

# **IMPLEMENTING REGULATION ON THE CHILD PROTECTION ACT**

## **Chapter one**

### **GENERAL PROVISIONS**

Article 1. This regulation makes provisions on the conditions and procedure for implementing child protection measures, the licensing of the providers of social services for children, the granting of support, including financial support, to children, as well as for monitoring respect for children's rights.

Article 2. (1) The chairperson of the State Child Protection Agency shall annually make a draft of a National Child Protection Programme and submit the latter to the Council of Ministers together with the Minister of Labour and Social Policy.

(2) The chairperson of the State Child Protection Agency shall give an account of the implementation of the National Child Protection Programme in an annual report to the Council of Ministers following the procedure of Article 17, subparagraph 16 of the Child Protection Act.

Article 3. (1) Each municipal council shall annually adopt a municipal child protection programme adapted to the needs of children and families in the respective municipality following a motion of the Social Assistance Directorate.

(2) The municipal programme shall make provisions on social services for children.

## **Chapter two**

### **CHILD PROTECTION BODIES**

Article 4. (1) In performing their functions and exercising their powers child protection bodies shall act in the best interests of the child whenever they take up action related to children and their families.

(2) Child protection bodies shall grant the child the protection and care necessary for his/her welfare duly taking all necessary legislative and administrative measures.

Article 5. (1) Child protection bodies referred to in Article 6 of the Child Protection Act shall coordinate their work and cooperate with each other in performing child protection activities.

(2) The bodies referred to in paragraph 1, shall, in line with their competence, coordinate their action establishing common aims and rules of action.

(3) The bodies referred to in paragraph 1 shall cooperate with each other taking up agreed action in their treatment of specific cases related to the protection of children and their families.

Article 6. (1) The Child Protection Committee is an advisory body at the Social Assistance Directorate of the Social Assistance Agency of the respective municipality.

(2) The committee referred to in paragraph 1 shall:

1. provide support to the social assistance directorate in the drafting of a municipal child protection programme adapted to the needs of children and their families in the respective municipality;
2. provide support to the social assistance directorate in the process of cooperation, coordination and information exchange with competent bodies and non-profit legal entities in the performance of child protection activities at a municipal level;
3. perform other activities made provisions on in an act of legislation.

2

Article 7. (1) The Child Protection Committee shall have 9-15 members. The committee shall be chaired by the head of the Social Assistance Directorate.

(2) Prominent members of the community, researchers and representatives of the local media may be invited to participate in the meetings held by the committee.

Article 8. (1) The Child Protection Committee shall hold regular meetings at least once every two months following an advance agenda.

(2) Each child protection committee shall adopt rules on the organization of its work and the ways to proceed.

(3) Facilities and funding for the proper functioning of the committee shall be provided by the Social Assistance Directorate.

### **Chapter three**

## **PROCEDURE FOR THE IMPLEMENTATION OF CHILD PROTECTION**

### **MEASURES**

Article 9. (1) Once the child protection unit of the social assistance directorate has been alerted, a child shall be granted protection.

(2) The body referred to in the above paragraph may be alerted by the child alone, by the parents, by natural persons, governmental bodies or other legal entities.

Article 10. (1) The child protection unit may be alerted in writing, orally or through the process of active gathering of information on the part of social workers belonging to the unit.

(2) In case the unit has been alerted in writing, the written statement shall be entered in a register, as shown in Appendix 1.

(3) In case the unit has been alerted orally, the statement shall be entered in a form, as shown in Appendix 2, and shall then be entered in the register referred to in paragraph 2.

(4) Active information gathering on the part of social workers shall consist in studying the conditions under which children and families from the respective municipality live.

(5) In case the unit has been alerted anonymously, the statement shall not be taken into consideration, unless it concerns child abuse or the head of the social assistance directorate has decided otherwise.

Article 11. In case the unit has been alerted to an issue within the competence of another institution, the statement shall be referred to the respective institution.

Article 12. (1) In case the State Child Protection Agency has been alerted to an instance of children's rights violation, the chairperson of the agency shall immediately refer the statement to the child protection unit of the respective social assistance directorate specifying the child's current address.

(2) In case bodies of the Interior Ministry have been alerted to an instance of children's rights violation, the latter shall also alert the child protection unit of the respective social assistance directorate specifying the child's current address.

Article 13. The director of the social assistance directorate in conjunction with the head of the Regional Education Inspectorate and the head of the Regional Health Care Centre shall inform in writing all state, municipal and private schools, nurseries and creches, servicing units, specialized institutions, health care establishments and general practitioners about any contact information following the procedure of Article 7 of the Child Protection Act.

Article 14. (1) The social worker shall, where necessary, carry out an investigation and gather relevant information from the family, the child, the school, the creche and nursery, the

3

specialized institution, relatives, friends, neighbours, another social assistance directorate, family doctor and other sources.

Article 15. (1) The social worker shall start keeping a personal record of the child adding to it all documentation, information and data gathered in the course of the investigation.

(2) Case history is given an account of in a form, as shown in Appendix 3.

Article 16. (1) Initial information shall be gathered and analyzed within 10 days of the date the child protection unit of the social assistance directorate has been alerted.

(2) A case shall be analyzed within 4 weeks of the date the child protection unit of the social assistance directorate has been alerted.

(3) On the basis of the gathered information the social worker shall:

1. suggest to the head of the child protection unit of the social assistance directorate

that work on the case should be terminated in case no violation of the child's rights is established or

2. design a plan of action comprising short-term and long-term protection action and measures.

Article 17. (1) The plan of action shall be agreed with the child's parents, guardian, trustee or the person taking care of the child.

(2) The social worker shall reconsider the plan of action at least twice a year.

Article 18. (1) Measures for protection in a family environment aim to provide support to the child and the family depending on the potential for child raising and upbringing.

(2) The measures provided for in Article 23 of the Child Protection Act shall be implemented in line with the designed plan of action.

(3) Child protection measures may also be implemented through social services.

(4) In case the child's parents, guardian, trustee or any other person taking care of him/her refuse to cooperate, the head of the social assistance directorate shall prescribe relevant measures following a motion of the social worker investigating the case.

(5) The prescription of measures referred to in paragraph 4 may be appealed following the procedure of the Administrative Proceedings Act.

Article 19. (1) The child protection unit of the social assistance directorate shall provide the child, his/her parents, guardians and trustees or the people taking care of him/her with:

1. information about the social services for children and families provided on the territory of the respective district according to the child's needs and the designed plan of action;

2. a list of the providers of the respective social service;

3. a draft contract regulating the provision of the respective social service.

(2) The parents or the individuals taking care of the child, as well as the children shall be encouraged to actively participate in the choice of social services.

(3) The best interest of the child shall be the guiding principle in establishing the need for the provision of social services.

Article 20. (1) After the child protection unit of the social assistance directorate and the child's parents or guardians and trustees have agreed on the provision of social services and the provider of the respective social service, the parents or guardians and trustees shall file a request with the director of the social assistance directorate specifying the child's current address.

4

(2) The social assistance directorate shall provide referral to the provider of the social service, as shown in Appendix 4.

(3) Social services of the choice of the user may be provided without referral from the child protection unit of the social assistance directorate, payment of the service being agreed with the provider of social services.

Article 21. (1) The social assistance directorate shall agree with other providers of social services the social services for children listed in the municipal programme and contract with those providers to deliver social services following the procedure of Article 18, paragraph 5 of the Social Assistance Act.

(2) The provider of social services shall provide potential users with written information under Article 40c of the Implementing Regulation on the Social Assistance Act (The State Gazette, issue 133 dated November, 11, 1998, amended and supplemented issue 40 dated April 29, 2003), and shall also sign a contract for the provision of social services after agreeing it with the child protection unit of the social assistance directorate.

Article 22. (1) The provider of social services shall submit a report to the child protection unit of the social assistance directorate within ten days of the date of the completion of the provision of a short-term social service. The report shall give an account of the outcome of the

provision of the social service and hence serve as the basis for updating the plan of action.

(2) When a long-term social service is provided, reports are also submitted periodically, i. e. at least every 3 months.

Article 23. Child placement is a protection measure imposed when no other options for protection within the family are available any more, to the exception of cases in which there is an urgent need to remove the child from his/her home.

Article 24. (1) When child placement is imposed as a measure, the opportunity for placing the child with relatives or friends shall be considered.

(2) The child protection unit of the social assistance directorate shall prepare a statement considering the suitability of relatives or friends for taking care of the child.

(3) The relatives or friends shall give their consent following the procedure of Article 27, paragraph 2 of the Child Protection Act submitting a declaration to the head of the social assistance directorate.

Article 25. (1) Candidate adopters shall file a declaration under Appendix 5 requiring a written statement on their suitability with the child protection unit of the social assistance directorate specifying their current address.

(2) The child protection unit of the social assistance directorate shall initiate a vetting procedure to check the suitability of candidate adopters within a week of the filing of the declaration.

(3) The child protection unit of the social assistance directorate and the providers of social services shall organize, either jointly or on their own, consultation and training for candidate adopters and adopters.

(4) The child protection unit of the social assistance directorate shall draw up a written conclusion on the candidate adopters' suitability within three months of the initiation of the vetting procedure, after having met them at least 3 times and having paid a visit to their home at least once.

Article 26. (1) The child protection unit of the social assistance directorate shall monitor the child's adaptation and development in the post-adoption period in the course of a year after the child's adoption.

(2) The first visit shall be paid within a week after the child protection unit of the social assistance directorate has been informed that the child was adopted.

5

(3) There shall be at least four visits.

(4) A report on each visit shall be drawn up.

Article 27. The child shall be placed in a foster family by virtue of a court decision or an order of the head of the social assistance directorate as a protection measure following the designed plan of action.

Article 28. The child's placement in a specialized institution is an ultimate protection measure that shall be resorted to in case it is not possible to place the child with relatives, friends, adopters or a suitable foster family or in the cases of urgent placement.

Article 29. (1) In performing current child protection activities the social worker shall inform in a suitable way the child's parents and the child about their rights and obligations.

(2) In implementing state child protection policy executive power bodies shall, within their capacity, develop a programme for informing children and parents about their rights and obligations.

(3) The chairperson of the State Child Protection Agency shall coordinate the action of executive power bodies while the latter perform their obligations under paragraph 2.

Article 30. (1) In implementing state child protection policy executive power bodies shall, within their capacity, take preventive measures for child safety and protection to the end of preventing the child from facing possible risks.

(2) The chairperson of the State Child Protection Agency shall coordinate the action of

executive power bodies while the latter perform their obligations under paragraph 1.

Article 31. The social assistance directorate shall grant legal aid to the child and his/her parents providing advice and consultation on children's rights issues.

Article 32. (1) The social assistance directorate shall grant special care to disabled children considering the action taken together with a doctor, a psychologist, a member of the teaching profession or other experts, where necessary, depending on the type of disability.

(2) Health care institutions and bodies certifying working capacity shall inform the child protection unit of the social assistance directorate about a child at risk within three days of the child's birth or the establishment of the disability.

Article 33. (1) Urgent child placement is a protection measure that shall be taken in case the child's health and life are at risk.

(2) Child placement shall take place by virtue of an order of the director of the social assistance directorate immediately after a relevant body has been alerted.

(3) In the case of urgent child placement the investigation of the case shall be initiated immediately and shall take place within ten days of the issuing of the order.

(4) The head of the social assistance directorate shall issue a new order in case it is necessary to resort to another protection measure or to terminate placement.

(5) The social assistance directorate shall file a request with a court of law to impose the measures provided for in the orders under paragraphs 2 and 4 after the investigation of the case has been completed.

#### **Chapter four**

#### **LICENCING OF THE PROVIDERS OF SOCIAL SERVICES FOR CHILDREN**

Article 34. (1) Natural persons registered under the Commercial Code and legal entities may provide social services to children after they have been granted a licence and have been entered in a register following the procedure of the Social Assistance Act.

(2) To be granted a licence, the persons referred to in paragraph 1 shall file with the chairperson of the State Child Protection Agency an application, as shown in Appendix 6, enclosing the following documents:

6

1. a certified copy of the decision for initial court registration;
2. a statement of the financial position issued by a competent court not earlier than 6 months before the date of application for a licence;
3. a statement issued by a competent court certifying that the natural or legal person has not been declared bankrupt or is not undergoing bankruptcy proceedings;
4. a certified copy of the BULSTAT identification card;
5. a certified copy of the tax registration certificate;
6. a criminal conviction certificate to be submitted by the natural person or by the members of management bodies in the case of legal entities;
7. description of the social service – target group, activities to be performed, human resources and facilities, financial plan.

(3) The document referred to in subparagraph 3 of the above paragraph shall be submitted only by natural or legal persons registered under the Commercial Code.

Article 35. (1) Applications shall be considered in order of submission by a panel comprising representatives of the Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Health Care, the Interior Ministry, the Ministry of Justice, the State Child Protection Agency and the Social Assistance Agency.

(2) The members of the panel shall be suggested by the respective ministers and the executive director of the Social Assistance Agency and then endorsed by the chairperson of the State Child Protection Agency.

(3) The panel shall receive administrative support from the State Child Protection Agency.

Article 36.(1) The chairperson of the panel shall call meetings depending on the applications filed and shall inform members of the panel about the dates of the meetings.

(2) Meetings of the panel shall be considered regular if two-thirds of its members are present.

(3) The panel shall consider applications for licencing, have a discussion and take decisions by a show of hands by a two-thirds majority of the present members.

(4) The panel may require the statement of other experts in the sphere of child protection, where necessary.

(5) There shall be minute taking at each of the panel's meetings.

Article 37. (1) Within a month of the application's filing the panel shall put forward a wellfounded proposal to issue or refuse a licence which shall be considered by the chairperson of the State Child Protection Agency.

(2) Within 7 days of the application's consideration the panel shall inform the applicant about any established inaccuracies or omissions in the documents referred to in Article 34, paragraph 2 and shall give directions and set a deadline for their correction.

(3) In such a case the deadline specified in paragraph 1 shall be put off for a period equivalent to the number of days between the date of sending the notice and the moment of correction.

Article 38. (1) The chairperson of the State Child Protection Agency may issue a licence or refuse one if the applicant does not meet the requirements specified in Article 43, subparagraph c of the Child Protection Act, within two months of the application's filing.

(2) The licence shall be issued in two copies, as shown in Appendix 7, the first copy being submitted to the applicant and the second one remaining with the State Child Protection Agency.

(3) The applicant shall be informed in writing about the order for issuing or refusing a licence within seven days of the order's issuing.

(4) The licence shall be handed in upon submission of a receipt required to verify the payment of the licence issuing fee.

7

Article 39. The provider of social services for children shall inform in writing the chairperson of the State Child Protection Agency about any changes in the circumstances certified by the documents referred to in Article 34, paragraph 2 within 14 days and shall submit the respective documentation.

Article 40. The licence shall be considered void before its due expiry date as of the date:

1. of its holder's request for its termination;
2. of its suspension.

Article 41. (1) The chairperson of the State Child Protection Agency shall issue a wellfounded order for licence suspension on the grounds specified in Article 43, subparagraph e of the Child Protection Act.

(2) Interested parties shall be informed about the order referred to in paragraph 1 within 7 days of its issuing.

(3) Following a decision of the chairperson of the State Child Protection Agency the provider of social services for children may be given a suitable period for dealing with the problem, yet not longer than six months. In case the problem is not dealt with within the specified period, the licence shall be revoked.

Article 42. A new licence may be issued a year after its revocation.

Article 43. The documents submitted under Article 34, paragraph 2 shall be stored in the State Child Protection Agency following the provisions of the State Archive Act and shall be available to all interested individuals.

Article 44. (1) The functioning of the panel referred to in Article 35 shall be given an account of in the following documents:

1. a register of applications;
2. a protocol book;
3. a register of the licences issued.

(2) The following shall be entered in the register referred to in paragraph 1, subparagraph 3:

1. name, address of the registered office of the licence holder;
2. type of licenced activity;
3. number and date of the issued licence;
4. date of handing in the licence and signature of the person to whom it was handed in;
5. date of the licence's renewal or revocation.

Article 45. When a licence is issued or renewed a 50 BGN fee shall be charged and paid into the Social Assistance Fund.

## **Chapter five**

### **CONDITIONS AND PROCEDURE FOR THE GRANTING OF SUPPORT**

Article 46. (1) The child and his/her family may be granted support, including financial support.

(2) The support under paragraph 1 shall be granted for the purposes of prevention and family integration, child placement with relatives, friends and foster families.

(3) The financial support under paragraph 1 shall be granted:

1. on a monthly basis;
2. as a one-off benefit.

(4) The size of the support, including the financial support, shall be determined on the basis of the minimum guaranteed income determined by the Council of Ministers following the provisions of Article 12, paragraph 3 of the Social Assistance Act.

Article 47. Support for the purposes of prevention and reintegration, child placement with relatives, friends and foster families may be granted in case:

8

1. the person's/the family's current address is identical with the address of the child they are taking care of;
2. the person is the child's parent or the child has been placed with him/her under the Child Protection Act;
3. the parents or the person taking care of the child cooperate with the child protection unit of the social assistance directorate in reaching the objectives set out in the action plan.

Article 48. (1) A one-off benefit may be granted for abandonment prevention and reintegration into the family, child placement with relatives, friends and foster families not more than four times a year.

(2) The one-off benefit is different from the monthly one and shall be granted to meet a specific urgent need not related to the support of the child.

(3) The total amount of the one-off benefit granted in the course of a year shall not exceed the amount of the guaranteed minimum income multiplied by five.

(4) The one-off benefit referred to in paragraph 1 may be paid in cash and/or in kind.

Article 49. (1) Children placed with relatives and friends may be granted monthly benefits in case the average monthly income per family member is lower than the guaranteed minimum income multiplied by 2,5.

(2) The size of the monthly benefit shall be determined at the suggestion of a social worker from the child protection unit and shall be differentiated in view of the child's age:

1. 0 - 7 years of age – the benefit shall not exceed the amount of the guaranteed minimum income multiplied by three;
2. 7 - 14 years of age - the benefit shall not exceed the amount of the guaranteed minimum income multiplied by 3,5;

3. 14 - 18 years of age - the benefit shall not exceed the amount of the guaranteed minimum income multiplied by 4.

Article 50. (1) Foster families may be granted financial support for a child's raising and upbringing following the provisions of a contract signed under Article 27, paragraph 3 of the Child Protection Act.

(2) The financial support referred to in paragraph 1 shall be differentiated in view of the child's age:

1. 0 - 7 years of age – the benefit shall not exceed the amount of the guaranteed minimum income multiplied by three;

2. 7 - 14 years of age - the benefit shall not exceed the amount of the guaranteed minimum income multiplied by 3,5;

3. 14 - 18 years of age - the benefit shall not exceed the amount of the guaranteed minimum income multiplied by 4.

Article 51. Children with disabilities established by competent health care institutions shall be granted, over and above the monthly benefit under Article 49 or the financial support granted under Article 50, a benefit accounting for 75 percent of the guaranteed minimum income, regardless of the family's income.

Article 52. (1) Benefits shall be granted on the basis of an application, as shown in Appendix 8, submitted by the person/family taking care of the child to the head of the social assistance directorate specifying the person's current address. Identity papers shall also be produced.

(2) The following documents shall be enclosed with the application:

1. a copy of the child's birth certificate;

9

2. an order of the head of the social assistance directorate or a court decision for child placement;

3. a medical certificate – only in the case of disabled children;

4. a document to verify monthly income for the month preceding the month in which the application was filed – only in case the application is for monthly benefits for a child placed with relatives and friends.

(3) The social assistance directorate may require other documents, where necessary.

Article 53. The director of the social assistance directorate shall come up with a decision, as shown in Appendix 9, stating whether the benefit shall be granted or refused, as well as the grounds for refusal, within 20 days of the application's filing.

Article 54. (1) Beneficiaries are entitled to monthly benefits from the first of the month of the application's filing till the end of the month following the month until which the benefit was granted at the latest.

(2) Benefits may be paid both in cash and electronically.

Article 55. (1) The payment of monthly benefits shall be terminated by a decision of the director of the social assistance directorate or an official authorized by the latter. Beneficiaries shall stop receiving monthly benefits from the first of the month following the month, from which on they are no longer eligible for a benefit.

(3) Payment of social benefits may be resumed by a decision of the director of the social assistance directorate or an official authorized by the latter.

Article 56. The child protection unit shall keep a record of the benefits granted.

Documentation shall be stored for a period of 5 years, running from the month in which the payment of benefits was terminated.

Article 57. When received in an unfair way, unduly paid benefits under the the Child Protection Act shall be recovered with interest payment, interest being specified by the law. They are collected following the procedure of collecting government receivables.



## **Chapter six**

### **MONITORING RESPECT FOR CHILDREN'S RIGHTS**

Article 58. The chairperson of the State Child Protection Agency shall:

1. monitor adherence to quality standards for social services for children following the procedure of the regulation stipulating the criteria and standards for social services for children;
2. monitor respect for children's rights on the part of all state, municipal and private schools, nurseries and creches, servicing units, health care institutions, social assistance directorates and non-profit legal entities working in the child protection sphere;
3. monitor children's specialized institutions in terms of respect for children's rights.

Article 59. Monitoring under subparagraphs 2 and 3 of the above article shall be performed through:

1. periodic checks following a plan approved by the chairperson of the State Child Protection Agency;
2. checks initiated in cases when the agency was alerted to violation of children's rights.

Article 60. (1) The official of the the State Child Protection Agency performing the check shall produce an ID badge and an order for check performance.

(2) The check shall be performed in the presence of the head officer of the site being checked and when this condition is not met, the check may be performed by the official alone.

Article 61. Officials of the State Child Protection Agency performing checks are entitled to:  
10

1. visit without limitation the establishments specified in Article 17, paragraphs 14 and 15 of the Child Protection, as well as all providers of social services for children;
2. require explanations and access to documents, records and data;
3. receive necessary information directly from the child or from his/her parents or the people taking care of him/her.

Article 62. (1) Relevant facts and circumstances established in the course of investigating a case shall be entered in a protocol considering the explanations and objections of interested individuals.

(2) A copy of the protocol shall be sent to the body the checked institution is reporting to.

(3) In case officials of the State Child Protection Agency establish infringements that are within the competence of other bodies, they shall notify the latter immediately.

Article 63. (1) If infringements are established, the chairperson of the State Child Protection Agency or an official authorized by him/her shall prescribe measures for their rectification.

(2) A copy of the list of measures prescribed shall be sent to the body the checked institution is reporting to.

(3) In case the measures prescribed are not imposed, officials of the State Child Protection Agency shall notify the body the checked institution is reporting to immediately.

(4) The chairperson of the State Child Protection Agency may suggest to the body the checked institution is reporting to that disciplinary sanctions should be imposed on the individuals having violated a child's rights by improperly performing their duties on the job.

(5) The prescription of measures referred to in paragraph 1 may be appealed following the procedure of the Supreme Administrative Court Act.

Article 64. Governmental bodies and the respective officials from the institutions being checked shall provide information to and cooperate with the State Child Protection Agency in the course of the checks.

### **SUPPLEMENTARY PROVISION**

§1 Within the meaning of this regulation:

1. "Abuse" of a child shall denote any act of physical, mental or sexual abuse, neglect, commercial or other exploitation resulting in actual or potential damage to the child's health,

life, development or dignity, that may be performed in a family, school and social environment.

2. "Physical abuse" shall denote causing of bodily harm, including causing of pain or suffering without any damage to health.

3. "Mental abuse" shall denote any treatment that may have a harmful effect on the child's mental health and development, such as underestimation, mocking behaviour, threat, discrimination, rejection or other forms of negative treatment, as well as the inability of the parent, guardian and trustee or the person taking care of the child to provide a suitable supportive environment.

4. "Sexual abuse" shall denote the use of a child for the satisfaction of sexual needs.

5. "Neglect" shall denote failure on the part of the parent, guardian and trustee or the person taking care of the child to secure the development of the child in one of the following respects: health, education, emotional development, nutrition, provision of a home and safety, when he/she has the potential to do it.

6. "Alerting" shall denote the provision of information about a child at risk or about violation of a child's rights to the child protection unit of the social assistance directorate.

11

7. "People taking care of the child" shall denote relatives and friends, a foster family or head of a specialized institution, with whom/in which the child was placed following the procedure of the Child Protection Act.

8. "Record" shall denote all the documents, data, applications submitted, protocols, plans, correspondence and documents (reports) concerning any action taken in the implementation of child protection measures and providing information about the case of any child at risk.

9. "Income" considered in the granting of support, including financial support, under this regulation shall denote any income earned from:

a) performing work;

b) the performance of activities in the sphere of agriculture, forestry and angling;

c) the sale and/or swap of movable property or real estate property;

d) the sale of stocks, shares and other securities certifying participation in the ownership of trading companies and other forms of joint activity;

e) rent, rentcharge;

f) royalties;

g) dividends and income from stocks;

h) bonuses and prizes from sports contests;

i) compensation and benefits;

j) pensions;

k) grants;

l) monthly child benefits;

m) alimony and child support;

n) others.

10. The following shall not be considered as income in the granting of support, including financial support:

a) benefits granted under this regulation;

b) monthly benefits for children with long-term disabilities paid under Article 40 of the Protection, Rehabilitation and Social Inclusion of Disabled People Act;

c) benefits granted under the Family Benefits for Children Act;

d) benefits granted to disabled people whose working capacity is reduced by more than 90 percent to secure an attendant;

e) the one-off benefit granted upon childbirth under Article 1 of the Birth Promotion Decree as of March 31, 2002, also under Article 6 of the Family Benefits for Children Act;

- f) humanitarian aid;
- g) one-off compensation to pensions or extra pensions;
- h) bonus payments over and above the pensions of World War Two veterans and volunteers and people injured in this war, as well as of the people injured in the completion of a mission in UN war contingents;
- i) monthly bonus over and above the pensions of senior citizens at the age of 75 and over;
- j) benefits provided for by a deed of the Council of Ministers;
- k) income received as a result of cultivating state-owned and municipal agricultural land for a year after it was granted for use;
- l) remuneration received over the last month of participation in the “From benefits to employment” National Programme;
- m) grants received under the “From benefits to employment” National Programme.

12

### **CONCLUDING PROVISIONS**

§2. The regulation shall be adopted by virtue of §33 of the concluding provisions of the Child Protection Act (updated, the State Gazette, No 48 as of 2000, No 75 as of 2002, No 120 as of 2002, No 36 as of 2003).

§3. The regulation shall take effect from the day of its promulgation in the State Gazette, to the exception of Chapter Four, which shall take effect from January 1, 2004.

§4. The regulation shall be enforced by the Minister of Labour and Social Policy and the chairperson of the State Child Protection Agency.

### **Appendix 1 to Article 10, paragraph 2**

### **REGISTER FOR ENTERING THE STATEMENTS OF PEOPLE HAVING ALERTED THE CHILD PROTECTION UNIT (CPU) TO VIOLATION OF CHILDREN’S RIGHTS IN WRITING**

—  
Date and  
time of  
alerting  
Name,  
address of  
the child  
Parent  
data-  
Names  
and  
addresses  
of parents  
Person  
taking  
care of  
the child  
— name  
and  
address  
Person  
having  
alerted  
the CPU —

name and  
address /  
if known/  
Reason  
for  
alerting  
the CPU  
Social  
worker  
that was  
alerted

**Appendix 2 to Article10, paragraph 3**

**FORM FOR ENTERING THE ORAL STATEMENTS OF PEOPLE HAVING ALERTED  
THE CPU TO VIOLATION OF CHILDREN'S RIGHTS**

Date.....

Name of the child.....

Address.....

Other information about the child.....

Information about the parents /people taking care of the child/:.....

/name, address/  
13

Reason for alerting the agency.....

Person alerting the agency.....

/name, address, does he/she know the child/  
.....

Social worker that received the information.....

Date..... Signature.....

Time.....

Social worker assigned the case.....

To be investigated within.....

Head of Child Protection Unit.....

Date.....

**Appendix 3 to Article15, paragraph 2**

**CASE HISTORY**

Entered are all important events relevant to the case and its settlement

Name of the child:

Identity number: Address:

DATE EVENT

Signature of social worker:.....

**Appendix 4 to Article20, paragraph 2**

14

**SOCIAL ASSISTANCE DIRECTORATE**

**REFERRAL TO PROVIDERS OF SOCIAL SERVICES**

The Social Assistance Directorate....., Child Protection Unit

Refers the child / children /.....

/ name, address, identity number /

.....  
and / or the parents / people taking care of the child/children/.....

/ name, address, identity number /

.....  
To.....

/ name and address of licenced provider of social services /

.....  
For the provision of a social service.....

/ type of service /

.....  
Short-term and / or long-term service.....

Brief case history.....

.....  
Description of needs identified in analysing the case .....

.....  
You are kindly asked to submit a report on the outcome of service provision within 10 days of the day provision of the short-term social service was completed / when a long-term social service is provided reports are also submitted periodically, i. e. at least every 3 months /.

Date ..... Director.....

#### **Appendix 5 to Article25, paragraph 1**

Attention

The Director of the Social Assistance

Directorate

the city/town/village of.....

15

#### **APPLICATION**

##### **!. Candidate adopter :**

Name :.....

Identity No:..... Tel. No:.....

Current address:.....

Education:.....

Current occupation :.....

Language spoken in the family :.....

Denomination:.....Civic

status:.....

##### **Spouse:**

Name :.....

Identity No:..... Tel. No:.....

Current address:.....

Education:.....

Current occupation :.....

Language spoken in the family :.....

Denomination:.....Civic

status:.....

**2. Income and property status:**

\_\_\_/ average income per family member over the last six months.....

b/ accommodation /underline, where appropriate/ : of one's own, rented, number of rooms.....

**3. What child would you like to adopt ?**

age of the child.....

number of children.....

preferable gender of the child .....

**4. Would you adopt a child : /provide a yes or no answer /**

\_\_\_/ with physical disabilities :.....

b/ with mental disabilities :.....

c/ that needs medical treatment :.....

d/ that was abused :.....

**5. Do you have children of your own :**

\_\_\_/ yes

b/ no

**6. Have you been convicted of a crime ? /if "yes" specify when, and the type of offence/:**

1. no yes.....

2. no yes.....

16

**7. Do you have any chronic condition ? / if "yes" specify the type of condition/:**

1. no yes.....

2. no yes.....

**8. Grounds for child adoption:**

.....  
.....  
.....  
.....

**Date: Signature:**

1.....

2.....

**Appendix 6 to Article 34, paragraph 2**

ATTENTION

THE CHAIRPERSON OF

THE STATE CHILD PROTECTION

AGENCY

**APPLICATION**

By .....

/name of the natural/legal person/

registered .....

/ deed of registration /

Address of registered office.....

Tel. No.....Fax No.....

Tax number.....BULSTAT.....

The legal entity is represented by .....

We would like to request that we be issued with a licence for the provision of social services for children, namely:.....

/description of the social service/

Enclosed are:

1. a certified copy of the decision for initial court registration;
2. a statement of the financial position issued by a competent court not earlier than 6 months before the date of application for a licence;
3. a statement issued by a competent court certifying that the natural or legal person has not been declared bankrupt or is not undergoing bankruptcy proceedings;
4. a certified copy of the BULSTAT identification card;
5. a certified copy of the tax registration certificate;
6. a criminal conviction certificate to be submitted by the natural person or by the members of management bodies in the case of legal entities;

17

7. description of the social service – target group, activities to be performed, human resources and facilities, financial plan.

\* Note: The document referred to in 3 above shall be submitted only by natural or legal persons registered under the Commercial Code.

SIGNATURE:

Stamp

**Appendix 7 to Article 38, paragraph 2**

(emblem of the Republic of Bulgaria)

THE REPUBLIC OF BULGARIA

COUNCIL OF MINISTERS

STATE CHILD PROTECTION AGENCY

LICENCE

for the provision of social services for children

No.....date.....

Expiry date of the licence .....

Issued on .....

Scope of the licence .....

The licence holder undertakes to:

1. comply with the applicable legislation of the Republic of Bulgaria and respect the rights of each and every child in performing the specified activity;
2. provide social services in line with the criteria and standards stipulated in the Regulation on the criteria and standards for social services for children.

CHAIRPERSON OF THE STATE CHILD PROTECTION AGENCY:

A

**Appendix 8 to Article 52, paragraph 1**

Ref. No..... / .....

ATTENTION

THE DIRECTOR OF THE SOCIAL

ASSISTANCE DIRECTORATE

.....

**APPLICATION**

**For a one-off/monthly benefit for abandonment prevention and child reintegration into the family, placement with relatives, friends or a foster family**

18

By

.....

.....

(name)

Permanent address: city/town/village of ....., district

.....,

municipality ....., residential complex

.....,  
street ..... \_ ..... , apartment building No..... , entrance ..... , floor ..... ,  
apartment No ..... , telephone No: .....

**I would like to request the receipt of:**

**1. a one-off benefit**

**2. monthly benefit**

**for**

.....  
.....  
.....  
.....  
.....

(grounds for applying for the requested benefit)

**Note:** The applicant has to circle the requested type of benefit - 1 or 2 above.

**I HEREBY DECLARE:**

**\_ . Marital status:**

Personal data Applicant Spouse

Given name

Surname

Identity number

Marital status

Identity card No, date of

issue, issuing authority

Passport, serial code, No,

date of issue, issuing

authority, address

Social group Employed Unemployed

Pays social security contributions

(SSC) Does not pay SSC

Senior citizen Student

Others

Employed Unemployed Pays social

security contributions Does not pay SSC

Senior citizen Student Others

19

\_\_ . I/we declare that I am/we are:

**biological family family of relatives**

**family of friends foster family**

\_\_ . We take care of:

**\_ Child's name Identity**

**number**

**Current address Identity card, No,**

**date of issue,**

**issuing authority**

**1.**

**2.**

**\_ V. I am/we are aware of the fact that I/we shall be held liable under the Civil Code and the Criminal Code for providing false information with this application and that any benefit received in an unfair way shall be recovered with interest payment, interest being specified by the rules on collecting government receivables.**

**V. Enclosed are:**



1

- . a copy of the child/children's birth certificate;
2. an administrative deed or a court decision for child placement with the families of relatives and friends;
3. a document certifying the child/children's permanent/current address;
4. identity card (for reference).

Date: ..... Applicant: 1).

.....

Spouse: 2).

.....

The application was received and checked by:

.....

.....

(name, position)

Date: ..... Signature: .....

### **Appendix 9 to Article 53**

#### **SOCIAL ASSISTANCE DIRECTORATE**

.....

20

#### **DECISION**

No...../.....200....

By virtue of Article 44 of the Child Protection Act and Article..... of the Implementing regulation on the Child Protection Act and following the submission of an application with Ref.

No...../..... / foster care contract No...../...../

By.....

I HEREBY GRANT /REFUSE/

.....Identity number.....

/ name and identity number of the person having submitted the application or having signed the contract /

identity card/passport No.....issued

on.....by.....

permanent address: city/town/village of.....

district....., municipality.....

residential complex.....

street....., apartment building No....., entrance.....,

floor....., apartment No....., telephone No.....

a benefit, as follows:

\_ Type of benefit Size of benefit To be granted from

Grounds for refusal.....

.....

.....

The decision may be appealed within a 7-day period before the Director of the Regional Social Assistance Directorate, the city of.....

Director.....

/ signature, stamp /

The decision was handed in on .....200.....

Signature...../...../

I was notified of the decision on.....200.....

Signature...../...../

