

## Parenting and legal family formats in Bulgaria

by Daniela Furtunova <sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

Edited by Kees Waaldijk,<sup>2</sup> Marie Digoix,<sup>3</sup> Natalie Nikolina,<sup>2</sup> Giuseppe Zago,<sup>2</sup> Daniel Damonzé,<sup>2</sup> Arianna Caporali,<sup>3</sup> Kamel Nait Abdellah <sup>3</sup>

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 3 – Parenting)

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<sup>1</sup> Daniela Furtunova (lawyer at the Research and Monitoring Programme of the Bulgarian Helsinki Committee, [www.bghelsinki.org](http://www.bghelsinki.org)) is grateful for the research assistance provided by Kaloyan Stanev (researcher at the Monitoring and Research Programme of the Bulgarian Helsinki Committee), and also for the useful comments that Adela Katchaounova (legal researcher and attorney-at-law with the Bulgarian Helsinki Committee)

made on an earlier version of the answers in this section of the database.

<sup>2</sup> [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, [www.leiden.edu](http://www.leiden.edu).



**Universiteit  
Leiden**  
The Netherlands

<sup>3</sup> Institut national d'études démographiques, Paris, France, [www.ined.fr](http://www.ined.fr).



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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper: K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Bulgaria

The answers concerning Bulgaria can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

### Formalisation of legal family formats in Bulgaria by Daniela Furtunova (Section 1)

### Income, troubles and legal family formats in Bulgaria by Daniela Furtunova (Section 2)

### Parenting and legal family formats in Bulgaria by Daniela Furtunova (Section 3)

### Migration and legal family formats in Bulgaria by Adela Katchaounova (Section 4)

### Splitting up and legal family formats in Bulgaria by Adela Katchaounova (Section 5)

### Death and legal family formats in Bulgaria by Adela Katchaounova (Section 6)

So this paper is based on **Section 3 (Parenting)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

#### 3.1 Assisted insemination

#### 3.2 IVF

#### 3.3 Surrogacy

#### 3.4 Legal parenthood

#### 3.5 Parental authority

#### 3.6 Parental leave for both parents

#### 3.7 Parental leave for partners

#### 3.8 Grandparents

#### 3.9 Second-parent adoption

#### 3.10 Joint adoption

#### 3.11 Individual adoption

#### 3.12 General background regarding parenting

#### 3.13 Single parenting

#### 3.14 Multiple parenting

In the following pages of this paper, first the answers to questions 3.12, 3.13 and 3.14 are presented, followed by answers to questions 3.1 to 3.11.

### **3.12 - General background regarding parenting (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding parenting, then please do so here.

### **3.13 - Single parenting (Open question)**

If there are any developments in legal policy and case law regarding the possibilities of an individual person without a partner to have a child through adoption, medically assisted insemination, and/or IVF, you could indicate that here.

### **3.14 - Multiple parenting (Open question)**

If there are any developments in legal policy or case law regarding possibilities for a child to have more than two parents, you could indicate that here.

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**As regarding medically assisted insemination, in practice, single persons could also avail themselves by the assisted reproduction activities, regardless of their medical status - any person could freeze egg-cells/sperm cells to be used by her/him in case of need in the future and also a single woman could use donor insemination. These options are thus available to LGB singles.**

**Bulgarian law does not envisage a clear situation in which there could be multiple parenthood (e.g. two mothers and one father).**

**The above mentioned simple (non-full) adoption resembles multiple parenthood, however, in this case the legally recognized parent is the adoptive parent while the biological parent has the (only) right to officially keep her/his biological connection with the child and the (only) obligation to provide maintenance to the child if the adopter is unable to provide it. The biological parent does not exercise the parental rights.**

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.01 - Assisted insemination**

Is it legally possible in this type of relationship to become pregnant through medically assisted insemination using sperm of a donor?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2005	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2005	2015 No 2005
? 0000				? 0000	? 0000
<b>References to legal sources:</b> Art. 129-136, Health Act (Закон за здравето) (2005).  Public Health Act (Закон за народното здраве) (1973) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 129-136, Health Act (Закон за здравето) (2005).  Public Health Act (Закон за народното здраве) (1973) (repealed).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Assisted insemination is legally allowed only for different-sex couples of a man and a woman with certified fertilisation problems. The heterosexual couple can be either married or in non-formalized partnership. Both partners have to consent to the procedure.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>            Assisted insemination is legally allowed only for different-sex couples of a man and a woman with certified fertilisation problems. The heterosexual couple can be either married or in non-formalized partnership. Both partners have to consent to the procedure.</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.02 - IVF**

Is it legally possible in this type of relationship to become pregnant through in vitro fertilisation (IVF) using donated egg or sperm?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2005	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2005	2015 No 2005
? 0000				? 0000	? 0000
<b>References to legal sources:</b> Art. 129-136, Health Act (Закон за здравето) (2005).  Public Health Act (Закон за народното здраве) (1973) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 129-136, Health Act (Закон за здравето) (2005).  Public Health Act (Закон за народното здраве) (1973) (repealed).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      IVF is legally allowed only for different-sex couples of a man and a woman with certified fertilisation problems. The heterosexual couple could be either married or in non-formalized partnership. Both partners have to consent to the procedure.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>                      IVF is legally allowed only for different-sex couples of a man and a woman with certified fertilisation problems. The heterosexual couple could be either married or in non-formalized partnership. Both partners have to consent to the procedure.</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

Is it legally possible for both partners in this type of relationship to become the legal parents of a child through the help of a surrogate mother in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2004	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2004	2015 No 2004
? 0000				? 0000	? 0000
<b>References to legal sources:</b> Art. 182a of the Criminal code (1968, amended in 2004).  Art. 182b of the Criminal Code (1968, amended in 2006).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 182a of the Criminal code (1968, amended in 2004).  Art. 182b of the Criminal Code (1968, amended in 2006).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> Surrogacy conveyed in Bulgaria is not possible. Criminally responsible is any person who with the aim to materially benefit thereof intermediates between a person or married couple who wishes to adopt a child and a parent who wishes to abandon her/his child or a woman who would carry the child in her womb. The penalty for the intermediary is up to two years imprisonment and a fine of up to BGN 3000 (three thousand Bulgarian leva). A woman who agrees to sell her own child, including her unborn child, is to be punished with one to six years imprisonment and a fine from BGN 5000 to BGN 15 000. The one who with the aim to materially benefit thereof persuades a parent to abandon her/his child or to agree to give the child away for adoption is also to be punished with up to three years imprisonment and a fine of up to BGN 2000. Altruistic surrogacy is also not allowed.</p> <p>Foreign surrogacy is possible and performed circumventing Bulgarian legislation. Since it is only the intermediary who is to be punished under the Criminal Code, if a Bulgarian couple goes to a foreign jurisdiction with the view to mother/father a child where surrogacy is allowed and regulated, without the help of an intermediary, there would not be a crime committed. The question with the birth certificate stays open. According to Article 60 of Family Code as a mother of a child is considered the woman who gave birth to the child, including in cases of medically assisted reproduction (MAR), while contesting parentage is not admissible on ground that the woman has given birth to the child due to MAR. Most probably Article 60 of the Family Code envisages only those MAR situations allowed under the Bulgarian law and does not refer to the surrogate mother but rather to a woman who has used donor egg-cells. The lack of regulatory framework leaves the recognition of the parenthood open and dependent on the the foreign legislation. According to Article 7 of Ordinance № RD-02-20-9 from 21 May 2012 for the Functioning of the Unified System for Civil Registration if the birth of the child has taken place in a foreign jurisdiction, the Bulgarian birth act could be composed based on: a copy or an extract of birth certificated issued by the Bulgarian diplomatic or consular representative or by a foreign civil status authority; on a copy of an birth act issued by a competent military servant when the act concerns a military servant on a mission abroad or by the captain of the ship when the birth has taken place in high seas. Birth certificate could be recognized regardless of the connection of the parents with the said country, provided that the copy/extract of it was issued accordingly.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> Surrogacy conveyed in Bulgaria is not possible. Criminally responsible is any person who with the aim to materially benefit thereof intermediates between a person or married couple who wishes to adopt a child and a parent who wishes to abandon her/his child or a woman who would carry the child in her womb. The penalty for the intermediary is up to two years imprisonment and a fine of up to BGN 3000 (three thousand Bulgarian leva). A woman who agrees to sell her own child, including her unborn child, is to be punished with one to six years imprisonment and a fine from BGN 5000 to BGN 15 000. The one who with the aim to materially benefit thereof persuades a parent to abandon her/his child or to agree to give the child away for adoption is also to be punished with up to three years imprisonment and a fine of up to BGN 2000. Altruistic surrogacy is also not allowed.</p> <p>Foreign surrogacy is possible and performed circumventing Bulgarian legislation. Since it is only the intermediary who is to be punished under the Criminal Code, if a Bulgarian couple goes to a foreign jurisdiction with the view to mother/ father a child where surrogacy is allowed and regulated, without the help of an intermediary, there would not be a crime committed. The question with the birth certificate stays open. According to Article 60 of Family Code as a mother of a child is considered the woman who gave birth to the child, including in cases of medically assisted reproduction (MAR), while contesting parentage is not admissible on ground that the woman has given birth to the child due to MAR. Most probably Article 60 of the Family Code envisages only those MAR situations allowed under the Bulgarian law and does not refer to the surrogate mother but rather to a woman who has used donor egg-cells. The lack of regulatory framework leaves the recognition of the parenthood open and dependent on the the foreign legislation. According to Article 7 of Ordinance № RD-02-20-9 from 21 May 2012 for the Functioning of the Unified System for Civil Registration if the birth of the child has taken place in a foreign jurisdiction, the Bulgarian birth act could be composed based on: a copy or an extract of birth certificated issued by the Bulgarian diplomatic or consular representative or by a foreign civil status authority; on a copy of an birth act issued by a competent military servant when the act concerns a military servant on a mission abroad or by the captain of the ship when the birth has taken place in high seas. Birth certificate could be recognized regardless of the connection of the parents with the said country, provided that the copy/extract of it was issued accordingly.</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.04 - Legal parenthood**

When one partner gives birth, will (or can) the other partner then also become legal parent of the child, without having to go through adoption? (For example automatically, or by way of recognition/acknowledgement.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 0000	2015 No 0000
<b>References to legal sources:</b> Art. 60 and 61, Family Code (2009). Art. 31 and 31, Family Code (1985) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> At. 64 (1), Family Code (2009). Art. 35, Family Code (1985) (repealed).	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> The partner can become the legal parent of the child through acknowledgement. This is reserved to different-sex couples only.	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.05 - Parental authority**

Is joint parental authority/responsibility possible for the couple, while only one of the partners is the legal parent of the child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
<b>References to legal sources:</b> Art. 122 Family Code (2009).  Family Code (1985) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 122 Family Code (2009).  Family Code (1985) (repealed).	
<b>Explanations and nuances:</b> Parental authority/responsibility belongs to the legally recognised parent only. However the spouse is obliged to provide assistance to the parent of the child.		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> Parental authority/responsibility belongs to the legally recognised parent only.	

Jurisdiction: **Bulgaria**

Source: D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.06 - Parental leave for both parents**

When both partners are the legal parents of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 0000	2015 No 0000
<p><b>References to legal sources:</b> Art. 163, 164 and 167 Labour Code (Кодекс на труда) (1987).</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b> Art. 163, 164 and 167 Labour Code (Кодекс на труда) (1987).</p>	
<p><b>Explanations and nuances:</b> The right to paid or unpaid leave is given to each spouse when different other conditions are met. In some cases the father of the child is entitled to use the leave provided for the mother, only if this is the mother's will too.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> A right to parental leave is granted to the legally recognised mother and father, irrespective of their marital status. In some cases the father of the child is entitled to use the leave provided for the mother, only if this is the mother's will too.</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.07 - Parental leave for partners**

When only one partner is the legal parent of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<b>2015 No 0000</b>	<b>2015 N/A 0000</b>	<b>2015 N/A 0000</b>	<b>2015 N/A 0000</b>	<b>2015 No 0000</b>	<b>2015 No 0000</b>
<b>References to legal sources:</b> Labour Code (Кодекс на труда) (1987).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Labour Code (Кодекс на труда) (1987).	
<b>Explanations and nuances:</b> All rights envisaged in the Labour Code refer to the parents of a child only, and not to a "de facto" parent or "caregiver".		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> All rights envisaged in the Labour Code refer to the parents of a child only, and not to a "de facto" parent or "caregiver".	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).**

Section: **3 - Parenting**

Question: **3.08 - Grandparents**

Do grandparents have a statutory right to visit the children in this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 0000	2015 No 0000
<b>References to legal sources:</b> Art. 128, Family Code (2009). Art. 70 (2), Family Code (1985) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 128, Family Code (2009). Art. 70 (2), Family Code (1985) (repealed).	
<b>Explanations and nuances:</b> Grandparents have a right to personal relations with the child, and if this is in the child's interest they can request the court to order the execution of this right.		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> Grandparents have a right to personal relations with the child, and if this is in the child's interest they can request the court to order the execution of this right. In order for the grandparents of the child from the side of both partners to be able to seek their right to personal relations with the child in court, both partners need to have been recognised as legal parents of the child.	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Parenting and legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.09 - Second-parent adoption**

When only one partner is the legal parent of a child, does the other partner then have the possibility of becoming the child's second parent by way of adoption?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No, but 0000	2015 No, but 0000
<b>References to legal sources:</b> Art. 103 (1), Family Code (2009).  Art. 63 Family Code (1985) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 102 and 103 (1) Family Code (2009).  Art. 62 and 63 Family Code (1985) (repealed).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Second-parent adoption is permitted only for married couples, thus excluding same-sex couples.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>            The same-sex partner would not be allowed to fully adopt the biological child of her/his partner as the child already has a legally recognised parent. However, s/he may be able to adopt the child via simple adoption. In case of simple adoption the rights and obligations between the adopted child and her/his descendants, on one side, and their birth relatives, on the other side, are kept (Article 102 of the Family Code). The parental rights are transferred to the adopter. In case of death of the adoptee, the biological parents do not inherit the adoptee's possessions. However they owe maintenance to the child if the adopter cannot provide it. The adopter's name is filled additionally into the birth act while no new birth act is drawn up. Thus the child could have a biological mother and/or a biological father along with an adoptive mother and/or adoptive father. However, the practical advantage is questionable as there is no opportunity for shared parental rights between the biological parent/s and the legally recognised parent/s. The practice is scarce and lots of legal questions are unclear.</p>	

Jurisdiction: **Bulgaria**

Source: D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
<b>References to legal sources:</b> Art. 81 (1) Family Code (2009).  Art. 53 (1) Family Code (1985) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 81 (1) Family Code (2009).  Art. 53 (1) Family Code (1985) (repealed).	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> There is an explicit ban in Article 81 of the Family Code for joint adoption by two persons unless they are married, thus, excluding automatically different-sex and same-sex unmarried couples. This ban also applies to simple adoption.	

Jurisdiction: **Bulgaria**

Source: D. Furtunova, "Parenting and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-BG-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.11 - Individual adoption**

Can one partner in this type of relationship individually adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 1968	2015 Yes 1968
				? 0000	? 0000
<b>References to legal sources:</b> Art. 89 (1) (3) Family Code (2009).  Art. 54 (3) Family Code (1985) (repealed).  Art. 51 Family Code (1968, repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 78 Family Code (2009).  Art. 50, Family Code (1985) (repealed).  Art. 47 Family Code (1968, repealed).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            One of the spouses can apply for adoption, but the law requires the spouse of the adopter to consent to the adoption too.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>            The law stipulates that every person who has legal capacity and is not deprived of parental rights can adopt a child. This general rule gives the right to adopt a child to any single person – including gay/lesbian. A future second-parent adoption, however, will not be possible.</p>	