

## Splitting up and legal family formats in Bulgaria

by Adela Katchaounova<sup>1</sup>

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

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 5 – Splitting up)

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version of the answers in this section of the database.

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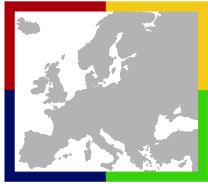


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# FamiliesAndSocieties

## 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 5 (Splitting up)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 5.1 Dissolution by court**
- 5.2 Agreed administrative dissolution**
- 5.3 Unilateral administrative dissolution**
- 5.4 Agreed informal dissolution**
- 5.5 Unilateral informal dissolution**
- 5.6 Dissolution by marrying someone else**
- 5.7 Ending by conversion**
- 5.8 Ending by marrying each other**
- 5.9 Property at dissolution**
- 5.10 Alimony**
- 5.11 Parental authority**
- 5.12 General background regarding splitting up**

In the following pages of this paper, first the answer to question 5.12 is presented, followed by the answers to questions 5.1 to 5.11.

**5.12 - General background regarding splitting up (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 splitting up, then please do so here.

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Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.01 - Dissolution by court**

Can this type of relationship be ended by court decision?

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	X	X
<b>References to legal sources:</b> Art. 44-51, Family Code (2009).  Art. 94-101, Family Code (1985) (repealed).		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> All types of marriage dissolution with the exception of dissolution because of death of one of the spouses needs court sanction. These types of dissolution are cases, where marriage is concluded unlawfully, when one of the spouses files an application for divorce in case the marriage is “deeply and irreparably disrupted” and in case of mutual consent for divorce.		<b>Explanations and nuances:</b>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.02 - Agreed administrative dissolution**

Can this type of relationship be ended by mutual agreement in an administrative procedure?

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>X</b>	<b>X</b>
<b>References to legal sources:</b> Art. 44-51, Family Code (2009).  Art. 94-101, Family Code (1985) (repealed).		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> All types of marriage dissolution with the exception of dissolution because of death of one of the spouses needs court sanction. These types of dissolution are cases, where marriage is concluded unlawfully, when one of the spouses files an application for divorce in case the marriage is "deeply and irreparably disrupted" and in case of mutual consent for divorce.		<b>Explanations and nuances:</b>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.03 - Unilateral administrative dissolution**

Can this type of relationship be ended by one partner unilaterally in an administrative procedure?

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>X</b>	<b>X</b>
<b>References to legal sources:</b> Art. 44-51, Family Code (2009).  Art. 94-101, Family Code (1985) (repealed).		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> With the exception of the automatic dissolution of marriage in case of death of one of the spouses, all types of dissolution of marriage require the participation of both spouses and a court sanction.		<b>Explanations and nuances:</b>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.04 - Agreed informal dissolution**

Can this type of relationship be ended by mutual agreement without involvement of any authority?

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>X</b>	<b>X</b>
<b>References to legal sources:</b> Art. 50, Family Code (2009).  Art. 100(1), Family Code (1985) (repealed).		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> Dissolution of marriage by mutual agreement requires a court sanction.		<b>Explanations and nuances:</b>			



Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.05 - Unilateral informal dissolution**

Can this type of relationship be ended by one partner unilaterally without involvement of any authority?

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>X</b>	<b>X</b>
<b>References to legal sources:</b> Art. 44-51, Family Code (2009).  Art. 94-101, Family Code (1985) (repealed).		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> With the exception of the automatic dissolution of marriage in case of death of one of the spouses, all types of dissolution of marriage require the participation of both spouses and a court sanction.		<b>Explanations and nuances:</b>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.06 - Dissolution by marrying someone else**

Can a registered partnership be ended by one partner marrying someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 N/A 0000	2015 N/A 0000	X	X
		References to legal sources:			
		<b>Explanations and nuances:</b> Registered partnership is not recognised in Bulgaria.			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.07 - Ending by conversion**

Can this type of relationship be ended by the partners by way of conversion (of a marriage into a registered partnership or vice versa)?

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>X</b>	<b>X</b>
<b>References to legal sources:</b>		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> There is no option for any kind of conversion from marriage to other formal partnership as the Bulgarian legislation recognises only heterosexual marriage as a valid form of union.		<b>Explanations and nuances:</b>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.08 - Ending by marrying each other**

Can a registered partnership be ended by the partners marrying each other?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 N/A 0000	2015 N/A 0000	X	X
		References to legal sources:			
		Explanations and nuances: Registered partnership is not recognised in Bulgaria.			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.09 - Property at dissolution**

In case the partners split up, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?

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 No 0000	2015 No 0000
<p><b>References to legal sources:</b> Art. 28, Family Code (2009).</p> <p>Art. 27 (Family Code) (1985) (repealed).</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b> Art. 28, Family Code (2009).</p> <p>Art. 27 (Family Code) (1985) (repealed).</p>	
<p><b>Explanations and nuances:</b> Married couples can choose between three different regimes of property relations, according to which they can specify the property of their possessions acquired by them during their marriage.</p> <p>Art. 38 (2) of the Family Code explicitly states that marital contracts may not include any clauses related to inheritance regime. In cases of death statutory rules apply only.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> Joint property rights are secured only for married couples.</p>	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.10 - Alimony**

In case the partners split up, do statutory rules on alimony apply?

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 No 0000	2015 No 0000
<p><b>References to legal sources:</b> Art. 145, Family Code (2009).  Art. 83(1), Family Code (1985) (repealed).</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b> Art. 139, 141, 143-145, Family Code (2009).  Art. 83(1), Family Code (1985) (repealed).</p>	
<p><b>Explanations and nuances:</b> A right to alimony has the spouse who was found not to be guilty for the divorce from their former different-sex spouse.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> A right to alimony from one of the partners to the other partner is reserved only for former spouses.  All parents are obliged to financially secure and provide an alimony to their children.</p>	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Splitting up 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-Section5.pdf](#) (please use this full citation when citing any information from this table).**

Section: **5 - Splitting up**

Question: **5.11 - Parental authority**

In case the partners split up, do statutory rules on parental authority/responsibility apply?

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 2009	2015 No 0000
				No 0000	
<b>References to legal sources:</b> Art. 59, art. 56 Family Code (2009).  Art. 106, Family Code (1985) (repealed).		<b>References to legal sources:</b>		<b>References to legal sources:</b> Art. 122(2), 123, 127, 127a Family Code (2009).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            In divorce proceedings the parents decide on the questions of bringing up their children and the court approves this agreement. In case such agreement may not be reached by the parents the court decides on where the child/children will live after the divorce and the visiting rights of the other parent as well as the alimony to the children. The amount of the alimony should be such so as to ensure the same standard of living for the children as prior to the divorce. Regarding the family house, the court decides ex officio on the use of this home if there are under-aged children. The parent to whom the parental rights are granted/ with whom the children shall live has priority in terms of using the family home.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>            Both parents have equal rights and obligations, regardless of whether they have concluded a marriage. In case the parents split up they should decide jointly on all questions related to their children. In case such agreement may not be reached, the parents apply to the court to rule on the issue. The regime resembles the regime for parental rights after the divorce.</p>	