FAMILY CODE

*SG 47 of 23.06.2009, in force from 1.10.2009, amend. 74 of 15.09.2009, in force from 1.10.2009, Art. 98 of 14.12.2010, in force as of 1.01.2011, amend. and supplemented, issue 100 of 21.12.2010, in force as of 21.12.2010, issue 82 of 26.10.2012, amend., issue 68 of 2.08.2013, in force as of 2.08.2013, issue 68 of 2.08.2013, issue 82 of 26.10.2012, amend. 74 of 20.09.2016, in force as of 1.01.2018, supplemented, issue 103 of 28.12.2017, in force as of 1.01.2018, amended and supplemented, issue 24 of 22.03.2019, in force as of 1.07.2020 - amended, issue 101 of 27.12.2019; amended and supplemented, issue 103 of 4.12.2020; suppl., issue* [*67*](https://web.apis.bg/p.php?code=202723106&base=NARH)*of 4 August 2023; am. and suppl., issue 106 of 22 December 2023, in force as of 22 December 2023.*

**Chapter Eight**

**ADOPTION**

**Section I
Conditions for adoption**

Adoptee

**Art. 77** (1) Only a person who has not attained the age of eighteen years at the time of filing the application for adoption may be adopted.

(2) (amend. - SG 106/2023, in force from 22.12.2023) Twins shall be adopted together. Exceptionally, they may be adopted separately if, within 6 months from the entry in the information system under Art. 83, par. 1 and if their interests so require.

(3) Siblings shall be adopted together if they have an emotional bond with each other.

(4) (new - SG 106/2023, in force from 22.12.2023) The assessment of the existence of an emotional bond under par. 3 shall be carried out by an expert - psychologist. The Social Assistance Directorate shall provide assistance in carrying out the assessment.

Prospective adoptive parent

**Art. 78.** A legally able person who is not deprived of parental rights may adopt.

Difference in age

**Art. 79.** (amend. - SG 106/2023, in force from 22.12.2023) (1) The prospective adoptive parent shall be at least fifteen years, but not more than fifty years older than the adoptee. Where the adoption is effected simultaneously or successively by two spouses and there is a difference in age for one of them, no such difference shall be required for the other spouse.

(2) No difference in age shall be required where a husband adopts a child of his spouse, in the case of adoption by grandparents or one of them and in the case of adoption by a third-degree relative by consanguinity.

Prohibition of adoption between relatives

**Art. 80.**(1) Adoption between relatives in the direct line and between brothers and sisters shall not be allowed.

(2) The grandparents or one of them may adopt a grandchild where the grandchild was born out of wedlock or where the parents or one of them is deceased. The court shall also hear the other grandparents of the adoptee.

(3) (suppl. - SG 106/2023, in force from 22.12.2023) In case of a request for adoption of a grandchild by the grandparents both by maternal and paternal line, the court shall request an opinion from the Social Assistance Directorate at the permanent address of the claimants and shall decide the matter in view of the interests of the child.

Prohibition of adoption by two persons

(1) No person shall be adopted by two persons unless they are spouses.

(2) No person shall be adopted a second time until the existing adoption has been terminated.

(3) The prohibitions under par. (1) and (2) shall not apply in respect of the spouse of the prospective adoptive parent.

Additional condition for full adoption

**Art. 82.** (1) (amend. - SG 106/2023, in force from 22.12.2023) Full adoption shall be allowed when the adoptee and the prospective adoptive parent are registered in the information system under Art. 83, par. 1.

(2) Par. 1 shall not apply where a husband adopts a child of his spouse, where a grandchild is adopted by his/her grandparents or by one of them, or where a third-degree relative by consanguinity adopts.

(3) (amend. - SG 106/2023, in force from 22.12.2023) The requirement for entry in the information system under Art. 83, par. 1 shall not apply in the case of adoption by a guardian or custodian or by a family of relatives or close persons with whom the child has been placed by court order pursuant to the Child Protection Act.

(4) The persons referred to in par. 3 shall be studied by the Social Assistance Directorate at their permanent address.

National electronic information system for full adoption

(amend. - SG 106/2023, in force from 22.12.2023)

**Art. 83.** (amend. - SG 106/2023, in force from 22.12.2023) (1) The Ministry of Labour and Social Policy shall establish, keep and maintain a National Electronic Information System for Full Adoption.

(2) The information system referred to in par. 1 shall contain information on:

1. children who may be adopted under the conditions of full adoption;

2. persons who wish to adopt a child under the conditions of full adoption and the data from the electronic platform under Art. 85, par. 1;

3. the preferences expressed by the persons wishing to adopt a child under the conditions of full adoption;

4. all stages of the procedures relating to adoption;

5. all circumstances relevant to the adoption.

(3) Access to the data in the information system referred to in par. (1) shall have the chairpersons and members of the councils under Article 94 and officials of the Ministry of Labour and Social Policy, the State Agency for Child Protection and the Agency for Social Assistance, designated by order of the Minister of Labour and Social Policy.

(4) The Minister of Labour and Social Policy, in coordination with the Minister of Justice, shall determine by an ordinance the procedure for the registration, keeping, storage, maintenance and functioning of an information system under par. 1, as well as the level of access to the data in the system by the persons referred to in par. 3.

(5) The Minister of Labour and Social Policy shall supervise and coordinate the functioning of the information system under par. 1 and shall designate by an order the officials of the Ministry of Labour and Social Policy responsible for the proper functioning and maintenance of the system.

(6) On the basis of the data from the information system referred to in par. 1 the Ministry of Labour and Social Policy shall monitor and annually prepare an analysis on the implementation of the state policy in the field of national adoption.

(7) The ordinance referred to in paragraph 4 shall also determine the conditions and procedure for:

1. carrying out the social study referred to in Article 86, paragraph 2;

2. carrying out official checks relevant to the adoption process;

3. conducting trainings for the persons who wish to adopt a child under the conditions of full adoption;

4. providing support through social services to persons who wish to adopt a child under the conditions of full adoption;

5. providing information and assistance;

6. issuing, renewal and revocation of the permit under Art. 86, par. 3 for entry in the information system referred to in par. 1.

Registration of children in the National Electronic Information System for Full Adoption

(amend. - SG 106/2023, in force from 22.12.2023)

**Art. 84** (1) (Suppl. - 100 of 2010, in force as of 21.12.2010, amended, issue 106 of 2023, in force as of 22.12.2023) For a child placed administratively under the Child Protection Act, whose parents are unknown or have given consent for full adoption, the Social Assistance Directorate at the child's current address shall, within 7 days of the placement, issue an order for his/her entry in the information system under Art. 83, par. 1, and shall send it through the Regional Social Assistance Directorate to the Ministry of Labour and Social Policy. Where the consent is given after the placement, the 7-day period shall run from the day on which the consent is given.

(2) (Suppl. - SG 100/10, in force from 21.12.2010, amend., SG 24/2019, in force from 1.07.2020 - amend., SG 101/2019, SG 106/2023, in force from 22.12.2023.) Where the child, whose parents have not given consent for full adoption, has been placed under the Child Protection Act in a social or integrated medico-social service for residential care or a foster family and the parent has not- without a good reason – requested termination of the placement and return of the child or alteration of the measure and placement in a family of relatives or close persons, the director of the Social Assistance Directorate at the child's current address shall, within 7 days from the expiry of the term under Art. 93, par. 2, issue an order for entering the child in the information system under art. 83, par. 1 and shall send it through the Regional Social Assistance Directorate to the Ministry of Labour and Social Policy. The notification shall be accompanied by a copy of the request for placement under Article 27, par. 2 of the Child Protection Act where no court decree has been issued.

(3) (new - SG 106/2023, in force from 22.12.2023) A child who is placed under the Child Protection Act in a social or integrated medico-social service for residential care or a foster family shall be entered in the information system under Art. 83, par. 1 on the basis of a court decree issued by the district court in the venue of which the child's current address is, when within the time limit referred to in Art. 93, para. 2 the parent has requested termination of the placement and return of the child, or alteration of the measure and placement in a family of relatives or close persons, but the conditions for this have not been met due to non-cooperation on part of the parents; the grounds for placement outside the family under Art. 25, para. 1, item 2, 3 or 4 of the Child Protection Act have not fallen off; or there is no family of relatives or close persons that has given consent for temporary placement of the child under Art. 27, para. 3 of the Child Protection Act. The director of the Social Assistance Directorate at the child's current address shall submit an application to the court within one month of consideration of the parent's request, to which he/she shall enclose a reasoned assessment of the reasons for the failure to reintegrate or to alter the protection measure. The application shall be considered in accordance with the expedited procedure under Chapter 25 of the Civil Procedure Code.

(4) (former para. 3, amend. - SG 106/2023, in force from 22.12.2023) A child whose parents are deceased, deprived of parental rights or placed under full guardianship may be entered in the information system under Art. 83, para. 1 at the request of the guardian or custodian to the Social Assistance Directorate. The entry shall be made, if it is in the best interests of the child, on the basis of an order issued by the director of the Directorate. The Social Assistance Directorate shall request an opinion on the best interests of the child from the guardianship and custody authority. Where the child is placed under the Child Protection Act in a social or integrated medico-social service for residential care or a foster family, the director of the Social Assistance Directorate at the child's current address shall, within one month of occurrence of the grounds for the establishment of guardianship or custody, issue an order for the child's entry in the information system referred to in Article 83, para. 1 and shall send it through the Regional Social Assistance Directorate to the Ministry of Labour and Social Policy.

(5) (former para. 4, amend. - SG 106/2023, in force from 22.12.2023) The person placed under guardianship may request to be entered in the information system under Art. 83, para. 1 in accordance with paragraph 4.

(6) (rescinded, former para. 5, amend. - SG 106/2023, in force from 22.12.2023) Registration of a child in the information system under Art. 83, para 1 may be performed on the basis of an application submitted by the parents to the director of the Social Assistance Directorate, if the entry is in the best interests of the child and the application is accompanied by declarations of consent for full adoption by both parents. The registration shall take place on the basis of a reasoned order of the director of the Social Assistance Directorate.

(7) (new - SG 106/2023, in force from 22.12.2023) The registration of a child in the information system under Art. 83, para. 1 shall be performed by the Ministry of Labour and Social Policy on the basis of a reasoned order of the Director of the Social Assistance Directorate, which shall be subject to appeal according to the Administrative Procedure Code.

(8) (new - SG 106/2023, in force from 22.12.2023) The refusal to register a child in the information system under Art. 83 para. 1 shall be performed by a reasoned order issued by the director of the Social Assistance Directorate, which shall be subject to appeal according to the Administrative Procedure Code.

Electronic Platform for Application for Adoption of Children under the Conditions for Full Adoption

(amend. - SG 106/2023, in force from 22.12.2023)

**Art. 85.** (amend. - SG 106/2023, in force from 22.12.2023) (1) The Ministry of Labour and Social Policy shall establish and maintain an Electronic Platform for Application for Adoption of Children under the Conditions for Full Adoption, which shall be an integral part of the National Electronic Information System for full adoption.

(2) The procedure for applying through the electronic platform under par. 1 shall be determined in the Ordinance referred to in Article 83 (4).

Permit for entry in the National Electronic Information System for Full Adoption

(amend. - SG 106/2023, in force from 22.12.2023)

**Art. 86.** (1) (amend. - SG 106/2023, in force from 22.12.2023) A person who wishes to adopt a child under the conditions of full adoption shall apply through the electronic platform under Art. 85, para. 1 for a permit to be entered in the information system referred to in Art. 83 para. 1.

(2) (suppl. - SG 106/2023, in force from 22.12.2023) The Social Assistance Directorate shall carry out a social study of the person's eligibility to adopt a child. Where the person wishes to adopt a child with habitual residence abroad, on the basis of the social study, the Social Assistance Directorate shall issue a certificate of eligibility in the form annexed to the Ordinance under Article 83, para. 4.

(3) (amend. - SG 106/2023, in force from 22.12.2023) The entry in the Information System under Art. 83, para. 1 shall be performed by the Ministry of Labour and Social Policy on the basis of an order issued by the director of the Social Assistance Directorate for the issuance of a permit for entry in the Information System.

(4) (amend. - SG 106/2023, in force from 22.12.2023) The order of the director of the Social Assistance Directorate for refusal to issue a permit for entry in the Information System under Art. 83, par. 1 shall be subject to appeal according to the Administrative Procedure Code.

(5) (suppl. - SG 106/2023, in force from 22.12.2023) The permit under par. 3 shall be issued for a period of two years.

(6) (Rescinded - SG 106/2023, in force from 22.12.2023).

Entries and deletions in the National Electronic Information System for Full Adoption

(amend. - SG 106/2023, in force from 22.12.2023)

**Art. 87.** (1) The person who wishes to adopt a child shall inform the Social Assistance Directorate in case of change of circumstances relevant for the issuance of the permit.

(2) (amend. - SG 106/2023, in force from 22.12.2023) The change of the circumstances shall be noted in the Information System under Art. 83, para. 1. Revocation of the permit shall take place in the event of a substantial change of circumstances following a new social study.

(3) The revocation of the permit shall be subject to appeal under the Administrative Procedure Code.

(4) (amend. - SG 106/2023, in force from 22.12.2023) The entry and the deletion shall be made by the Ministry of Labour and Social Policy on the basis of an order of the Director of the Social Assistance Directorate to enter the change or to perform the deletion from the Information System under Art. 83, para. 1.

Personal data protection

**Art. 88.** (amend. - SG 106/2023, in force from 22.12.2023) The Ministry of Labour and Social Policy and the Social Assistance Agency shall take measures to protect personal data in the Information System under Art. 83, par. 1 and the platform under Art. 85 par. 1.

**Section II
Allowing adoption**

Consent to adoption

**Art. 89.** (1) To perform adoption the consent of the following persons is required:

1. the prospective adoptive parent;

2. the parents of the adoptee;

3. the spouses of the prospective adoptive parent and of the adoptee;

4. the adoptee, if fourteen years of age.

(2) The mother's consent may be given not earlier than 30 days after delivery.

(3) The parents of adoptee shall also give consent in cases where they are underage.

(4) The consent of the persons referred to in par. 1, items 2 and 3 shall not be required if they are underage or under guardianship.

(5) In case of full adoption, the Social Assistance Directorate shall explain to the persons referred to in par. 1 the consequences of allowing the adoption before they express their consent. In the case of incomplete adoption, an explanation shall be given by the court.

(6) The persons referred to in par. 6 shall submit a declaration with notarized signature that the consent given by them is not bound by material benefit.

Opinion about adoption

**Art. 90** (1) The adopted person, if under fourteen years of age, shall be heard by the court in accordance with the Child Protection Act.

(2) Opinions on the adoption shall be given by:

1. the guardian or custodian;

2. the parents, if they are underage, under limited guardianship or deprived of parental rights;

3. the spouses of the prospective adoptive parent and of the adoptee, if they are placed under limited guardianship.

Form of consent and of opinion

**Art. 91.** (1) The consent referred to in Article 89 and the opinion of the persons referred to in Article 90 may be given before the court in person, by a declaration with notarial certification of the signature or through a special attorney. The court may summon and hear any of those persons in person whenever the court considers it necessary.

(2) The adoptee shall give his/her consent in person before the court.

(3) In the case of full adoption, where the parent gives his or her opinion in person, he or she and the prospective adoptive parent shall be heard in separate sessions, except in the cases referred to in Article 82, paragraph 2.

(4) (new - SG 106/2023, in force from 22.12.2023) The written consent of the adoptee’s parents in cases of full adoption shall be given by a declaration in the form annexed to the Ordinance under Art. 83, para. 4.

Withdrawal of prior consent

**Art. 92.** (amend. - SG 100/10, in force from 21.12.2010) The parent may withdraw his/her prior consent for full adoption by an application with notarized signature until the submission of an application for adoption under Art. 95, par. 5, respectively until the consent for adoption has been given by the designated by the Intercountry Adoption Council under Art. 114, par. 7 prospective adoptive parent. The application shall be submitted to the Social Assistance Directorate with a copy to the Regional Social Assistance Directorate.

Adoption without parental consent

**Art. 93** (1) Adoption without the consent of the parent shall be allowed when he/she persistently fails to take care of the child and does not provide maintenance or raises and educates the child in a manner harmful to his/her development.

(2) (amend. - SG 24/2019, in force from 1.07.2020 - amend., SG 101/2019; amend., SG 106/2023), 2023 in force from 22.12.2023) Adoption without parental consent shall be allowed when the child is placed in a social or integrated medico-social service for residential care or a foster family and the parent has not – within 6 months from the date of the placement under the administrative procedure pursuant to the Child Protection Act and without a good reason – requested termination of the placement and return of the child or alteration of the protection measure and placement in a family of relatives or close persons pursuant to the Child Protection Act.

(3) (New - SG 100/10, in force from 21.12.2010, amend., SG 24/2019, in force from 1.07.2020 - amend., SG 101/2019; amend., SG 106/2023), 2023 in force from 22.12.2023) Adoption without parental consent shall also be allowed when the parent has requested, within the time limit referred to in paragraph 2, termination of the placement and return of the child or alteration of the measure and placement in a family of relatives or close persons, but the conditions for this have not been met due to non-cooperation on the part of the parents, the grounds referred to in Art. 25, par. 1, item 2, 3 or 4 of the Child Protection Act or there is no family of relatives or close persons who have expressed consent under Art. 27, par. 3 of the Child Protection Act.

(4) (former para. 3 - SG 100/10, in force from 21.12.2010) In the cases under para. 1, the parent shall be summoned to be heard by the court.

Adoption Council

**Art. 94** (1) An Adoption Council shall be established within the Regional Social Assistance Directorate.

(2) (Amend. - SG No. 98 of 2010, in force as of 1.01.2011, amended and supplemented, S.G. No. 100 of 2010, in force as of 21.12.2010, amended, S.G. No. 24 of 2019, in force as of 1.07.2020 - amended, S.G. No. 101 of 2019) The Chairperson of the Adoption Council shall be the Director of the Regional Social Assistance Directorate. Members of the Council shall be: a lawyer appointed by the regional governor, a doctor appointed by the director of the regional health inspectorate, a pedagogue appointed by the head of the regional education inspectorate, a psychologist appointed by the director of the social assistance directorate at the child's current address, the head of the social or integrated medico-social service for residential care.

(3) The bodies referred to in paragraph (2) shall also appoint permanent substitutes to the members of the Council.

(4) The Council shall meet weekly.

(5) Decisions of the Council shall be adopted by open vote and by a majority of not less than two-thirds of the members.

(6) (amend. - SG No. 74 of 2009, in force from 1.10.2009, S.G. No. 68 of 2013, in force from 2.08.2013) The Minister of Labour and Social Policy shall issue regulations for the activity of the council under par. 1 in coordination with the Minister of Health, the Minister of Education and Science and the Minister of Justice.

(7) (amend. and supplemented, SG No. 82/2012) For their participation in each session of the Adoption Council, the members shall receive remuneration in the amount determined by the Minister of Labour and Social Policy, unless otherwise provided by law.

Designation of a prospective adoptive parent for full adoption

**Art. 95** (1) (amend. - SG 106/2023, in force from 22.12.2023) Within one month from the entry of the child in the information system under Art. 83 par. 1, the Adoption Council shall designate suitable adoptive parents for the child in accordance with the order of entry of the prospective adoptive parents in the information system under Art. 83, par. 1, the preferences expressed by them and the circumstances relevant to the best interests of the child.

(2) (amend. - SG 106/2023, in force from 22.12.2023).

(3) (amend. and supplemented - SG 106/2023, in force from 22.12.2023) The Regional Social Assistance Directorate shall notify in writing the first suitable prospective adoptive parent of the decision under par. 1 and shall provide him/her with a report on the child. The report shall be drawn up in accordance with the model annexed to the Ordinance referred to in Article 83, paragraph 4. The decision of the Adoption Council shall be communicated to the Social Assistance Directorate at the child's current address and the Social Assistance Directorate at the permanent address of the adopter. The Social Assistance Directorate at the child's current address shall assist in making personal contact between the prospective adoptive parent and the child.

(4) (amend. - SG 106/2023, in force from 22.12.2023).

(5) (suppl. - SG 106/2023, in force from 22.12.2023) Within one month from the receipt of the notification the prospective adoptive parent may file a petition for adoption to the court through the Regional Social Assistance Directorate. The Directorate shall send the adoption petition together with the case-file within three days of receipt.

(6) (Supp. - SG 106/2023, in force from 22.12.2023) In case the notified prospective adoptive parent refuses the referral in writing or fails to submit a petition within the time limit referred to in paragraph 5, the Regional Social Assistance Directorate shall within 14 days notify the next suitable prospective adoptive parent, the Social Assistance Directorate at the current address of the child and the Social Assistance Directorate at the permanent address of the prospective adoptive parent.

(7) (amend. - SG 106/2023, in force from 22.12.2023) The refusal or failure to submit a petition within the time limit under paragraph 5 shall be entered by the Ministry of Labour and Social Policy in the information system under Art. 83, para. 1 after a written notification from the respective Social Assistance Directorate.

(8) (new - SG 106/2023, in force from 22.12.2023) Where in the information system for full adoption under Art. 83 par. 1, no suitable adoptive parents have been registered, the Adoption Council cannot identify suitable adoptive parents from the registered persons or the identified prospective adoptive parents have refused to adopt a child with a health problem, special needs or of a higher age, the Regional Social Assistance Directorate shall take the measures specified in the Ordinance under Art. 83, par. 4.

Jurisdiction

**Art. 96** (1) The petition for full adoption shall be filed by the prospective adoptive parent through the Regional Social Assistance Directorate, whose Adoption Council has designated the prospective adoptive parent, to the district court where the Regional Directorate is located.

(2) The petition for full adoption under Art. 82 par. 2 and 3 may be filed by the prospective adoptive parent, the adoptee parents, or by the adoptee if he or she is fourteen years of age or older, through the appropriate Regional Social Assistance Directorate to the district court of the petitioner's permanent address.

(3) The petition for incomplete adoption shall be filed by the prospective adoptive parent with the district court of the petitioner's permanent address.

Decision on the adoption request

**Art. 97. -** (1) (SG 100/10, in force from 21.12.2010, SG 106/2023, in force from 22.12.2023) The district court shall hear the petition for adoption in an open hearing in camera within 14 days from its receipt. The court shall require a report from the Social Assistance Directorate and collect evidence in accordance with the Civil Procedure Code. The court shall hear the prosecutor's conclusion and shall pass a reasoned decision.

(2) Adoption shall be allowed if it is in the best interests of the adoptee.

(3) (amend. - SG 100/10, in force from 21.12.2010) The decision shall be announced in the court session and after its entry into force the decree shall be sent ex officio to the municipality of the permanent address of the adoptive parent, as well as to the respective Regional Social Assistance Directorate, and in case the adoptive parent is a foreign national – to the Sofia Municipality and the Ministry of Justice.

Appeal against the decision

**Art. 98.** (1) (amend. - SG 100/10, in force from 21.12.2010) The decision under Art. 97, par. 1 may be appealed by the adoptive parent, the parents of the adoptee, except in the cases referred to in Article 100, paragraph 2, by the adoptee and by the prosecutor before the Court of Appeal within 7 days from announcement of the decision. Where the adoptee has attained the age of fourteen years, he/she may appeal the decision in person.

(2) Within 14 days of the receipt of the appeal, the court shall, in open hearing held in camera, render a decision which shall be final.

Purview of the provisions

**Art. 99.** The provisions of Articles 77 through 98 shall also apply to the adoption of a child with habitual residence in the Republic of Bulgaria, as well as to the adoption by foreign nationals with habitual residence in the Republic of Bulgaria.

**Section III
Effect of adoption**

Types of adoption

**Art.** (1) Adoption may be complete or incomplete.

(2) (suppl. - SG 106/2023, in force from 22.12.2023) Adoption shall always be complete:

1. when the adoptee is a child of unknown parents;

2. where the parents have given their prior consent to a full adoption;

3. (suppl. - SG 100/10, in force from 21.12.2010) in the case under Art. 93, par. 2 and 3.

(3) In other cases the adoption may be complete or incomplete. The type shall be determined by the persons whose consent is required under Article 89.

Full adoption

**Art. 101.** (1) In the case of full adoption, the rights and obligations shall arise between the adoptee and his descendants on the one hand, and the adoptive parent and his/her relatives on the other, as between relatives of descent, and the rights and obligations between the adoptee and his/her descendants with their relatives of descent shall cease. The obstacles to marriage on the grounds of filiation referred to in Article 7 par. 2, items 1 and 2 shall not be removed.

(2) The court shall order a new birth certificate to be drawn up in which the adoptive parent shall be entered as the parent. The certificate shall be drawn up by the civil registrar of the municipality, town hall or district at the permanent address of the adoptive parent, or, where there are two adoptive parents, at the address specified in the court order.

Incomplete adoption

**Art.** (1) In the case of an incomplete adoption, the rights and obligations as between relatives of descent shall arise only between the adoptee and his/her descendants, on the one hand, and the adoptive parent, on the other, and the rights and obligations between the adoptee and his/her descendants with their relatives of descent shall be preserved. Parental rights and obligations shall pass to the adoptive parent.

(2) The birth parents owe maintenance if the adoptive parent is unable to provide it. The birth parents shall not inherit from the adoptee.

Adoption by a parent's spouse

**Art. 103** (1) In the case of the adoption of a child by the spouse of a parent, the rights and obligations between that parent and his/her relatives on the one hand and the adoptee and his/her descendants on the other shall be preserved.

(2) (amend. - SG 106/2023, in force from 22.12.2023).

Monitoring after adoption

**Art. 104.** (1) (former text of Art. 104, amend. - SG 106/2023, in force from 22.12.2023) For three years from the full adoption the Social Assistance Directorate at the current address of the adoptive parent shall monitor the upbringing of the child and the respect of his/her rights and legal interests.

(2) (new - SG 106/2023, in force from 22.12.2023) The adoptive parents and the adopted person shall have the right to use social services during the adoption procedure and after the adoption, and the report of the social worker in charge of the case shall be taken into account in the referral by the Social Assistance Directorate.

Right to information

**Art. 105. –** SG No. 100 of 2010, in force from 21.12.2010, SG No. 106 of 2023, in force from 22.12.2023) (1) The adoptive parents, the adopted person who has reached the age of eighteen, his/her descendants, the husband, respectively the wife, may request from the district court which has rendered the decision on the admission of the adoption to be provided with information on the origin of the adopted person.

(2) The District Court shall, in an in camera hearing, after giving notice of the proceedings to the adoptee's parents of origin without his or her presence and hearing the prosecutor's report, render a decision. Notification of the adoptee's parents of origin shall not take place in cases where they cannot be identified under the Civil Procedure Code or are deceased.

(3) The decision of the district court may be appealed by the petitioner and protested by the public prosecutor.

(4) The state authorities and local municipal or town hall bodies which keep the information on the date, case number and court which ordered the adoption shall be obliged to provide it to the person requesting the information in order to exercise the right under par. 1, as well as information about the origin of the adopted person or concerning him personally, when the court has allowed the disclosure of the data by a court decree.

Mediation on the origin of adopted persons

**Art. 105a**. (new - SG 106/2023, in force from 22.12.2023) (1) Mediation on the origin of adopted persons may be carried out by a non-profit legal entity for carrying out public benefit activities, which has received a permit from the Minister of Labour and Social Policy, hereinafter referred to as mediator on the origin.

(2) The license under par. 1 shall be issued for a period of two years.

(3) The procedure and the conditions for issuing and withdrawing a license under par. 1 and for the activity of intermediaries regarding the origin shall be determined by an ordinance of the Minister of Labour and Social Policy.

(4) Mediation concerning the origin of adopted persons shall be carried out at the request of the persons referred to in Article 105, par. 1 who have obtained a court decree under Article 105, par. 2, and shall include counselling to make appropriate contact with the parents of origin and facilitating meetings between the adoptee and the parents of origin.

**Section IV
Termination of adoption**

Grounds for termination

**Art.** (1) Adoption shall be terminated by the district court upon:

1. voidability due to violation of Art. 77, par. 1, Art. 78, Art. 79, Art. 80 para. 1 and para. 2, hypothesis one, Art. 81, Art. 82, para. 1, item 1, Art. 89, para. 1, items 1, 2 and 4 and para. 2 and 3;

2. grave misconduct on the part of one of the parties or in the presence of other circumstances that deeply disturb the relationship between the adoptive parent and the adopted person.

(2) An action for annulment of the adoption on the ground of a violation of Art. 89, par. 1, items 1, 2 and 4 and par. 3 may be brought by the person who has not given his/her consent within the period of one year which shall run for the adoptive parent and for each of the parents of the adopted person from the date of knowledge of the adoption. In the case of the adopted person, the time limit shall run from the time of attaining the age of majority or from the time of becoming aware of the adoption, if later. The same rule shall apply to a person whose consent has been given as a result of error, fraud or intimidation as well as in the case of a breach of Article 89, par. 2.

(3) An action for annulment of the adoption on the ground of a violation of Art. 82, par. 1, item 1 may be brought by the adoptive parent, the adopted person and each of the parents of the adopted person within one year of the adoption.

(4) In other cases of voidability, termination may be requested by the adoptive parent, the adoptee, and either of the adoptee's parents until the adoptee reaches the age of majority.

(5) (amend. - SG 106/2023, in force from 22.12.2023) In the cases under par. 1, item 2, the court shall require an opinion from the Social Assistance Directorate at the current address of the adoptive parent where the procedure for termination of full adoption commences during the post-adoption monitoring period under Art. 104. In all other cases, the court shall order an expert assessment by the Social Assistance Directorate of the extent of the disruption of the relationship between the adoptive parent and the adopted person before hearing the claim.

(6) (amend. - SG 100/10, in force from 21.12.2010) The public prosecutor shall have the right to request termination of the adoption to protect the public interest. In the cases referred to in par. 1, item 1, the action shall be brought within the time limits referred to in par. 3 and 4, and under par. 1, item 2 – until the child reaches the age of majority.

(7) (amend. - SG 100/10, in force from 21.12.2010) The Social Assistance Directorate shall have the right to request termination of the adoption under par. 1 if it is contrary to the best interests of the child. In the cases referred to in par. 1, item 1, the action shall be brought within the time limits referred to in par. 3 and 4; and under par. 1, item 2 – until the child reaches the age of majority.

(8) (suppl. - SG 106/2023, in force from 22.12.2023) The adoption may be terminated by the district court upon mutual consent of the adoptive parent and the adopted person when both of them are legally capable and the adopted person has reached the age of 25.

(9) (new - SG 100/10, in force from 21.12.2010) A public prosecutor shall be involved in cases for termination of adoption, except for the cases under paragraph 8.

Termination of adoption on death

**Art. 107** (1) In the case of full adoption, the court may terminate the adoption at the request of the adoptee, his/her parents, guardian, custodian or the Social Assistance Directorate when the sole or both adoptive parents are deceased, the adoptee has not reached the age of majority, and his/her interests so require.

(2) In the case of an incomplete adoption, if the adoptive parent dies and if the adopted person dies without leaving descendants, the adoption shall be terminated, but the survivor shall inherit the deceased.

Continuation of the adoption termination case

**Art. 108.** Where the death of the adoptive parent or of the adopted person occurs during the process of termination of the adoption under Art. 106, par. 1, the proceedings may be continued by the heirs of the claimant. If the court upholds the claim, the guilty surviving adoptive parent or adoptee shall not inherit the deceased.

Effect of termination

**Art. 109.** The adoption shall cease to have effect upon its termination.

**Section V
Special rules in intercountry adoption**

Adoptee

**Art.** (1) A child with habitual residence in the Republic of Bulgaria may be adopted by a person with habitual residence abroad when the possibilities for his/her adoption in Bulgaria have been exhausted and /she is entered in the register under Art. 113, par. 1, item 1, except in the cases referred to in Article 82, par. 2.

(2) The adoption of a child, Bulgarian citizen with habitual residence in another country shall be carried out in compliance with the requirements of the legislation of that country.

Prospective adoptive parent

**Art. 111** (1) A person with habitual residence abroad may adopt a child with habitual residence in the Republic of Bulgaria if he/she is entered in the register under Art. 113, par. 1, item 2, except in the cases referred to in Article 82, par. 2.

(2) A person referred to in par. 1 may not adopt a child with habitual residence in the Republic of Bulgaria if he/she has habitual residence in a country which will not recognize the decision of the Bulgarian court on adoption.

Powers of the Minister for Justice

**Art. 112** (1) The Ministry of Justice shall exercise the functions of Central Authority provided for in the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague on 29 May 1993 (ratified by law - State Gazette No. 16 of 2002) (SG No. 78 of 2002), hereinafter referred to as "the Hague Convention".

(2) The Minister of Justice:

1. (amend. - SG 106/2023, in force from 22.12.2023) shall manage the activities on intercountry adoptions;

2. supervise the activities of accredited organisations for mediation in intercountry adoptions;

3. issue an ordinance on the procedure and conditions for keeping the registers of intercountry adoptions.

(3) (suppl. - SG No. 106/2023, in force from 22.12.2023) Where the adoption of a child with habitual residence in the Republic of Bulgaria has been performed in accordance with the Hague Convention, the Minister of Justice or a person authorised by him shall certify this.

(4) The Minister of Justice shall express an opinion in the cases referred to in Article 110, paragraph 2, where the legislation of the country where the child has his/her habitual residence requires an opinion of the Bulgarian Central Authority for Intercountry Adoption.

(5) Where violations of the rights and legitimate interests of the adoptee are established within two years of the adoption, the Minister of Justice shall notify the competent authorities of the country of the adoptive parent's habitual residence.

(6) (amend. - SG 106/2023, in force from 22.12.2023) Where there are no suitable adoptive parents entered in the register, the Intercountry Adoption Council is unable to identify suitable adoptive parents from among the persons entered in the register, or the identified adoptive parents have refused to adopt a child with a health problem, special needs or over the age of seven, the Minister of Justice shall take the measures specified in the Ordinance under Article 113, paragraph 5.

Registers in international adoption

**Art. 113.** (1) The Ministry of Justice shall keep:

1. a register of children who may be adopted by persons with habitual residence abroad under the conditions of full adoption;

2. a register of prospective adoptive parents with habitual residence abroad who wish to adopt a child with habitual residence in the Republic of Bulgaria under the conditions of full adoption;

3. (amend. - SG 100/10, in force from 21.12.2010) register of prospective adoptive parents with habitual residence in the Republic of Bulgaria who wish to adopt a child with habitual residence abroad;

4. a public register of the organisations for mediation in intercountry adoption.

(2) (amend. and supplement. - SG 106/2023, in force from 22.12.2023) The Adoption Council under Art. 94 shall notify the Intercountry Adoption Council of the entry of a child in the register of children under par. 1, item 1, if within 6 months from the entry of the child in the information system referred to in Art. 83, par. 1, no less than three adoptive parents have been identified for the child in accordance with the procedure laid down in Article 95 and none of them has applied for the child's adoption or where, despite the efforts made, it has not been possible to identify a suitable adoptive parent.

(3) (new - SG 106/2023, in force from 22.12.2023) The term referred to in paragraph 2 shall not be taken into account in cases where there are grounds for registration of a child over 7 years of age, a disabled child or in the case of adoption of siblings.

(4) (former para. 3, amend. - SG 106/2023, in force from 22.12.2023) The entry of the child in the register under para. 1, item 1 shall be recorded in the information system referred to in Art. 83, par. 1 and shall not prevent the adoption council concerned from appointing an appropriate adoptive parent.

(5) (former par. 4 - SG 106/2023, in force from 22.12.2023) The content and the procedure for keeping the registers under par. 1 shall be determined by an ordinance of the Minister of Justice.

(6) (new - SG 100/10, in force from 21.12.2010, former para. 5, SG 106/2023, in force from 22.12.2023) Entries in the registers under para. 1, items 2 and 3 shall be subject to payment of fees in amounts determined by a tariff of the Council of Ministers.

Intercountry Adoption Council

**Art. 114.** (1) (Amend. SG no. 74 of 2009, in force from 1.10.2009, SG No. 68 of 2013, in force from 2.08.2013, SG No. 106 of 2023, in force as of 22.12.2023) An Intercountry Adoption Council shall be established at the Ministry of Justice, which shall consist of a chairperson – Deputy Minister of Justice, and members: one representative each of the Ministry of Justice, the Ministry of Health, the Social Assistance Agency, the Ministry of Labour and Social Policy, the Ministry of Foreign Affairs and the State Child Protection Agency.

(2) The Chairperson and each of the members shall have one alternate.

(3) The Council shall meet not less than three times a month.

(4) Resolutions of the Council shall be adopted by open vote and by a majority of not less than two-thirds of the members.

(5) The Minister of Justice shall determine the composition of the named members under par. 1 and 2 of the Council based on the proposals of the heads of the relevant institutions and shall issue regulations for its activities.

(6) (amend. and supplemented, SG No. 82/2012) For their participation in each session of the Intercountry Adoption Council, the members shall receive remuneration in the amount determined by the Minister of Justice, unless otherwise provided for by law.

(7) Within 60 days of the entry of the children in the register, the Intercountry Adoption Council shall consider the applications for the designation of a suitable prospective adoptive parent, subject to the criteria provided for in Article 95, paragraph 1.

(8) For the purpose of appointing an adopter, the Council shall consider all suitable applications.

Powers of the Intercountry Adoption Council

**Art. 115.** The Intercountry Adoption Council shall:

1. make a proposal to the Minister of Justice for the designation of a suitable prospective adoptive parent;

2. express an opinion to the Minister of Justice on the applications of persons with habitual residence in the Republic of Bulgaria for adoption of a child with habitual residence abroad;

3. (suppl. - SG 106/2023, in force from 22.12.2023) make a proposal to the Minister of Justice on the applications for the issuance of a license under Art. 121;

4. express opinions and make recommendations to the Minister of Justice in relation to intercountry adoptions;

5. make a proposal to the Minister of Justice for revocation of the license of an accredited organisation.

Mediation in intercountry adoption

**Art. 116.** (1) (amend. – SG No. 74 of 2016, in force from 1.01.2018) Mediation in intercountry adoption may be carried out by a non-profit legal entity for carrying out activities in the public benefit, hereinafter referred to as "accredited organisation" and having received a license for this from the Minister of Justice.

(2) A foreign non-profit legal entity that has received accreditation for mediation in the field of intercountry adoptions from a foreign authority may exercise its activities in the Republic of Bulgaria only through a branch that has received a license from the Minister of Justice to carry out mediation activities with the respective country.

(3) The Minister of Justice shall determine by an ordinance the conditions and procedure for the issuance and revocation of a license and for the activities of the accredited organisations, including the termination thereof.

Consent of the Minister for Justice

**Art. 117** (1) (suppl. - SG 106/2023, in force from 22.12.2023) The Minister of Justice or a person authorized by him/her shall give consent for the adoption of a child with habitual residence in the Republic of Bulgaria by the prospective adoptive parent proposed by the Intercountry Adoption Council.

(2) The Minister of Justice shall refuse to give consent in the case of:

1. establishing circumstances which are not in the best interests of the child;

2. significant violations in the adoption procedure.

(3) In the cases referred to in paragraph (2), the Intercountry Adoption Council shall make a new proposal.

(4) A fee shall be paid for giving consent for adoption in the amount determined in a tariff of the Council of Ministers.

Proceedings on an application for intercountry adoption

**Art. 118** (1) Where consent has been given under Article 117, the Ministry of Justice shall send the application for adoption to the Sofia City Court. The case shall be examined in accordance with the procedure provided for in Article 97.

(2) (amend. - SG 100/10, in force from 21.12.2010) The decision under par. 1 may be appealed against in accordance with the procedure provided for in Article 98.

Termination of intercountry adoption

**Art. 119.**(1) The Minister of Justice shall have the right to request termination of the adoption in cases where the grounds referred to in Art. 106, par. 1 и 7 are present and within the time limits provided for therein.

(2) The Minister of Justice shall bring an action for termination of the adoption where the decision of the Bulgarian court for its admission is not recognised in the receiving State.

Data protection

**Art. 120.** The Minister of Justice shall take the necessary measures to protect personal data.

Licensing for mediation

**Art.** (1) An application shall be submitted to the Minister of Justice for the issuance of a license for mediation in intercountry adoption.

(2) The license shall be issued for a period of 5 years.

(3) A fee shall be payable for the examination of an application for the issuance of a license in an amount determined by a tariff of the Council of Ministers.

(4) Revocation of the license shall be performed upon a reasoned proposal of the Intercountry Adoption Council.