

Okno do světa

Development of alternative forms for care and upbringing of children without parents in Republic of Bulgaria

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The biggest wealth of humanity is their children. There is no greater experience than winning a kid's love and heart. Parents struggle every day to give their unconditional love and treat their kids with respect. That's why every state that is thinking for its own future tries to provide the best possible and positive atmosphere for care and upbringing of children – the future of the nation.

INTRODUCTION

For the past two decades Bulgarian governments have put a lot of effort into implementing a quality and significant reform in the system, providing care for children without parents. The main focus of the reform was to secure the children's rights to live with their biological parents or to be raised in a positive and nurturing environment that is close to a family-type. The article tries to present the current situation at the system for raising and upbringing of children, deprived of family care and will also give a brief retrospection of the development of social care and protection of children and families in the Republic of Bulgaria. The main research question it tries to answer is: "What are the reforms implemented so far in the child protection system and how have they affected the number of children living in special institutions?" The main research methods used for the fulfilment of the theoretical-empirical research are: *analysis* of official statistical data, provided publicly by national institutions; *analysis* of researches carried out by different government and non-government organizations; *analysis* of national documents for securing social protection of children and family rights; *interviews* with professionals working in the field of family and child protection and with experts, working in government and non-government organizations working in the same field; *observations* of different processes in the social-pedagogical environment of institutions working with children and families.

1 SETTING THE RESEARCH FRAMEWORK

1.1 What do we mean by "alternative forms of raising and upbringing of children deprived of family care?"

Clarification of the main scientific notions is an important part of every research. This provides the researcher with a clear view on the scope and approach toward the research object.

We assume that *alternative forms for raising and upbringing of children deprived of family care are all residential and non-residential forms for child care where the child has been abandoned or*

neglected by their biological parents. Children are considered “abandoned”¹ when their parents are not able to take care of them or are in a situation to fulfil their parental duties. When such a situation happens, no matter for a short or for a long period of time, parents can transfer their parental rights to another person or a family. They can also declare their consent to put the child up for adoption or to accept the child to be placed in a special institution for residential care, at a family-type centre, in a foster family or any other type of social service. At these different types of places the child can receive the care for the time that the parents are not able to look after them or to take proper decisions about their future. This placement can end with reintegration of the child in the biological family or with a legal decision of parents to put the child up for an adoption.

From a social and legal point of view it is usually accepted that parental care is provided by the biological family. For the past several years some theories emerged which state that this parental care is also exercised not only by biological parents but by parents who gained this statute by will, after the legal acknowledgment has taken place in case of a child abandoned by his/hers biological parents. Of course the notions “parental care” and “parental rights” are disputable and both sides provide different arguments for their interpretation. We, however, believe that the people who actually look after the child in fact carry out parental care as they accept that right with the very adoption act or with their taking the child into their homes for a certain period of time.

So, in order to differentiate the alternative forms for raising and upbringing of children deprived of parental care we will assume that parental care is a function of biological parents. As a consequence of such a notion we will not associate parental care with different forms of child care, provided by people other than biological parents but are just fulfilling parent roles.

1.2 Legal regulation for the function of alternative forms for raising and upbringing of children deprived of family care

Social protection of children in the Republic of Bulgaria is set out in the Constitution. The main act which guarantees children’s rights is the Child Protection Law and the Regulations for its implementation. This law, together with the Family Code, settles the rights and the responsibilities of parents and kids. Both documents are the main framework for child protection activities and they are synchronized with the Child Rights Convention.

The Child Protection Law was adopted by the Parliament in 2000 and has been active since 01.01.2001. This law organizes and carries out child rights’ protection by describing measures and principles for this protection, the functions of the state and the municipalities and their coordination in this field. The law regulates the participation of different legal and physical entities in child protection activities.

The Family Code sets out the rights and responsibilities of legal guardians. In 2009 a new version of this code was adopted in an attempt to guarantee children rights to be raised in a family or family-type environment.

Bulgarian legislators adopted a number of sub-law regulations related to child protection. These acts include: different *regulations* (Regulation for implementation of Child protection Law; regulation for the structure, organization and work of National council for child protection, Regulation for the work of Adoption Council); *ordinances* (Ordinance for the conditions and procedures for protection of gifted children, Ordinance for conditions and procedures for applying measures for child abandoning

¹ Two distinctive types of abandoning can be described – open and secret. In cases of open abandoning the parents can be identified easily. They consciously abandon the child and it is up to their free will to give up their parental rights. In cases of secret abandoning the child is left by the parents in a total secret and the parents are hard or impossible to be found. It is usually the case here that these parents do not intend to change their minds about giving up their parental rights as they do it voluntarily and anonymously.

and institution placement prevention, Ordinance for conditions and order for applying, selecting and accepting of foster families and placement of children in foster families, Ordinance for special child protection at public places, Ordinance for criteria and standards for child social services); *legal actions* (placing children in foster families as a child protection measure, providing social support in the framework of Child protection Law, etc.).

The two main strategic documents that are really important for the development of alternative forms for care and upbringing of children without parents are The National Strategy for Child protection 2008-2018 and The National Strategy "Vision for children deinstitutionalization in Republic of Bulgaria".

The National Strategy for child protection is a political agenda, accepted by the Parliament. Through this document the state sets the priorities and the actions that will be implemented so the well-being of children will be improved. In order to effectively reach the strategy goals, each year the Council of Ministers adopts a National program for child protection. These documents guarantee the rights of all children in the country by consolidating and coordinating the efforts of all institutions, working in the field of child rights protection and engaged in the actions planned in the strategy.

The National Strategy "Vision for deinstitutionalization of children in the Republic of Bulgaria was adopted by the government on 11th of December 2009 as a consequence of an active involvement and initiative of non-governmental organizations. This political document is also signed by 23 NGOs and UNICEF in Bulgaria. These organizations stand behind the initiation of the document and participate actively in its implementation in practice. The document "is based on the "best child interest" policy, aimed at support for families and provision of the best conditions for child development and child full potential realization. This policy is based upon respect of child's rights, the norms, the standards and the principles of universality, indivisibility and non-discrimination, and at the same time is characterized with high sensitivity, flexibility and preparation for meeting the challenges. It is of a great importance to develop a policy that will not only provide the appropriate care for children at risk in the short term, but will also prevent such problems in the future."²

The basic goal of this strategic document is to guarantee the right of the child to be raised in a family environment and to be provided with quality care and services according to his/hers individual needs. In order to reach this goal several activities are planned:

A broad spectrum of child and family services to be provided by regulating them in law, financial and human resource perspective. This is to be done by starting with existed and existing good practices and with the implementation of innovative approaches;

The capacity of the child protection system is to be raised through clear definition and effective distribution of powers and responsibilities among child protection entities, social services providers and with sustaining an adequate professional capacity for the operation of the system;

The existing 137 residential institutions for children (at the time of the document adoption) are to be closed within a 15 years period starting with the document adoption;

The placement and raising of children 0 to 3 years old in residential care institutions of all kinds is to be prevented after the end of the reform.³

The measures, planned in this document mainly aim at regulating the "entrance" of residential institutions through providing support to the family and through development of services for child abandoning prevention, risk prevention, early intervention and child support, family planning and family mediation. The government's efforts focus on *implementation of foster care on a national level* as a main alternative to special institution placement as well as encouraging adoption and

² See: National Strategy "Vision for child deinstitutionalization in Bulgaria".

³ See: National Strategy "Vision for child deinstitutionalization in Bulgaria".

providing conditions for raising knowledge and competences of professionals for work with children and families.

Before this document can be signed by all parties two other strategic documents were adopted: The plan for decreasing the number of children in special institutions 2003-2005 and the National action plan for reforms in residential institutional child care in Republic of Bulgaria 2008-2011. These two plans were aimed at speeding up the deinstitutionalization process and through this to apply the government policy for improving institutional care for children. This improvement aimed at making the institutional environment feel closer to a family environment and it also tried to develop a network of social services on a national, regional and local level. All these reforms tried to change the way the system existed and to make it closer to the needs of the client by changing the way it worked. This purposeful policy means that the state has made the firm decision to decrease the percentage of children in special institutions and to redirect its efforts toward children's long-term reintegration in their biological families, toward placement in other families (foster or adoption families) or toward their placement in different community-based social services which provide care in an environment closer to the family environment. Through this process of deinstitutionalization the main task of the state is to focus not only on satisfying the child's *basic needs* (physiological needs and safety), but also to answer to their social needs for affiliation with a small group (a family or a community), confidence and respect, self-improvement and others. Along with the expected change in the child protection system, the process of deinstitutionalization also supports the change in social values, although the institutional change is going faster than the value change for now. There is still resistance to the deinstitutionalization and the sceptics number more than the optimists. Still we hope that common efforts will push the reform forward regardless of its speed.

2 CURRENT RESULTS OF THE REFORMS IN ALTERNATIVE FORMS FOR THE RAISING AND UPBRINGING OF CHILDREN WITHOUT PARENTS

It is necessary to clarify the way the present law defines the alternative forms for child care when parents have abandoned their parental functions for different reasons and for different time periods. Alternative child care is provided in two different forms:

*Special institutions (residential institutions) or Homes for children*⁴ (Homes for medical and social care for children; Homes for children deprived of parental care; Homes for children with mental disabilities; homes for children with physical disabilities), and *Community-based social services of residential type*⁵ (Family-type placement centre; Centre for temporary placement; Crisis centre; Transitional house; Protected house; Monitored house; asylum/orphanage; Social educational-professional centre; "Mother and Baby" unit; Centre for social support; Centre for work with children on the street; foster care). Government efforts aim at closing down the institutions for children without parents and toward providing effective prevention of abandoning, work with parents and with relatives so the child can remain in the biological family environment. If the biological family cannot take care of the child, a placement in community-based social service is researched as an option. Only after all options for community-based services have been exhausted a placement in a special institution can be made.

The national statistics provided by the State Agency for Child Protection on its internet page shows the decrease in the number of special institutions. From 2008 to 2012 Homes for medical and social care for children (0-3 years old) decreased by only one – from 32 in 2008 to 31 in 2012. Homes

⁴ Homes for residential child care, usually for children who have been permanently separated from their family environment (Child Protection Law, additional rules, 10).

⁵ Form of social service through which it is intended to satisfy the everyday needs of a limited number of persons (maximum 15) and which social services provide the child with the opportunity to live in an environment that looks more like a family environment.

for children deprived of family care decreased from 82 in 2008 to 67 in 2012, and Homes for children with different types of disabilities decreased from 26 in 2008 to 24 in 2012. Although the decrease shown does not look really significant, the decrease in the number of children living in special institution is more promising (table 1).

Table 1

Children placed in special institutions from December 2008 till December 2012 (total capacity and children placed)

Types of special institutions	2008 Capacity/ Children placed	2009 Capacity/ Children placed	2010 Capacity/ Children placed	2011 Capacity/ Children placed	2012 Capacity/ Children placed
Homes for children with mental disabilities	1571/14 56	1528/130 8	1323/1201	1302/1102	1302/1140
Homes for children with physical disabilities	103/69	103/65	70/54	70/102	70/42
Homes for medical and social care for children	3910/24 40	3910/233 4	3860/2046	3798/1820	3708/1578
Homes for children deprived of parental care	5261/37 97	5309/344 0	4344/2778	3487/2167	2888/1892

Source: State Agency for Child Protection

According to this statistic the total number of children in special institutions by December 2012 is 4652. This is a decrease of 10.38% compared to the previous year when 5191 children lived there. The total decrease for the researched period is 40.01% which is really a significant improvement.

This decrease is a result of several different measures implemented at the national and local level. Some (although not enough) special institutions were closed. Along with that the legislation reform described in the previous paragraph led to different procedures for placement in special institutions. The development of residential community based social services provided the opportunity to search for different ways to support the biological family, to find a family environment for the kid (relatives or foster families) and only as a last resort – to place a child in a special institution.

The reasons behind all these changes are complex. Research made by NGOs and State Agency for Child Protection about the reason for placement of children in special institutions found that a huge percentage of these children (80%)⁶ live in these institutions because of social reasons. They have families, but these families have social problems and cannot take care of them, which logically led to bringing the kids into the special institutions. After quantity and quality analysis of the reasons for the child abandoning (for a short or a long period of time) the state policy naturally turned toward financial and material support of the families as well as toward establishing more community based social services to support parents in the difficult job of raising their kids.

For the past 4 years the government and NGO sector have aimed at: raising the health and sexual culture of risk social groups so planned and responsible parenting can be achieved among them; providing home services and home visits of pregnant women and mothers of children between the

⁶ State Agency for Child Protection (2006).

age 0-3 years⁷; restriction of the easy access for child placement in a special institution; applying some restrictive measures when child rights are violated or rules of law are broken when it comes to child raising.

For the past 4-5 years more and more Family-type Placement Centres have been opened. At 31.12.2012 there are 88 such centres, where 950 children and young people live⁸. The aim of "Childhood for everyone" project, within the framework of the national program "Support for deinstitutionalization of social institutions which provide social services for children at risk" is 133 Family-type placement centres and 27 Protected Houses to be built according to the National residential care map⁹.

Family-type placement centres have worked in our country since 2009. One of the well working centres was established and run by the NGO "Hope for little ones". According to the statistics, 35 children passed through the Centre between June 2010 and August 2013. 5 of them were reintegrated in their biological families. Another 5 were placed in foster families, and 18 were adopted. As for now there are 7 children living in the Centre. Their ages range between 3 months and one and a half years. The shortest stay was one week, and the longest – about a year and a half¹⁰. The efforts of this NGO are focused mainly on short-term placement in the centre and searching for different ways to provide a placement in a family environment. Such a policy should serve as an example for all residential social services as it will reduce the vicious practice of raising the child in institutional settings.

According to the strategic documents it is clear that along with opening more social services of a resident type the state efforts also aim at promoting and the development of foster care and adoption so a positive family environment can be provided for the children.

Foster families have been discussed in Bulgaria since different NGOs started to provide such type of alternative care for children in institutions within pilot projects. Some of the first places where the foster care started were the city of Plovdiv and the city of Haskovo. Although this project was not successful, the initiative didn't stop there. In 1993 "Orphan" Foundation with the assistance and financial support of Christian Children Fund, UK with a contract with the Ministry of Education and science implemented the project "Raising kids without parental care in foster families". The foundation started working on the basis of the Family code as the sole (for the time being) legislation which provided the procedures for placing children outside their family. The first target group of the project included children living in Homes for children without parents. Later the target group broadened and included children at risk, living in families at risk, who are about to enter special institutions. Another Foundation, "Step by step", in 2000 implemented the "Foster care" project as a result of the initiative "Establishing an agency for foster families"¹¹. With the adoption of Child Protection Law in year 2000 in fact foster care was established as an alternative form for child care when the parents are missing or are unable to look after their kids. In 2003 an Ordinance for the conditions and the order for application, selection and acceptance of foster families and for placement of children in them" was adopted. This ordinance was actually implemented in 2006 in the Child Protection Law in articles 3, 32 and 33 the essence of foster care as a child protection measure, the conditions to become a foster parent and the way the relationship with the biological family must be conducted. In 2007 a change was made in the same law and the notion "professional foster

⁷ This is a practice of UNICEF-Bulgaria within the framework of project "The best start in life for the child". A Center for maternal and child health was opened in city of Shumen which provided home visits for pregnant women and mothers with children up to 3 years old. This project came as a result of a long-period of UNIV+CEF work in Shumen for closing down the Home for medical and social care for children, <http://www.unicef.bg/proekti/Nay-dobar-start-v-zhivota-na-vsyako-dete/18>.

⁸ SACP information, <http://sacp.government.bg/programi-dokladi/statistika>.

⁹ <http://sacp.government.bg/novini/2012/10/15/prva-kopka-na-cnst-po-proekt-detstvo-za-vsichki-v-/>.

¹⁰ Data was provided by "Hope for little ones" Foundation.

¹¹ See: Borisova, M. (2007) Foster care in a frame and in a perspective, p. 19.

care” was introduced. After long debates and struggles made by the NGOs and some state organizations it was written that close relatives can become foster parents.

Foster care in Bulgaria has two different forms – voluntary and professional. When it comes to the length of time – it can be long-term, short-term, emergency foster care and a substitute foster care. Foster care is conducted at the home of the foster parents. They don’t gain parental rights for the child but can make decisions about his/hers life and health. After a thorough research of a child’s needs is made, the child can be placed at a professional or voluntary foster family, according to a proposal of “Department “Social Support”, through a court decision. If the child has biological parents a schedule for their visits at the foster family home is developed. These visits are allowed only in case they will not have negative effect upon the child. It is extremely important to choose the best possible placement for the child according to his/hers needs, personal and age characteristics.

For the needs of the present research several parents were interviewed. Some of them work at the system for social care and protection of children, and the others don’t. The main goal of the interviews was to find to what extent they are informed about the foster care as a specific child protection measure. The interviews showed that parents who have no contact whatsoever with the child protection system do not know the specifics and characteristics of foster care. Unfortunately, a lot of them actually identify foster care as a form of adoption and are not familiar with the legislation and the provided opportunities for children at risk. Most of them also said that they don’t know who to turn to in case they encounter a child at risk. Both parent groups accept warmly the idea of foster care, but actually exclude the possibility to become foster parents. The main reason they state for such an understanding lays in the fact that, as foster parents, they will have to communicate with the biological families and to cooperate with them to become close with their kids again.

Despite the slow process of changing society values and perception of foster care it can be said that this alternative form for raising children without parents has become more popular in the country over the past several years. The State Agency for Child Protection statistics show that the number of children placed in foster families for the year 2012 is **709** – three children less than the previous year and four times more than 2009: 62 in voluntary foster families and 647 in professional foster families. In voluntary foster families **55** kids less were placed, while **52** more children were placed in professional foster families compared with the previous year 2011. The total number of children placed under foster care as of 31.12.2012 is **1109: 965** at professional foster homes and **144** – at voluntary foster families.“

According to my observation of the social protection system for the past 10-15 years foster care provided by close relatives will develop quickly in the next few years. This conclusion is supported by the national tradition, dated centuries ago, for relatives to raise kids who have lost their parents. The fact that the legislator actually allowed relatives to become foster parents led to a raise in the number of foster families. On the other hand it is my personal belief that foster care can be a useful social protection method if it is applied once and for a short period of time, especially when there is no blood relation between the child and the foster parents, as the emotional relations between them are not always positive and frequent change of foster families in most cases leads to a negative experiences for the child. These can affect the child’s abilities to communicate with people and to adapt to a new environment. Over the last year, as a result of a well-planned media campaign, the number of foster families actually became more than necessary. A lot of foster parents report that they have never received an offer to accept a child at risk. There are a lot of cases when foster families refuse to accept a certain child in their homes due to different subjective factors (gender, ethos, etc.). The raised interest in foster parenting in our country may also be due to the fact that a lot of people think that if they became foster parents this will make it easier for them to adopt a child and also that this type of care will provide them with the opportunity to get to know the child before starting the adoption procedure.

For the past several years the Bulgarian government has implemented a series of significant changes in the Family code and other sub-law documents which aim at ceasing the long-term practice of children to be left to state care at special institutions for long periods of time and thus – depriving these children of their right to be raised in a family environment. That’s why some of the changes made in the Family Code in 2010 stated the right of the parent to give his agreement to give up his parental right consciously and willingly in the first 30 days after the child was born and if after 6 months in a special institution or other type of alternative care the mother doesn’t seek the child, this child can be put up for adoption. One of the prevention measures against child abandoning is the “Mother and Child” unit. At this social service the mother can receive modern health care, social and pedagogical support and professional help for 6 months. According to specialists working in such units the reunion between the mother and the child is a long, and in most of the cases – unsuccessful process. It is very common that after 6 months since the mother and the child leave the unit and are “socially reintegrated in the community” the mother visits social services department again and states her will to put the child up for adoption or to place the child temporarily at a special institution until she figures out what to do with her life¹². One of the main gaps of the legislators is that they allow the formal consent for full adoption given by the parent to be denied later. This can be done through a formal procedure: the parent gives a motion to Department “Social protection” within law-set time limits. Why is this part of the Family Code considered weak? This procedure actually provides parents with a right to prevent the adoption of the child even after they have given their formal consent for their child to be registered for adoption. Such actions are often reasoned with not very noble goals and they actually deprive the child of the opportunity to grow up in a caring and loving home.

Despite the significant changes in Bulgarian legislation the regulation for adoption needs more precision and better protection of the child’s best interest. Social workers should be working more thoroughly and responsibly with the family wishing to adopt a child and to provide them with better consultation about some important questions like: the age of the child they can adopt, the challenge of adoption, the responsibilities of parents for the child development and education, the question of revealing the adoption in front of the child, the creation of family history, etc. According to interviews with adoption parents there are some gaps in adoption procedures:

- Lack of coordination between different institutions working in the social protection system;
- Lack of good education and training of adoption parents for welcoming and raising the child in his/her first months and years after the adoption;
- Lack of supporting and concomitant care from the social workers and psychologists after the adoption has been made;
- Lack of traditions in creating child history at special institutions;
- Vagueness when it comes to questions regarding revealing the fact of adoption in front of the child.

A lot of specialists in Bulgaria still support the thesis that the adoption should remain a secret and the child should not know that he/she was adopted. Bulgaria is a small country and such secrets are hard to keep within the family. It’s not uncommon for children to learn they have been adopted from relatives or neighbours. In most cases this knowledge comes at a most unsuitable age and in a most unsuitable manner and it has a heavy negative impact upon children’s emotional state. That’s why each family should decide for itself whether, when and how to reveal to the child the fact of adoption. This decision should be made in an informed manner and after the parents know what the possible consequences from such a revelation could be. The practice shows that if the parents don’t reveal the adoption to the child at an early age, they never find strength to do it later.

¹² This is an opinion of specialists working at “Mother and baby” unit at the Complex for social services, gathered through an interview with professional working at social protection system.

3 CONCLUSIONS AND DISCUSSION

Alternative forms of care and upbringing of children deprived of family care has developed in a parallel with the social-economic changes in the society. The present research showed that the number of children placed in special institutions dropped significantly due to their placement in settings closer to a family by using different social services. This decrease is due to several factors:

- The development of different types of community-based social services for children, more closely resembling a small family environment;
- The changes made in the national policy so the entrance in special institutions became harder and was considered as a last possible option;
- The development of foster care and the right of relatives to become foster parents.

The more strict procedures for giving up parental rights which eliminated the long-term stay of the child in special institutions which prevented him/her from being adopted, even when parents clearly didn't want to take care for him/her.

All these measures implemented in social protection and the child protection system actually started the process of eliminating the "old" institutional way of care for children whose parents don't want to or couldn't look after them. Still this process is yet to evolve and to produce more quality results. The real quality and long-term change in these forms will come when some significant changes are made in the overall policy for child and family protection along with changes in the system for social protection. The system needs to be made more precised according to the needs of modern society. This precision must go through the closure of useless structures and through building needed communication relations between different departments, units and organizations working with children and family. The use of social services and the stay of the child in some sort of residential care should be limited as much as possible and a long-term placement in a family environment should be provided. The adoption procedure should be provided and the parents should be supported and stimulated to raise their children instead of using the social protection system, often with some intentions to get social benefits. Parents should receive timely financial, pedagogical, psychological, health and legal support. All these will improve the child protection system and will ensure children's rights to be raised by their biological parents or within a family-type environment which can provide suitable conditions for their mental, physical and social development.

REFERENCES

- Борисова, М. (2007). Приемната грижа в кадър и перспектива, София.
- Закон за закрила на детето, Обн. ДВ. бр.48/13.06.2000, посл.изм. изм. ДВ. бр.68/2.08.2013
- Закон за социалното подпомагане, Обн. ДВ. бр.56/19.05.1998, посл.изм. ДВ. бр.66/26.07.2013
- Правилник за прилагане на закона за закрила на детето, Обн. ДВ. бр.66/25.07.2003, посл.изм. ДВ. бр.68/4.09.2012
- Правилник за прилагане на закона за социално подпомагане, Обн. ДВ. бр.133/11.11.1998, посл.изм. ДВ. бр.73/20.08.2013.
- Национална стратегия „Визия за деинституционализация на децата в Република България“, приета 11.12.2009 г. В: <http://sacp.government.bg/programi-dokladi/strategii-programi-planove/>
- Семеен кодекс, Обн. ДВ. бр.47/23.06.2009, посл.изм. ДВ. бр.68/2.08.2013.