

# Social Court: A Model of Child-Friendly Justice

## Annex: Checklist



This model is co-funded  
by the European Union's  
Rights, Equality and  
Citizenship Programme  
(2014-2020)



## **Project**

The “Child-Friendly Justice: Developing the Concept of Social Court Practices” project (CFJ-DCSCP) aims to improve access to justice for children in an enhanced vulnerable situation in the criminal justice system. This will be done by developing and disseminating specialised models of individualised assessment of their needs, barriers, and situation in line with international and European law. To that end, the project includes a research and tool development component to identify existing and ongoing problems, make recommendations and provide practice-oriented guidance for criminal justice professionals involved in individual assessments in criminal proceedings for child victims or children who are suspects or accused of committing a crime that are also in a vulnerable situation. It focuses on children deprived of parental care, unaccompanied children, and children with mental disabilities. This Model sets out standards, practice-oriented guidance, and a tool for a Model Child-Friendly Court, tailored to be implemented in Bulgaria, integrating a model of individual assessment, which includes a particular focus on children deprived of parental care.

## **Acknowledgments**

BCNL would like to extend its deepest gratitude to Judge Tzarigradska, Judge Valkova, Judge Velcheva and the other judges from the Bulgarian Judges Association for their cooperation and commitment to the Project’s goals.

## **Disclaimer**

The contents of this report represent the views of the project partners only and are their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

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**Project Title**

Child-Friendly Justice: Developing the concept of social court practices (CFJ-DCSCP)

**Project webpage**

EN: [validity.ngo/projects-2/child-friendly-justice/](https://validity.ngo/projects-2/child-friendly-justice/)

BG: [bcnl.org/projects/proekt-shtadyashto-pravosadie-za-detsata-razrabotvane-na-kontsepsiya-za-sotsialni-sadebni-praktiki.html](https://bcnl.org/projects/proekt-shtadyashto-pravosadie-za-detsata-razrabotvane-na-kontsepsiya-za-sotsialni-sadebni-praktiki.html)

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**Grant Information**

REC-AG-2019/REC-RCHI-PROF-AG-2019-878552

**Year**

2022

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## Checklist

The Checklist is meant to be an instrument for the judge to check how the rights of the child have been respected at every stage of the proceedings, as well as whether the best interests of the child have been given a priority in the decisions concerning them. It also sets out a list of indicators and instructions for individual assessment specific to the situation of children living in alternative care.

### **The checklist should contribute toward:**

- Enabling participation of the child (through adjustments to the procedure, information, assistance, support, and protection);
- Ensuring proper representation or accompaniment of the child;
- Enhanced coordination between the systems of criminal justice and child protection as a factor enabling both:
  - timely drafting and implementation in practice of a multidisciplinary individual assessment of children who are suspects or accused persons in criminal proceedings, as well as victims of crime;
  - imposition and implementation of child protection measures recommended in the individual assessment.
- Raising the capacities of all professionals involved.

Direct beneficiaries of this Checklist should be children participating in judicial proceedings and, in particular, children deprived of parental care.

The justice system will also benefit from the active monitoring by judges of implementation of the rights of the child in the system.

## 1. HEARING OF THE CHILD

### A. Indicators for the system

- ☐ Guidelines or protocols are adopted by the relevant authorities to enable the police, prosecutors, lawyers, and judges to hear a child:

*Notes:*

- ☐ There are police officers, prosecutors, lawyers, and judges trained to work with children:

*Notes:*

- ☐ There are training courses and materials for the above professionals:

*Notes:*

- ☐ There are psychologists/social workers who prepare the child (victim) for the hearing and accompany the child when taking part/they are involved in criminal proceedings”

*Notes:*

- ☐ There are trained lawyers to provide legal aid and to represent the child:

*Notes:*

- ☐ The professionals involved in the hearing and the legal proceedings work on developing trusting relationships with the children and, if possible, remain available to provide support throughout the entire proceedings:

*Notes:*

- ☐ There are protocols concerning how to provide information to the child in an age- and gender-sensitive manner and in a language that the child understands (the minimal indicators for such protocols include: the information should be provided by a person whom the child trusts and in a child-friendly manner; the information should be provided at regular intervals including information on proceedings’ timescales; children should receive preliminary information on the appearance of courtrooms, the different participants and their role, the venue of the proceedings, information about the hearing, including whether it is voluntary or obligatory, their behavioural guidelines and the availability of support; children also need to receive feedback on their performance in court and an explanation of the proceedings’ outcomes):

*Notes:*

- ☐ There are special premises to hear the victim with no contact with the perpetrator (in cases of sexual violence and abuse):

*Notes:*

- ☐ Obligatory check about conflict of interests between the children and their parents or guardians or risk of manipulation by them and ensuring the participation of a child-friendly professional trusted by the child who should support the child and provide the information:

*Notes:*

- ☐ There are reasonable accommodations for the hearing of a child with disabilities:

*Notes:*

☐ Avoiding multiple hearings and having too many people present:

*Notes:*

☐ A child-friendly environment should be ensured for conducting the hearing (less formal outfits, offering breaks regularly, avoiding complex language, supporting the expression of emotions):

*Notes:*

## **B. Indicators for the case (the child is placed in care):**

☐ Protocol for the preparation of the child victim for the hearing is available:

*Notes:*

☐ The child victim/witness has been interviewed by the police in the presence of a lawyer and a caregiver or supportive professional and in a safe environment:

*Notes:*

☐ The child offender has been interviewed by the police in the presence of a lawyer and a caregiver or supportive professional:

*Notes:*

☐ The hearing/interview of a child with a disability has been supported by communicational/informational/educational adjustments:

*Notes:*

☐ Protocol for data protection related to the case and the children involved is available:

*Notes:*

## 2. INDIVIDUAL ASSESSMENT

### A. Indicators for the case:

☐ Individual Assessment has been initiated at the beginning of the proceedings by the police by collection of personal data about the child:

*Notes:*

☐ Protocol for data protection related to the case and the children involved is available:

*Notes:*

☐ The prosecutor has ordered a multidisciplinary Individual Assessment to be prepared in a child-sensitive manner with an assessment of:

☐ **The child's specific and individual needs – including protection, educational training, support, and social integration.**

☐ What **specific measures** would be beneficial to the child.

☐ The appropriateness and effectiveness of **decisions during criminal proceedings**, namely precautionary measures, sentencing, and/or educative measures.

*Notes:*

☐ The specific needs of the child are identified, e.g.:

☐ Needs for protection of the victim during the proceedings;

☐ Needs related to the cultural, ethnic, religious, and linguistic background of the child;

☐ Specific considerations based on the age, gender, disabilities, and other characteristics of the child;

☐ Specific physical or emotional needs;

☐ Considerations relating to physical and mental health;

☐ Educational or training needs;

☐ Prospects for a successful transition to adulthood (independent living).

*Notes:*

## **B. Individual Assessment for a child in alternative care:**

☐ Life history - data on the birth of the child – timeline, adoption in the family:

*Notes:*

☐ Social status of the family - work, income, family relations, family circle:

*Notes:*

☐ Attachment, emotional connection, history of childcare - early childhood, subsequent period – others:

*Notes:*

☐ Data on childhood violence - data on abuse; - neglect; - for other types of violence:

*Notes:*

☐ **Impact of separation from family or change of the child's caregivers:**

☐ the ability of current and potential future caregivers to care for the child;

☐ opinions of relatives of the child, where appropriate;

☐ guarantees for data protection.

*Notes:*

☐ **Quality and duration of the relationship and degree of attachment of the child to:**

☐ parents;

☐ brothers and sisters;

☐ other family members;

☐ other adults or children in the cultural community, any potential guardian or trustee;

*Notes:*

☐ **Preservation of family and sibling relationships:**

*Notes:*

☐ **History of childcare - type of service or care and period of provision -**

☐ significant connections and relationships during the period of upbringing outside important family events in the child's life;

☐ data on violence in care;

☐ prospects for care in a family environment;

☐ prospects for the use of community care systems (provided they are safe and effective).

*Notes:*

☐ **Measures are identified to address the needs**

☐ measures that were ordered (implemented) in the course of implementation.

*Notes:*

### **Additional notes/recommendations**

*Notes:*