



Co-funded by the  
European Union

# Hearing children in family proceedings: Bulgaria

## 1. General Obligation to hear children

- Bulgaria has implemented a general statutory provision to fulfill the right of the child to be heard. There is a legal obligation to ensure children are heard in the most favourable settings and under the most suitable conditions, having regard to their age, maturity and level of understanding (FRA, 2015b, p. 5).
- The Bulgarian Child Protection Act included a general obligation to involve children in the judicial and administrative procedures that affect them (Art. 15).
- Children also have the public right to freely express their opinion on matters that affect them (Child Protection Act, Art. 12).

## 2. Minimum age

- The hearing of the child is mandatory for children of 10 years and older in administrative or judicial procedures that concern their interests or rights, unless such hearing would be contrary to the child's interests (Child Protection Act, Art. 15 (1)).
- Depending on the child's level of maturity, children below 10 years can be heard as well, after an assessment of their level of maturity (Child Protection Act, Art. 15(2)). These hearings tend to be avoided (FRA, 2015a, p. 49).

## 3. Who hears the child?

- The child should be heard directly by the court. A social worker or other appropriate specialist is present when the child is heard by the judge (Child Protection Act, Art. 15(4)). The child's maturity is assessed by the judge (Bulgarian Ministry of Justice, 2010, 7.3).
- Art. 15(6) of the Child Protection Act requires the Directorate of Social Support to send a representative to each court procedure. This representative shall express an opinion, and where possible, present a report. The opinion and the report are made after meeting and hearing the child and contain information about the child's will (Musseva, 2016).
- Generally also a parent, guardian or other person who cares for the child are present, unless this would be contrary to the child's interests (Child Protection Act, Art. 15(5)).



Co-funded by the  
European Union

- The legal obligation to obtain a comprehensive understanding of the child and assess their legal, psychological, social, emotional, physical and cognitive situation via multidisciplinary cooperation is usually implemented (FRA, 2015b, p. 5).

#### **4. Specific rules for hearing children in child abduction cases?**

- Specialised family judges are placed in the Sofia Regional Court (FRA, 2015a, p. 39).
- Pursuant to Art. 22a(2) of the Child Protection Act, the Municipal Directorate of Social Support shall issue an assessment in the proceedings for a return of a child or for exercising of the right of personal relations under the Hague Convention on the Civil Aspects of International Child Abduction. The court shall listen to the child pursuant to Art. 15. The child will be heard directly or indirectly (Musseva, 2016).
- Children are heard where there are allegations of domestic violence or abuse. Their statements are considered together with other sources of evidence (Bulgarian Ministry of Justice, 2010, 5.3).
- Art. 29(4) of the Code of Civil Procedure provides that in event of a conflict of interests of the represented and representing persons, the court shall appoint a special representative. This possibility is available also in cases concerning children (Musseva, 2016).

#### **5. Cross-border element (i.e. hearing a child who is abroad in second-chance procedure Brussels IIbis?)**

No information available

#### **6. Other relevant matters**

- The right to be heard in judicial proceedings includes the right to have access to information which could help them to form their opinion, and the right to know the consequences of expressing that opinion (Child Protection Act, Art. 15(3)).
- In its concluding observations of 2008, the UNCRC expressed its concern about traditional practices and cultural attitudes hampering the full implementation of Art. 12 CRC (p. 6).

#### **7. Legal sources on hearing the child**

- Child Protection Act Arts. 12, 15 & 22
- Art. 29(4) of the Code of Civil Procedure



Co-funded by the  
European Union

## 8. Sources in literature

- [Bulgarian Ministry of Justice](#), 2010
- [CRIN](#), 2014, p. 12.
- [Concluding Observations UNCRC](#), 2008
- [CEFL](#), 2005
- [FRA](#), 2015a
- [FRA](#), 2015b
- [Hague Convention Country Profile](#) section 10.4 (update April 2011)
- Contact person for Bulgaria: Boriana Musseva