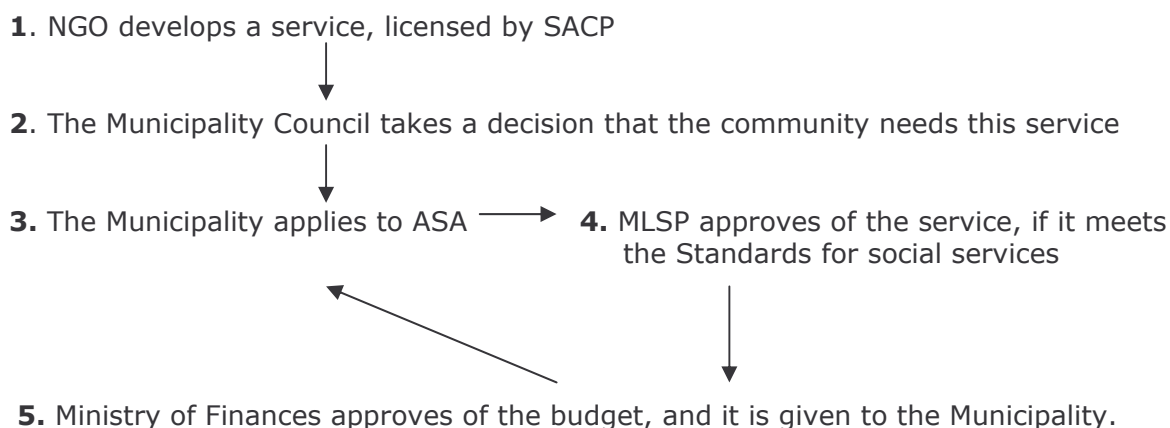
- Financial support for families – managed by the Agency for Social Assistance.
  - single benefits for the biological families to support prevention of abandonment or re-integration – up to 141 Euro maximum 4 times a year.
  - Monthly benefits for relatives or foster careers: for children 7 years and younger – up to 85 Euro; for children 7 – 14 years – up to 99 Euro, and for 14 – 18 old children – up to 113 Euro.
  - Monthly salary for professional foster careers – for one child – 130% of the minimal wage for the country (for 2007 it is 92.3 Euro), e.g. 120 Euro; for two children – 140 % of the minimal wage for the country, e.g. 129 Euro; for three or more children – 150 % of the minimal wage for the country, e.g. 138.5 Euro.
- Services financed as projects – several social services were set in the area of child protection and child welfare in 2006 – 2007. Most of them are financed by the MLSP as PHARE projects for 14 months.
- State-delegated social services - state budget distributed through municipalities according to state-approved standards for financing.

### **Qualification and training of professional social workers**

- Educational levels: bachelor programs - 13 (“social activities” - 7; “social pedagogy” - 6); MSc programs - 9; PhD program - 1 (NBU);
- Postgraduate training courses – numerous courses delivered both by the SACP, NGOs, and academic institutions;
- accreditation - only of the academic programs, no professional licensing;
- most of the programs are theoretical, do not teach social work method, provide little practice in case work

### **Public financing of civil society organizations**

- Tax-reduction available
- Provision of services – financed through the mechanism of state-delegated activities, which involves the following steps:



## Definitions

**Abandoned child** – no definition, not used in legal documents.

The Child protection law defines **“a child at risk”** as a child who:

- have no parents, or is deprived permanently of their care;
- is a victim of abuse, exploitation or inhuman treatment;
- is at risk for impairment of physical, mental, moral, intellectual and social development;
- suffers mental or physical disabilities or difficult to treat diseases.

**Out-of-family** – no legal definition. There is a definition for “Family environment” – the biological or adoptive family, the grandparents or other close people, foster family. In this respect all children who do not live in a “family environment”, are out-of-family.

**Foster family** is a family of two spouses, or a single person, whom a child has been placed with. The spouses or the individual in the foster family hold no parental custody.

**Specialised institution** – an internat for child care, in which children are permanently separated from their home environment.

**Community-based social services** (most of them defined and included in the list of social services annexed to the Regulations for the Application of the Law for Social Assistance in 2006):

*Day Care Center* – a complex of social services, which meets most of the needs for the users during daytime or on a weekly basis (food, health, education and rehabilitation needs, leisure activities and social contacts);

*Center for social rehabilitation and integration* – a complex of social services focused on rehabilitation, social and legal counselling, vocational training, and individual plans for social inclusion;

*Center for temporary accommodation* – an asylum offering accommodation for no more than 3 months

*Foster care* – care and upbringing in family environment of a child who has been accommodated with relatives, close friends, or a foster family.

*Center for accommodation of a family type* – a complex of social services delivered in a family type of environment for a limited number of children – no more than 15.

*Sheltered house* – a form of social services in which people live an independent form of life supported by professionals.

*Center for community support* – a complex of social services aimed at prevention of abandonment, prevention of violence and school drop-out; de-institutionalisation and re-integration of children, training in skills for independent living, counselling and support for families at-risk, assessment and training of foster careers and adoptive parents, counselling and support for delinquent children.

*Mother and Baby unit* – temporary shelter up to 6 months for pregnant women and mothers who are at risk to abandon their children. Focused on facilitation of parental attachment, psychological, social and legal counselling and support.

*Center for work with street children* - a complex of social services aimed at prevention of children getting on the street, social rehabilitation and integration of children living in the streets partially or constantly.

## **Conclusions**

At this level of description of the phenomenon it becomes clear, that there is a clear system for child protection set into operation. It is highly centralised, governed by the state, with several state institutions (ministries and agencies) taking responsibility for different target groups of children. From the beginning of 2007 municipalities have been involved more actively in child protection by handing over to them the management of the residential institutions for children 3 – 18, and by the financing of state-delegated community-based social services.

There is a rapid growth of community-based social services and service providers (NGO and municipality), which requires frequent change of the legal framework, set in 2000 – 2003 in a context of total dominance of the state institutions in the field of child protection. The largest

amount of changes in the legal documents of all levels was conducted in the second half of 2006. The requirements set as a condition to access EU facilitated these changes.

It is clear that residential care is still the predominant child protection measure when out-of-family care is required. The steady in time large number of institutionalised babies and young children under 3 is a worrying fact which calls for special actions. The processes of accommodation with relatives and re-integration need to be studied more in detail, as the figures suggest that they involve processes of a complex and controversial nature.

- The criteria and indicators for data collection are changing from year to year. This is understandable – the system is growing rapidly, and major changes take place in a short time. However, this prevents evidence-based policy-making. A very important unresolved issue is the lack of aggregated data on expenditures in the field of child protection. Issues like cost of the social services, their cost-effectiveness, choice of services based on evidence, etc., are still impossible to consider. Therefore, setting a better system of indicators and criteria for data collection, is important for the development of the child protection system. An awareness about this issue is evident in the draft of the National strategy for the Child 2007 – 2017, which has been circulated since May 2007 for discussion by the professionals, the NGOs and the public. The issue of documentation and data collection is raised in this document.