

**REPORT**  
**ON INTENSIVE FOSTER CARE RESEARCH AMONG YOUNG OFFENDERS IN**  
**BULGARIA**

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## INTRODUCTION

This report has been developed in the course of the project “Alternatives to custody for Young Offenders - Developing Intensive and Remand Fostering Programmes”, financed through the Daphne Programme of the EC, and executed in partnership with Sofia Municipality and the National Network for children. The project aims to bolster the process of developing alternatives to young offenders’ remand in custody.

The report is based on qualitative research via 4 focus groups with 40 participants - representatives of the protection system, representatives from social services and foster care, magistrates - judges and prosecutors; experts involved in policy making for children and working groups on Juvenile Justice and child policies, the Ministry of Justice, SACP, ASA, foster parents, biological parents and young people who have measures to detention.

**The goal of the study** is to investigate the current situation in key institutions, in terms of outlook and attitudes on the possibilities for introducing new, more effective alternatives for improving young offenders’ behavior, by use of a European approach that employs intensive foster care as an alternative to remand in custody.

### **Tasks of the study:**

1. To research the awareness and prevailing attitudes among members of key institutions in the areas of juvenile justice, child protection and support for children in conflict with the law towards the use of intensive foster care as an alternative to custody.
2. To research the awareness and attitudes among foster families, as well as foster care experts, towards the use of intensive foster care as an alternative to custody.
3. To research the awareness and attitudes among biological families of children in conflict with the law towards the use of intensive foster care as an alternative to custody.
4. To research the awareness and attitudes among underage persons who have experience in the juvenile justice system, including remand in custody by court order, toward the introduction of intensive foster care as an alternative to custodial sentences.

Bulgaria has been repeatedly criticized by various international and national organizations for its juvenile justice system being inadequate to child’s rights. We can definitely say that unlike other areas of protection of children's rights that have evolved considerably in recent years, the system in question has remained almost unchanged for more than fifty years.

In the recent years at national level have been taken measures to initiate reform in this area – adopted was a National Concept in the field of Child Justice and a Roadmap for its implementation.

In these documents for the first time is raised the question about the child and justice, i.e. the child, whether a victim or a perpetrator, should first of all be treated as a child. These documents attempt to guide the reform towards meeting the standards of the so-called child-friendly justice.

### ***I. Attitudes of representatives of key institutions in the field of juvenile justice, protection and support of children in conflict with the law towards the use of intensive foster care as an alternative to detention***

In the two focus groups conducted took part 19 participants. In the first focus group held in Shumen participated 9 people – Inspector DPS, Shumen; Judge – District Court, Shumen; Prosecutor – District Prosecutor’s Office, Shumen; Head of "Job Brokerage Services" – Labour Bureau, Shumen; Expert CPD, Shumen; Inspector – District Probation Service, Shumen; educator – Home for Children, Sofia; Head of Sector – CSSCF, Shumen; Programme Manager – SAPI. In the focus group in Sofia took part 10 participants - Inspector DPS, Sofia; expert from Ministry of Justice; expert from Agency for Social Assistance; expert from Stat Agency for Child Protection; expert from District Direction for Social Support; expert from Child Protection Unite; expert from Employment Agency; expert from Sofia Municipality; expert from General Direction “Execution of Penalties”; Supreme Cassation Prosecutor.

#### **1. Awareness of the foster care and attitude to foster care for adolescents**

Participants in the focus groups have different level of awareness, **depending on their affiliation to institutions within the system for protection and social services or juvenile justice system.**

*1.1. Awareness and attitude to foster care for adolescents among representatives of the system for protection and social support*

In general, one may say that the participants from the system for child protection and social services know well the development of foster care in the country. According to them, as a relatively new practice, it is in a process of development and acceptance by the public which still has contradictory attitudes towards it. Professionals from these institutions are overwhelmingly favourable to the development of foster care and its usefulness in the context of the ongoing deinstitutionalisation of child care. Referring to the practice, they say that the country has very limited experience in the field of foster care for adolescents. The group most commonly placed in foster care are children between 4 and 8 years of age.

Participant from the Agency for Social Assistance (ASA) – I know very well the foster care, we lead a national project for its development in the country and we already have over 1,000 foster families. The statistics shows that most foster parents prefer small children, mostly from 4 to 6-7 years of age. That is why our project was aimed at foster care for babies and children with disabilities, in connection with the "Childhood for All" project, which envisages closure of homes for children with disabilities and closure of 8 homes for infants aged 0-3.

Participant from the Labour Bureau (LB) – it is a profession, we even partnered with social service providers to inform unemployed, organized meetings together.

In Bulgaria NGOs have the most in-depth experience in the implementation of foster care. The practice of NGOs includes also foster placements of adolescents, more often victims of violence and less often – children in conflict with the law. It should be borne in mind that the placement of a child in conflict with the law in a foster family is as a child at risk, i.e. not because of the law offence event, but rather along with it.

Programme Director from an NGO – we develop foster care for over ten years, now here in Shumen we support more than 100 foster families, especially for young children. We have foster placements of older children as well, including children with problematic behaviour. Our practice shows that foster care is very suitable for them, as long as the foster family is well prepared and, most of all, well accompanied throughout the period. We had a case with one of our first foster families that eventually ended successfully, but there were serious crises posing the risk of removing the girl. With much support we managed to endure.

### *1.2. Awareness and attitude to foster care for adolescents among representatives of the system for protection and social support*

Awareness of the juvenile justice system representatives of the foster care is at the level of general awareness as members of the public. This situation should be considered in the context of the general problem of lack of coordination between institutions in the country, but also, first and foremost, in the context of the absence of a link between the two systems. Hence, the lack of information about foster care in general and in particular for adolescents is thus understandable.

Participant from the Supreme Cassation Prosecution Office (SCPO) – Foster care is temporary care, it is not like adoption, it is developing recently in Bulgaria because of the deinstitutionalisation.

Participant from Execution of Penalties Directorate General (EPDG) – I know it is developing, I watch on TV, I do not quite understand it, but if it's good for the children.

Participant from the LB – it is a profession, we even partnered with social service providers to inform the unemployed, we organized meetings together.

Participant from the Child Delinquency Office (CDO) – probably it is better than the institutions, the things there are already out of control, the children steal, beg, nothing can help them.

Participant, judge – it develops, but it is important that they are not mercantilists.

## **2. Foster care (including intensive foster care) may play a significant role in reducing the likelihood of recurrent law offence, and overturn the lives of troubled young people?**

In general, one may say that the link between foster care and children in conflict with the law is too advanced for the institutions in the country, both from the juvenile justice system and the system of protection, support and social services. Due to the segregation of these systems and the lack of coordination, practically the children in conflict with the law have no access to the social services. Social services for children and families at risk have developed significantly in the recent years, in particular, the community-based services. Children in conflict with the law may have access to social services as children at risk. In the CPA these

children are not stipulated as children at risk, i.e. only if along with the law-offending behaviour has been ascertained violence and neglect, protection system intervenes and through it both the child and its family may get access to services.

### *2.1. Possibilities for use of intensive foster care during the period of investigation*

Launching the work with children in conflict with the law in our country turns out to be falling under sole competency of the police, which is understandable, and it depends on the police to determine how and who and whether it will undertake assessment, will plan activities and will ensure children's rights. The police plays a key role in the system for work with children in conflict with the law. The investigation is led by a prosecutor who is not specialized and who may require detention measures for the adolescent. These measures are regulated in the Code of Criminal Procedure (CCP), Art. 386, amongst which the measures "under parental supervision" and "under supervision of a director of a specialized institution" are of particular interest from the point of view of the project.

Moderator: What do you think about the use of social services, particularly foster care, as an alternative to detention.

(loud rejection of the idea)

Participant, N.B.: No, that no. No, it's like under house arrest.

Participant, T.K.: Even police protection in foster care is not done.

Participant, N.B.: Not good. Either detention clean or remains under the supervision of a parent. The other simply blurs.

Moderator: In the CCP it says "under parental supervision" and "under supervision of the director of correctional institution" (in the General measures). It does not say "social service", but "director of correctional institution". Still there is a practice of giving detention measure under supervision of the director of a child welfare institution, if the child is in an institution.

Participant: Yes, it is so, but only if the child is in an institution.

Moderator: Since the institution is considered a social service, I would like to ask you if anyone of you would interpret it like – give the child under the supervision of another type of social service – for example, Family-type Placement Centre (FTPC). This again is a residential service. Is this possible?

Participant: Rather not. If the child is not in an institution, there is no way for this to happen.

Moderator: But this is the same as placement in an institution.

Participant, T.K.: Yes, in this sense, the two are the same – placement in the child welfare institution and the FTPC.

Participant, M.N.: The child remains under supervision of the adult, no matter in which (whose) home – if it is the home of grandparents, the child is placed under supervision of the grandparents.

Moderator: Is it possible for it to be under the supervision of a foster parent then?

Participant, judge: If it is in a foster family – yes. It is placed with a court ruling and they exercise the control. They substitute the parents.

Moderator: Where in the Law it says "parent" can we interpret it as a foster parent?

Participant, judge: Yes. It is treated as equal to a trustee, guardian.

Participant, prosecutor: These are single cases (of ruling for a parental supervision, art.386, par.1, p. 1 from PC). To rule for such a measure, it is not at all leading whether the parent can exercise control or not. History knows cases where in "adequate families", as it is now fashionable to say, where the parents are very involved with the child, but simply fail to control it. In some of the worst (cases) this is related to all the other components. Moreover, these are people with multiple convictions or with several pending cases. Which shows, that even a healthy family is also not able to overcome these negative events. This is a rare measure (parental supervision). It is not always related to who is to exercise it and whether the parents are willing voluntarily or not.

Participant, prosecutor: Here I have a case: parents with higher education, well-reputed in the healthcare system, very involved, but the child was urchin and I will not tell you how many convictions he had since he was under-aged, and so it went on. Parents were paying the damages, talking ...

Participant, prosecutor – there is no problem to effect a detention measure "parental supervision" in a foster family when the child is placed there, as well as in the other residential services such as FTPCs, for instance. As an alternative to taking into custody it could not be, it is not in the law, but this measure is applied seldom.

Moderator – Is it not applied more often specifically to children whose families are unable to take good care and the children are neglected, unattended, etc.?

Participant, prosecutor – We do not have statistics, but taking into custody is very rarely used.

Participant from the EPDG – most are executed in Correctional Institution "Boychinovtzi", rarely in the remand centres.

Moderator – what is involved in terms of content in the detention measures "under parental supervision", "under supervision of a director of an institution", "under supervision of the Child Delinquency Office"?

Participant, prosecutor – practically nothing, only with the police there is some sort of supervision.

Participant from the EPDG – we have nothing to do with other measures, we only perform "taking into custody" in the regional remand centres of the Police Directorates (PDs).

Participant from the police – we keep a record of them, we monitor them.



Moderator – Is there an obstacle during this period to implement intensive programs of the social services, such as social-correctional escorting, psychological counselling, participation in group programs and workshops? You can do it through the Child Protection Departments (CPDs).

Participant from the police – we are not always looking for the CPD, as there is a secret of the investigation, personal data, etc. I personally think it's possible, but we do not have such a practice.

Participant from the CPD – I think that foster care would be much more appropriate for children with behavioural problems, but such families must be found, I do not believe we will have many willing (to deal with such issues). Then they have to be trained.

Participant, prosecutor – can not be done as an alternative, it is not stipulated in the law. It's another matter that the court may apply a lighter measure, at its discretion.

Moderator – don't you think that it is often because of the lack of a family to care and control, are applied measures related to detention, even in Socio-Pedagogical Correctional Facilities (SPCFs) or Correctional Boarding Facilities (CBFs), when there is a referral to the Juvenile Delinquency Commissions, and upon taking into custody as well?

Participant from the SCPO – this measure is rarely applied, here the colleagues from EPDG may say, and the SPCF and CBF is a corrective measure, it is not a preventive one. Out of the detention measures, only "taking into custody" has a clear regulation of implementation, the other are practically not suggesting anything.

Moderator – is there any legal obstacle then to apply social programs in this period, i.e. with the other detention measures?

Participant from the SCPO – there are no such obstacles, what is required is coordination between the institutions, which is our weak spot.

Participant, prosecutor – there is no obstacle, but it must be upon consent of the child and his parents, we can not impose anything.

Moderator – even if this is an option not to apply more severe measure?

Participant, prosecutor – we do not have such practice and no court will do this.

Participant from the EPDG – I am not directly responsible for that, but I think that during the detention in custody at the remand centre no one is entitled to a contact with the young man, there is an investigation going on.

Moderator – even the CPDs? They are supposed to protect the rights of the child?

Participants – No, this is not allowed, there is staff, only the prosecutor may authorize a meeting/contact.

Participant, director of a service provider – still we do not have enough of appropriate programs and services, namely due to the lack of demand from the institutions, we are currently trying to pilot such an intensive service, we are seeking the partnership of the police, but we are in the beginning.

As seen from the participants' responses:

- The measures for detention without taking into custody do not have stipulated norms and methods of implementation, in practice no one monitors or supports their implementation. The measure "under supervision of an inspector from CDO" is provided for to some extent, being limited to the normal policing actions. The police does not demonstrate a favouring attitude and understanding to the use of this period, amongst other things, for intensive social work.
- The detention measure "taking into custody" is executed in remand centres, where there are juvenile units, or at the PDs, which is a prison for minors. It does not involve any activities other than detention.
- When the child is already in foster care, according to most participants, there are no obstacles to apply a detention measure on remand. The same applies also when the adolescent has been placed in a FTPC. There is no legal impediment to simultaneously apply intensive services and support to both the child and its family. The problem is in the absence of link between systems for children at risk and children in conflict with the law.
- The attitude to using the foster care as an alternative to the measure "taking into custody" is negative, it is perceived as something impossible.
- Participants demonstrate favouring attitude that foster care would be beneficial for children in conflict with the law, the concerns are related to the motivation and preparedness of these families.
- There are attempts to pilot projects of NGOs for intensive work with children in conflict with the law during this period.

## *2.2. Use of foster care and social services during the execution of corrective measures under the Juvenile Delinquency Act (JDA).*

According to Article 13 of the JDA, corrective measures are imposed both on children under 14 years of age and on children aged over 14, who have demonstrated both behaviour in conflict with the law, and the so-called status-related violations – running away from home, use of drugs, begging, prostitution. In Bulgaria these are still legally considered delinquent and to the child are applied corrective measures. Use of social services may occur at the request of the Local Juvenile Delinquency Commissions (LJDCs), which does not happen often, as they try to develop "their own services" such as "under supervision of a

public/community-based educator", "psychological counselling", etc. This law is subject to much criticism and there is a decision for its repeal. That is why probably the representatives of the LJDCs in the towns where the focus groups were held did not respond to the invitation. Among the measures under this Act there are two with placement into a correctional boarding school. According to our study, in two of the SPCFs the majority of inmates are from poor, marginalized families.

Participant – now all this is done by the LJDC, they have their own correctional measures.

Participant, prosecutor – now there is a concept, right, a roadmap, changes are forthcoming, these things will need to be discussed. This would be a huge change.

Participant from the ASA – we do not have such foster families and I don't know how the things will develop with the reform, it's hard for me to imagine.

Participant, E.M., from a social service – we have such ideas, instead of SPCFs, to have placement in foster care and at the same time provide a package of intensive services. We have proposed this in a new model of juvenile justice that we are developing together with the UNICEF. It may be a FTFC, rather than SPCF. However, we are opposed to a specialized FTFC or specialized foster family, we believe that such placements should be as an object of protection (protection measure), and the intensive work should be an aspect of the measure. If they have a good family that can take care of them, they can be there and be supported by having access to such an intensive package of services. With regard to the detention measures, now I realize that we are not dealing with them at all, with the provisions of the Criminal Procedure Code and the Penal Code, we do not even know them. When it comes to juvenile justice, we talk about JDA, and actually one may see how many other practices and procedures must be reviewed and changed.

Participant from the SCPO – yes, that's right, we hope the reform will not be stalled and it goes on successfully. You can participate in the working groups and make a proposal there.

Participant, E.M., from a social service – we are now piloting a new service, "intensive socio-pedagogical support", which is aimed at children in conflict with the law and children at high risk of social exclusion and abuse. Within this service we make a project with the child, a team is formed around each child, who gathers together every week, together with the child, we are trying to include various activities such as counselling, participation in group programs and workshops, vocational guidance and internship. We wanted very much to offer this service in the period when the child had been brought into the records of the CDOs, but here in the Ministry of Interior they answered that it is impossible, that this is an investigation, there is confidentiality involved, etc. We believe that it not very professional to "wait" for the child to go prison and only then to have the helping professionals appear, at that, prison staff after all.

Because now this is what happens – the only professionals, i.e. trained and wage-receiving persons are the policemen, in the LJDCs are gathered people from different institutions and municipal departments, only the secretaries are paid. Then, usually in the case of correctional measures the public/community-based educator is some retired teacher, or a practicing teacher, but we know what the teacher's training looks like. At the SPCFs – again teachers and here there a psychologist. When we evaluated the staff at the SPCFs it became clear that they don't have the competence to meet the needs of a child in conflict with the law.

Participant, V.G., director of a social service: In our work we found that the traditional support we provide at the Community Support Centre (CSC), through our services, which is basically one meeting per week, is not enough. With the partners we came up with the idea to develop a new service, about which we would like to inform you now. We've called it "intensive support". We are trying try to make a tight schedule for the children for the whole week. We agree with the child everything that it will do during the week. The child has its dedicated social worker-mentor who keeps daily contact with the child. This mentor is the living memory of the child. This is an intensive escorting that we are piloting in this project as well. We want to offer it to you and try it with some children who are considered as difficult cases. We are able to finance meetings with psychotherapists. We are developing an art-therapeutic workshops studio. We are also developing a studio for talks with the children through a fairy tale. They find it difficult to speak, and for them it is very important.

### **In summary:**

- The advent of social services in the work with children in conflict with the law faces serious obstacles resulting from the existence of the so-called correctional measures;
- There is a need to find alternatives to the specialized boarding schools, where such alternatives may be foster care and small-scale placement facilities in which the social work plays a very important role. There are pilot practice of the UNICEF and other NGOs;
- There is a need for development of social services for children and young people at high risk.

*2.3. Opportunities for use of foster care and other social services in the execution of a probation punishment, under Article 61 of the Penal Code, Article 24 and Article 386 of the Penal Procedure Code and Article 230 of the Execution of Punishments Act (EPA).*

Social services may be applied within the execution of a sentence in the community "probation" when the court has ruled a measure of social influence, or when developing a plan for execution of the sentence. This option is still not used, both because after changing the

EPA again all interactions are oriented within the justice system, i.e. between the police, LJDCs, prosecution, court, and because the attitudes are rather penalising.

Participant – I can not talk about something that is not there, at this stage none of the social services can be used directly by the court or the prosecutor.

Moderator – N.P.: If we talk about Shumen, is there a possibility when the minor is sentenced to probation, for the Court to directly state what programs the convicted can participate in.

Participant, N.B.: No, we do not practice this because we do not know what programs the Probation Board can currently offer and we leave the judgment to them.

Moderator – N.P.: If we (SAPI) give the set of programs that we offer here in the city, would the Court directly state them in the sentence? And if this report about the child, the pre-trial report, the one that is given and based on this assessment, then such programs may be offered therein.

Participant: Yes. It is possible, but we need to have full information on what programs may be implemented. For example, to know if the program does not expire, and to start with, in this case, condemning this child to not being able to sit the sentence and they immediately asking us for substitution.

Participant, T.K.: Something needs to be clarified here. Your suggestion is whether it is possible, for example, the Shumen District Court to rule inclusion in a public impact programme, which is held in SAPI, for example, and this is recorded in the court ruling. First: it would facilitate greatly the work of the probation service because once the sentence is received, thus formulated, you have the right to do the following as a probation officer in this part of the sentence: you have the right to write a referral letter to SAPI and send the relevant person to be included. From one point of view, if the things are thus formulated, they have their positive side. Why? Because in one particular case in the past I had tried to include an under-aged person in one developing educational programme. I had spent the whole day "making advances", convincing him to take part in the programme, and he agreed. On the next day, however, his mother came and she filed in written application that she does not want her child to be included in such a programme and it was over then and there. Because I have no legal option. Because it is had not been ruled by the court, it was my own initiative.

Moderator – N.P.: But isn't it so that the plan for execution of the sentence implies joint development with the CPD, the CDO. I wonder what are the possibilities, within this plan, to formally state and agree upon a programme?

Participant – T.K.: First, this plan shall be elaborated within 14 days. Often, these two weeks are quite insufficient to establish thoroughly the deficient areas of the relevant child and to respond appropriately.

Moderator – Can the court refer the adolescent to the use of intensive social services within the sentence?

Participant from the EPDG – It is possible, in the case of a probation sentence, by specifying programs for public impact, developing educational programs also. More often judges do not write this, because when they write it, this becomes mandatory and in the probation service in question such programs may not be available.

Moderator – but you have the opportunity, according to the EPA, to use such programs provided by other organizations – NGOs, services?

Participant from EPDG – the law allows it, but in practice neither the court nor we know what programs are available out there.

Moderator – In this case you can include them in the Plan for execution of the sentence through the CPD, which is mandatory according to the EPA?

Participant from EPDG – yes, that's right, but more often it happens formally, CPD signs the plan, they do not participate in making it, we do it ourselves.

Moderator – During the punishment of imprisonment is there a use of intensive programmes provided by external partners?

Participant from EPDG – yes, at the PDs are implemented many projects, and within the framework of project this happens. Otherwise, like contracting with social services – we don't have such a practice. We have our own inspectors is social activity at the PDs, there is a school, the problem comes when then get out – there is no support afterwards.

N.P. – Moderator: I wonder about something else – whether within the plan you have the right to stimulate the child if it is doing well with the restrictive measures, and we write a report for you that it is doing well? Will there be any benefit for the child (positive treatment)?

Participant, N.B.: Pursuant to the Execution of Penalty Act and the Probation Act, the transfer to a lighter regime may be done by the authorities who enforce the sentence, subject to certain conditions. But the shift to a heavier regime may be only done via court order. So, if there is a positive development, and upon presence of other preconditions, they may shift to a lighter regime, and in the worst case – not shift and stay in the current regime.

Moderator: Is that enough as motivation?

Participants: Most often it is not motivating.

Participant, T.K.: No. Most children who are currently sitting probation, because of trifling with the measures enforced, go with the originally sentenced mode until the last moment. Because they are continuously in default, or admit deviations from schedules. The only way to ensure more serious attitude is for the probation to become a regime of deprivation of liberty, but not effectively sitting in.

As evident from what was shared by the participants in the focus groups, the regulatory framework is not used effectively, mainly due to lack of training among the professionals in the criminal juvenile justice system, the lack of specialized expertise and the lack of coordination and logical liaison with the system for work with children at risk. The individualization of treatment is actually not implemented. Here outlines a domain of possibilities for change and involvement of the social services within the sentence.

Due to the lack of practice of working with children in conflict with the law, the protection and support system has no clear vision on the matter. Also, it should be borne in mind that within the juvenile justice system and criminal justice in general, the alternativeness topic is not accepted very well. None of the envisaged measures and sanctions can be applied as an alternative. The only actors who have a vision in this direction are some representatives of national institutions, such as the SCPO for instance, the SACP and some NGOs. These are the main reasons for the responses of the participants in the focus groups.

Next, the execution of punishments in our country is hardly based on the principle of positive treatment, i.e. to have a corresponding change in the status of the convict depending on the manner of participation and execution of measures.

## **2. What can you do or offer, so that the educational system supports these young people to return to school or to any other form of education?**

The connection between successful social inclusion and education is well known. In Bulgaria, the educational system is in crisis and subject to much criticism. The proposed new law was not passed and with the change of government the reform is delayed and postponed. Although the Ministry of Education and Science (MES) is directly involved in the so-called juvenile justice system, through the correctional boarding schools, there are not yet developed good practices for education of children at risk. Practically, Bulgaria is among the countries with the highest proportion of school dropouts. At the same time is fully preserved the school-based model of vocational education and training, i.e. the access to vocational education and training is done through a completed grade at school, where for the majority of occupations it is a requirement that the individual must have completed 8<sup>th</sup> grade, i.e. basic education.

Moderator – practically, the children most often drop out between the fifth and seventh grade, i.e. 12-14 years of age, the only option for them are vocational classes after sixth grade, which are not normally available due to lack of students, what can be done here? And there are

children who drop out before having completed the sixth grade, immediately after or during the fourth grade, what do you think should be done?

Participant, director of social services – this is a very big problem, in fact the school is not doing enough to keep at-risk children in school and they drop out the most around fourth grade because by then they are not allowed to repeat the class. We had meetings with the MES, but they did not seem to recognize this problem as theirs, they address it to those caring for the children. In the CSC we provide school support, but it proves not enough for the children at high risk who are illiterate. When they drop out, there are no other forms of keeping them at school and they lapse into begging, crime, prostitution. There is a need to change the law and introduce more flexible forms of catching-up, including parallel to vocational education.

Participant from the ASA – this is a big problem, in reality, these children remain overboard. A big problem is also the discrepancy of the graduated class and the gained knowledge. Now the inspection report of the SACP at SPCFs shows that children who are in the sixth, seventh grade are not able to read and write.

Participant – V.G., social service: We know what problem is the education and job seeking for youth aged 18-23. That is exactly why we are happy that colleagues from the Employment Agency have attended. With colleagues from Ireland we talk about how to incorporate with this support also vocational guidance, keeping them in school, support for independent living.

Participant from the Employment Agency – For the next programming period of the European programs, from funding perspective, young people are a priority, especially those leaving institutions. Even now we have measures for vocational guidance and training, internships with employers, employment. This is about young people who have reached the age of 16.

Participant – D.Z., from the Employment Agency: What I can say is that the National Action Plan of the Agency sets out work with this group in particular. This is one of the risk groups. In the European Youth Guarantee, which we are just beginning to explore and receive guidance about, it is about the age group 15-24 for Europe, and up to 29 years of age for us here in Bulgaria. These are young people who, if registered with the Labour Office, may receive psychological support, mediator-psychologist. We have very good contacts with the vocational schools. We have workshops for job search, vocational guidance, trainings. If these young people we are discussing here today are interested, the first step is to register and we start working with them.

N.P.: It is possible to register even when they are 15-year old?

Participant, T.K.: Does the law allow for a 15-year-olds to register?

Participant – D.Z.: Yes, but numerous limitations, with a declaration by the parents.

Participant, D.Z.: We are partners with the Ministry of Youth, Education and Science and the purpose of working with these young people is to introduce the different vocations, so that they don't give up education. We want to encourage them to not give up.



In this area there is still ambiguity. As a result of the study it becomes clear that the problem is recognized as critical for the young people, all participants agree. It is clear also that the institutions do not know the available opportunities due to lack of collaboration.

For a real change legal reforms are needed to enable:

- Guaranteed access to vocational training for all young people;
- A system for catching up and return to the school system for children up to 16 years of age;
- Coordination, links and focusing on each individual case of a young person between social services, vocational guidance and training, social assistance and employment measures and programs.

### **3. Within the context of considering the foster care as an alternative to detention, are there situations in which you would review the decision made if the intensive foster care was a valid option?**

The opportunities to use the system for children at risk and social services when deciding about a child in conflict with the law, including foster care, are related to the provision of information and availability of a specialized needs assessment. Decisions at this stage are taken without such an assessment, which makes it virtually impossible ever to include social services in the decision-making for detention.

Participant, E.K., CDO: Keeping the child under record, we make a social file about the child. The social report from the CPD comes separately. One could do a more detailed file, according to the case.

N.P.: How to do this legally?

Participant: This is not legally regulated anywhere. Insofar as the CCP requires collecting characteristic data for the defendants, this is the occasion for creating such a characteristic file for the under-aged.

Moderator – N.P.: Can you ask for assistance from us for this file or you need to go through the CPD?

Participant, E.K.: For us there is no requirement who it will be from. To prepare this file, I get information from the school, family, neighbours, etc. people who know the child. It is possible. Yes.

Participant, T.K.: I'm afraid that this might result in duplication and delay. Again, collect information and delay.

Moderator – N.P.: If you request it from us, we can make it and forward it to the CDO, CPD and it may be escalated upwards and help then the decision-making. In addition to the child and its needs, our assessments include also the resources. Then, in this part we will include information on the specific programmes. It will be oriented to the needs and resources – such programmes.

CPD – We do not work on these cases unless they inform us, especially when there is child abuse also involved. They also call us at the LJDC to attend upon correctional cases.

Moderator – Do you prepare a report about the child?

Participant from the CPD – If we have an open case and we have a report, we present it, but not specially.

Moderator – Who is preparing a report for the prosecutor to assist him in deciding whether to dismiss the case, whether to divert it to the JDC or bring it to the court?

Prosecutor – Usually CDO inspectors make a characteristic of the child, its acts/offences, the family. The prosecutor may request also additional information from other experts, at his/her discretion.

Moderator – Who is preparing a report about the child for hearing at the court?

Prosecutor, SCPO – The inspectors from the CDO and social workers from the CPD present a social report, but not an assessment as referred to in the international standards – a comprehensive assessment of the adolescent.

It is clear that the information is fed primarily by the inspectors from the CDOs, i.e. by the police. It is necessary to make changes in the regulations and organize training of the prosecutors to require specialized assessment about a child in conflict with the law, which they can do even now.

Next, it is necessary to change the attitudes towards the alternatives to the criminal sanctions, and implement social services, including foster care instead of the existing correctional measures. For this reason, in the focus groups we tried to examine the attitudes towards introduction of modern forms of deflection from the criminal justice system.

Moderator: We know that the prosecutor decides whether to send the case to court, whether to refer it to the LJDC or to terminate it. If a report is made on the basis of this integrated assessment, can the prosecutor decide otherwise? The most modern measures currently in Europe in the juvenile justice are the so-called "restorative justice", "restorative measures" and the family conferences. In Ireland they are called "family conferences". In other places – "family-group conferences".

My question is: is it possible that the prosecutor cancels and convenes a family conference? The family conference is an extended family council, which involves also professionals – the police, the social protection system and by all means the claimant/sufferer, the victim. Here again, it is mandatory that all these people have to agree with the decision to be taken by the family council. And all these decisions most often involve restoring damage. Something that the family decides on.

Participant, M.N. (?) No, according to the currently enforced law this is impossible. We draw up cancellations (?) of cases and forward them to the LJDC. Then the Local Committee may jointly develop programmes. But the prosecutor can not convene such a general council with the participation of more structures because it is not provided for. (it is not clear why).

Moderator, N.P. – Would it not be possible that he convenes the council before cancellation?

Participant, N.B.: No, we have no grounds, we just have an opportunity.

Participant, M.N.: This is very good, but when the file is separated and goes to the Local Commission, this might happen. The system is much more flexible, the opportunities are numerous and the child would feel better.

Moderator: It is used to return to the meaning of the punishment – the meaning of the punishment is the realization that someone has violated someone else's right. When he faces just the Court, he might perceive it even as some kind of heroic act. When facing the family, it engages his family as well, and the other people. All who have applied this approach, say this has a major effect on the child. There are also studies showing that the family takes even more severe measures in terms of content compared to the measures any other organ would have taken. They feel empowered.

Participant, E.K.: But even right now the Local Committees hold their meetings on criminal cases in the presence of peers and quite often in the presence of a colleague from the CPD. In this sense, the involved institutions, family, chair of the Commission, and all institutions that are called upon to work in the best interests of the child are represented there. Now, if we gather even 10 grandparents, I don't think the effect will be greater. This, of course, is my personal opinion. .... And I myself think that from legal perspective this is not applicable at the moment.

Prosecutor from the SCPO – There are no obstacles, it is not stipulated in the law, but it is also not prohibited, so the prosecutor could do it, by assigning it.

Moderator – Is there any legal impediment for the court requesting such a report from the CPD and providers of social services for children in conflict with the law when eventually such services get developed?

Prosecutor from the SCPO – There is no such obstacle, it is a matter of the court's initiative, but more often it refers the case to the LJDC or requests a report from the Commission.

From the discussion with professionals it is evident that there is no single opinion on the issue of diversion of a child in conflict with the law from the penal system and towards the use of alternatives. Inclusion of the family conference as an alternative to the punishment could open the way also towards inclusion of foster placement as part of the plan.

**4. Within the context of considering the foster care as an alternative to detention, are there situations in which you would review the decision made if the intensive foster care was a valid option?**

In conclusion it can be summarized from the study that currently the foster care may be used only as a service for children at risk and as a detention measure, but not as an alternative to taking into custody.

Using this as an alternative requires a change in legislation and practice of the criminal courts in the country in the direction of specialization, requirements for integrated assessment of the child, application of modern forms of diversion, and inclusion of the social services and programmes in the sentence.

The foster care could contribute a lot as service for care and shelter, through which is built a relationship of acceptance and understanding of the young person, individualized care and support, along with intensive social support and adequate restrictive measures.

Due to lack of cooperation and knowledge of the legal framework between the institutions, especially between the system for at-risk children, the education and employment systems and those of the justice, the opportunities for application of modern approaches to working with children in conflict with the law remain not fully exploited.

Exceptional hopes are laid to the future reform of the juvenile justice which may solve the problems identified.

***II. Attitudes among active foster families and members of key institutions in the area of foster care and child assistance towards the use of intensive foster care as an alternative to remand in custody.***

The focus group met in Sofia and consisted of 5 professional foster families; 2 social workers and 2 Head of “Child Protection” Units that operate under the Agency for Social Assistance with the Ministry of Labour and Social Policy; 2 social workers from a provider of services in foster care and foster family assistance.

## **1. Awareness regarding the juvenile justice system and the existing measures for placing in custody a child in conflict with the law; attitudes towards the use of intensive foster care as an alternative to custody.**

The research participants who are foster parents or foster care experts have an overall positive attitude toward the idea of employing intensive foster care as an alternative to custody. Most of them, however, say they are neither familiar with the juvenile justice system, nor with how such a process can be triggered. Moreover, they agree that intensive foster care will most probably be a better option for a child in conflict with the law than to be held in custody. Some of the “Child Protection” Unit representatives shared with the group negative experience of youths who, after 6 months in custody, started exhibiting mental problems.

Social worker (SW): I appreciate the fact that while in foster care, a child can be worked with. But it's important that the court and prosecutor's office be quicker, not to delay their deadlines like they do with adults.

Foster parent (FP): I think foster care will be better for the youths. I remember a movie, in which the child was sent to a family ranch. The child looked after the animals, helped at the farm and this triggered the positive change.

SR: Community service isn't properly developed yet as a judicial measure. But it could be very beneficial to the children in conflict with the law.

SR OT from CPU<sup>1</sup>: The environment around children in conflict with the law is very important and the foster parent could be a real agent of change in the child's life. What matters is that the foster parent be well prepared. As for the children, it's a good opportunity to interact with people who treat them differently and which can help them immensely. Still, there are some particularly hard cases where even this might not help.

At the same time, however, foster families note a series of difficulties they believe would impede the successful realization of the idea of using intensive foster care as an alternative to custodial measure for children in conflict with the law.

## **2. Obstacles and difficulties to the proper use of intensive foster care as an alternative to custody for children in conflict with the law, as identified by foster families and foster care experts.**

### *2.1. Hostile societal attitudes towards children in conflict with the law*

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<sup>1</sup> Child Protection Unit

The foster parents strongly emphasized that one of the serious and currently relevant problems in Bulgaria is that people are rather unreceptive of the notion of granting foster care to at-risk children, especially if such children have delinquent behavior, and even more so – if they are in conflict with the law.

A foster parent (FP): Public perception needs some transformation. There generally is resentment towards “difficult” children. We have problems in public attitudes towards any children in foster care, so what’s left for those in conflict with the law... My neighbours heard we were planning becoming foster parents and said “Ufff, why d’you bother take this child...”

FP: there has to be full transparency in the system – access to all the information about the child; not to hide information from institutions or foster parents.

Social worker (SW): There is a problem with confidentiality.

SW: Neighbors always find out, so it is impossible to keep secret.

FP: The question is how these children are perceived. If they’re seen as dangerous, then we don’t want them among us – that is the prevailing attitude in society.

The confidentiality problem is still relevant and unresolved by the system. Even now, there are some 11-12-year-old foster children with problematic behavior, who have committed an offense and are known to the Inspectors from the Child Pedagogic Rooms, but the latter information has been kept from their foster parents. For the social workers this is a confidentiality issue, and for foster parents, it is an unacceptable concealment of information, a situation that leaves them feeling deceived. The system has no unified understanding about sharing important facts of the child’s life with the foster families. This raises the questions of professional ethics and teamwork.

## *2.2. Voluntary nature of “Intensive foster care” and specialization of the foster family*

All foster families agreed that the voluntary nature of intensive foster care is a vital success factor in its application and development as an alternative to custodial sentence for children in conflict with the law. This practically means that the foster family can additionally specialize in the provision of this type of care if it wants to. If an active foster family chooses not to specialize in caring for a child in conflict with the law as an alternative to the child’s being placed in custody, this action is neither to be interpreted as refusal, nor to be penalized.

FP: Specialized foster care for children in conflict with the law should be voluntary, not forced to the foster family. Also, if the family chooses not to engage in it, this should not be seen as refusal to assist.

FP: Yes, [intensive foster care] should be voluntary. It should be the family's call whether it specializes therein. In other words, foster families shouldn't be obligated to take in children in conflict with the law even if an urgent placement is needed. (All foster parents agree on this point).

FR: There have to be foster parents who have really specialized in urgency placements because evidently there is no time for matching. A new profile needs to be elaborated for them. It's important to find out how many are willing to obtain this qualification.

All focus group participants emphasized the need for specialization of foster parents who provide intensive foster care. This would require additional trainings and qualifications before assuming the task. A mandatory prerequisite ought to be experience in looking after children and knowledge of the psychology of children with behavioral problems.

FP: The foster family needs to be very well qualified. It's hard to achieve that. The specialization requires deep understanding of the delinquent child's mentality, as well skill to build a trust bond with the child. Children of this group may be very distrustful and suspicious.

FP: Foster families need skills in crisis management in order to take adequate steps when a child gets a temper tantrum. A lot of these children have anger issues.

SW from CPU:<sup>2</sup> it's important to ensure intensive support to the foster family – perhaps an emergency number they could call when necessary.

The provision of timely emergency assistance by the system and its institutions is identified as a highly important need of intensive foster carers in critical situations. This would help foster parents feel not only assisted but also protected.

### *2.3. Fear of youths in conflict with the law*

The foster families admitted that they are generally afraid to assume the care for adolescents because they believe these children to have established habits and personality that would bend much harder to the rules inside a foster home. Some foster families shared their own

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<sup>2</sup> Child protection unit

observations that children in conflict with the law were a lot more aggressive and physically stronger, which literally causes the family to “fear” bringing them home.

Foster parent (FP): Personally, I am afraid of the age of children in conflict with the law. Usually these are boys of 16-17 years of age, who look like grown men. I would personally not take responsibility to care for such an adolescent. The law still classifies them as children by the age of 18, but the truth is by now they have an established character and habits. I feel physically threatened by them (*this opinion was confirmed by most participating foster families*). They are physically strong and healthy, so it matters if the foster parent has a strong or weak built in order to manage.

FP: For me the physical built of the child isn't a leading factor or threat, except when the child has mental problems. Then I'm scared. It could lead to physical violence on the part of the child in conflict with the law toward the foster carers.

The foster parents either don't feel prepared to look after teenagers as a whole, and even less so after adolescents in conflict with the law.

#### 2.4. Provision of adequate financing and resources

The foster parents and foster care experts who took part in the study shared the opinion that the provision of such intensive foster care would require more resources, including some additional and adequate remuneration for the foster parents.

The higher payment and provision of more resources for work with children would motivate more foster parents to accept the significant responsibility of providing intensive foster care as an alternative to custody for a child in conflict with the law.

Social worker (SW): it's important to think about rewarding these people. Perhaps they could be assigned a different remuneration coefficient in view of the rather difficult task to look after a child in conflict with the law. There is a need for additional reward and stimulus.

Foster parent (FP): I agree with this. The care for such difficult children requires more resources and activities.

FP: I think it will be hard to get ready for these children.

SW: I think we could investigate good practices from other countries.

In addition to the need of securing more resources in support of foster families, the research participants identified the need to exchange experience with other countries on intensive



foster care, specifically – how and where it takes place effectively. During a discussion in the focus group, several questions arose, such as where it is better to implement intensive foster care – in a city or small town/village; whether the child will spend all day at the foster home or engage in activities and services for additional support to the child and foster parents outside the home.

**The overall inference** is that all participants are convinced that intensive foster care is indeed a better alternative for a child in conflict with the law, but there is still a long road ahead to changing attitudes of the foster carers themselves, and society as a whole, as there is to creating / amassing resources to support the development of intensive foster care.

### ***III. Attitudes among youths, placed under a measure of deprivation of liberty, regarding the use of intensive foster care as an alternative to custody.***

In April 2014, a focus group was held at a Correctional home (a prison for underage persons) in Boychinovtsi town with 8 young offenders aged 17-18 years, who are serving a sentence of deprivation of liberty at the moment and who have been in custody two or more times before. The study is anonymous, so no names are mentioned. Each participant has signed a card of consent to participate in the research.

The main goal of the focus group was to gather objective information on the opinions of young offenders, with respect to the effectiveness of their assigned penalty – deprivation of liberty – and what effect this measure has on their life. The goal was also to research their attitudes towards the possible introduction of intensive foster care as an alternative to custodial sentence.

#### **1. General information on the underage persons who took part in the study**

All participants share that the punishment is hard to endure because they are deprived of contact with their close ones and phone conversations are allowed on rare occasions when possible. They just get used to the fact that they are away from home. They are placed in a Correctional facility, in a far-away town, for example: Sliven, Yambol, Bourgas. They perceive their assigned measure in the following manner:

„The court gives us a penalty, so that we can realized our mistakes and what the

consequences are”

„It is hard to be held in custody. It’s difficult to endure, but this place gave me a chance to study and I realized I had made a mistake.”

All agree that the correctional home offers them a chance to gain literacy and other knowledge. Most of them have never been in school and came to the home half-literate.

All participants in the focus group have been assigned a **judicial measure** before: conversations with the Child Pedagogical Room Inspector (while minors - under age 14); public censure; probation; suspended sentences. One of the youths has spent 3 years at a correctional boarding school. Another is serving a second term at the Correction home in Boychinovtsi town. Yet another has been sentenced 8 times and a fourth one – 23 times for theft.

Nearly all the participants admit that they have not had relatives to warn or stop them and that they had been heavily influenced by their friends and environment.

Question: If you revisit the time you were first placed in custody, what could have been different in order to help you not commit new offenses?

All: „There was no one there to tell us ...“

G.: „It could have different, had there been someone to tell me right from wrong. I didn’t have support from the family. I was influenced by “friends”.

## **2. Awareness of the underage offenders regarding foster care and their attitudes towards intensive foster care and juvenile justice**

The research participants are unfamiliar with the service “foster care”. This was the first time they heard the notion. Two of the youths associate it with adoption. They show resistance to the idea of a foster family – seeing it as a loss of their real family.

S.: „I would under no circumstance, ever leave my real parents.”

After having been explained the nature of foster care and the role of the foster parent during intensive foster care, about 70% of the underage boys declared they would accept its terms and rules and would show diligence, if there are incentives for good behavior. The other 30% say they would not abide by the rules but break them.

It is noteworthy that overall, the boys from the Correctional Home, encompassed by the research, do not trust easily and demonstrate basic hostility and reservation. Most of the youths say they don't trust friends or don't have any around, because the latter are either in jail or influenced them toward breaking the law. The participants state that they receive support and positive treatment from the specialists at the Correctional Home, but they miss the support of a family.

The participants agree unanimously that there cannot be such a thing as child-friendly justice. Their answers evidence a sense of feeling antagonized by the system due to their obstruction of the law.

P. and S. share:

„The court doesn't think about the people who did something wrong and treats them badly. The court is not a “friend” to people like us.”

Due to the low education of the boys and their families, they are unfamiliar with their rights and could not understand the judicial procedures they participated in. Most boys share that they were afraid of appearing in court.

After completion of the sentence, most of them will encounter the unknown through the absence of support and a social environment. According to inspectors in the correctional home for underage boys, this is one of the greatest predicaments – the lack of social support to boys leaving the prison for underage persons. This is a very distinct common anxiety for the boys.

#### ***IV. Attitudes of the biological parents of children in conflict with the law regarding the use of intensive foster care as an alternative to remand in custody.***

Two parents were interviewed for the study, the mother and father of two boys aged 16 and 15 years, who have been held in custody and are currently serving time at a correctional home for underage persons and attend a correctional boarding school.

The father is D.A., 36 years old, and the mother is S.B., 35 years old. They live on family terms (i.e. Unmarried) and have a total of 7 children, 5 of which are left in residential institutions. The parents were overall well familiar with the purpose of the interview and their mutual tone was open and sincere about their views and experiences. They did not clearly understand everything at first. For instance, the mother was more timid and sometimes

responded in a way that showed she had not clearly understood the question. Both participants are of Roma ethnic origin, without education or work. They are not registered with the Labour Bureau, nor do they receive assistance from social services. They represent a risk social group of people who migrate from small areas to large cities, without a permanent address, subsisting on scrap and recyclables, etc.

### **1. Awareness regarding foster care and its potential use as alternative to custody**

The biological parents who took part in the research are not acquainted with the nature of foster care, confusing it with adoption. Even though the interviewer clarified the difference, their overall attitude was negative. The thought of having their children live in a family of strangers raises concerns for them and further alienates them from the idea.

Question: What do you know about foster care and how do you feel about it?

Parent (father): No, we would not accept foster care. We don't want our child going to someone else. We wouldn't like that. We don't know these people, we don't know what they're like. Perhaps, if we knew them, possibly yes, otherwise we don't agree. My cousin, she would agree to look after my daughter who currently lives at the children's home in the town of B. This I would accept because I know her... I will be comfortable with knowing my daughter's there. Strangers – no.”

Parent (mother): Whatever my husband says will happen, but I too would be anxious to have my children live with some strange people.”

The parents themselves emphasize that they believe their children themselves would not want to move to live with a strange family. The main arguments are that the children have grown and would not feel comfortable in a whole new family. They also pointed out that the very obligatory and restrictive nature of detention is what keeps them from running away, which they would if residing at a foster home.

Question: If this was a possible alternative measure to remand in custody, would you have supported a foster care plan for your child?

Mother: I think that they (children) wouldn't want to. They are big now; they'll have a hard time getting used to living with other people, in another family... to live without us.

Father: it will be hard for them to accept living with strangers. Detention is a mandatory place, they can't run away. I don't know how it would be at the family's home; they might

run away.

Overall, there prevails a stereotypical way of perceiving and understanding the problems and situation in their children's lives. The biological parents themselves have difficulty seeing the benefits of foster care as alternative to the remand in custody, even though they admit that the time in custody brings suffering and harm to the children. The parents themselves also suffered upon visiting them and seeing the conditions in the arrest. Still, they struggle to accept the alternative of foster care of potentially beneficial to their children.

## **2. Have the biological parents received the needed professional help and support?**

The interview with the biological parents shows that such support was not available or only barely so, insofar as information was provided. The parents had to cope alone with the difficult economic and social situation. After the children were officially removed from home due to poor living conditions and care, the parents had to earn the state social services' trust in order to be allowed back their children. Due to poverty and harsh living conditions, the children were placed in a residential institution, which they fled systemically to go see their parent. The interview clearly illustrated a grave phenomenon in the social system, namely its exclusion of people without permanent address and address registration. The parents cannot benefit from this social system in finding financial aid, employment or housing assistance simply due to the absence of address registration and a permanent address in the big city they have migrated to. In summary, the parents of children in conflict with the law are often expelled from the social system and are not encompassed by any policy or mechanism targeting their social inclusion.

Parent (father): We applied for housing in the village L. We lived there for a while. The social services went to the address, but didn't find us, because we were working in the fields. They didn't tell us when they were coming, missed us and nothing happened. They don't trust us, social services. We needed a home so we could start a better life and then we'd look for a job. Before coming to Sofia we've raised animals, worked gardens; myself, I have worked in construction."

The research with biological parents reveals that they understand help and assistance mainly as material (finances, work, housing), lacking any notion of another type of help geared at their parenting skills, and mainly, at their educational role in their children's lives. Since

these parents come from poor social circles, their idea of help is directly related to their basic survival needs and they have no concept of the need to develop skills to raise and socially prepare their children. It should be noted that the parenting model they demonstrate and describe is rather liberal and negligent. They have serious difficulty in setting boundaries in their children's behavior. They also admit to favoring and singling out a child, assuming it a commonly accepted model.

***Question: As parents, did you need any help? What was difficult for you? How did you deal with disobedience?***

Mother: Whatever they want, I give them; they aren't deprived of nothing.

Father: When they don't listen, I get irritated, but I haven't beat them. They understand to be quiet and go outside.

***Question: Do you think that if you'd been included in parenting training at the time the difficulties started, it would have helped you?***

(both do not understand why they would need such training for parents; the interviewer clarifies)

Father: Yes, if this helps you know how it is best to act. (The mother agrees.) We haven't had such opportunity.

Due to their low literacy, the biological parents are not familiar with their own or their children's rights and cannot defend or enforce them. Furthermore, they cannot get access to existing social resources.

***Question: Is there anything else, which could have helped you better?***

The Father: We are not literate and do not know our rights. We haven't been called in by the police. Only the social services came to visit us. Nobody tells us anything, except "Ask social services, they know". My wife learned that our son (16 years) had been arrested just because a friend of hers saw him in the street and told us.

The mother: When I heard, I went straight there and waited all day, but they didn't tell me anything or let me see him. I stood and waited in front of the police. In the end, they told me to ask the social services.

The father: We don't know what to say, because we went to the trial but the judge cancelled it because the public defense counsel didn't show up. We went, but nobody gave us any

information. Now we don't even know whether he will be sentenced or released.”

## ***V. Conclusion***

### **1. Attitudes toward foster care for adolescents as an alternative to remand in custody**

1.1. The overall attitude of the professional community in the social sphere towards foster care and its potential is positive. However, foster care for adolescents is still seen as underdeveloped. Foster parents tend to prefer looking after smaller children. The attitudes towards foster care among professionals from the juvenile justice system are also positive, but clearly show insufficient familiarity and knowledge of the essence and practices of foster care in our country; hence, its use as an alternative to custody is viewed rather negatively. They see foster care as a possible solution for other judicial measures that require supervision, which could be combined and applied even under existing legislation.

1.2. The attitude of foster families towards the use of foster care for children aged 14-18, who are in conflict with the law, is controversial. Foster families and foster care experts admit that it is a better alternative than holding underage boys and girls in custody. However, they seem to be afraid, feeling rather unprepared for the responsibility to look after problematic children. The foster families who are experienced in care for adolescents are very few. They explicitly cite the need for additional qualification and compensation for foster parents who would endeavor in this intensive care.

1.3. The attitudes toward foster care of the young offenders themselves, who partook in the research, are also controversial. Most of them accept the idea that they will live with another family with order and rules that provides incentive and encouragement. Some of the youths, however, categorically reject the idea. The lack of established practices in our country probably scares and confuses them, causing them to be distrustful or even openly negative towards the idea.

It is possible that the lack of acceptance of foster care as a viable alternative stems from the peculiarities of adolescents in conflict with the law, specifically their inability to

accept an outside authority (especially an adult one), as well as their basic mistrust towards others.

1.4. The biological parents' attitudes towards foster care as an alternative are also controversial. The parents themselves are rather unfamiliar with foster care and find it hard to imagine their child looked after by an "strange" family, among unfamiliar people. Even though they understand that it would be a better option for the child compared to custody, they also say that their children would not feel comfortable among strangers. In this sense, they think the arrest has an advantage by ensuring the child cannot run away.

## **2. Main difficulties and opportunities for the use of intensive foster care as an alternative to remand in custody according to existing legislation.**

2.1. The lack of specialization and preparation of professionals in the juvenile justice system. As the research participants shared in focus groups, the regulatory framework isn't applied mainly due to the lack of the professionals' specialization and preparation by the criminal juvenile justice system.

2.2. The lack of coordination and logical links within the system. The participants' answers show that the various units in the system are not coordinated and connected effectively, namely – the courts and the offices responsible for executing judicial measures and penalties through the child services and protection systems – which leads to fragmentation in the work with at-risk children who are in conflict with the law. The Interaction is weak and not really developed. Even the few possibilities offered by the system are not used.

2.3. The individualization of the approach to children in conflict with the law is not implemented. Due to the system's fragmentation and the lack of sufficient qualification, personalized treatment of underage offenders is basically wishful thinking at this stage.

It's an area of opportunity for change and integration of social services in the overall sentence, by guaranteeing intensive support and assistance programs.

2.4. Intensive foster care could fit in various supervision measures that could be combined and enacted via existing legislation. These measures could be applied to children in



conflict with the law in both criminal and administrative cases. However, the use of intensive foster care as alternative to custody is met with some reservation and would require legislative changes.

2.5. Bulgaria's juvenile justice system is in a process of reform, which is favorable ground for change and introduction of alternatives for youths in conflict with the law. One must note that the execution of punishments in Bulgaria is too loosely based on the principles of positive treatment, i.e. to create changes in the status of the convicted person, based on the manner of participation in and the execution of these measures. This is another possible development path, which would, however, have to be founded on a new philosophy and understanding of the goals and nature of juvenile justice and of course, to a change in the regulatory framework.