

Child-Protection Systems – Romanian Perspective

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ABSTRACT

Children's rights are fundamental rights with a universal character. Therefore, it is imperative to ensure their protection at a common level not only in the European Union but also globally. Thus, considering the multiple challenges in the field of child protection, the approach must be a cross-border one and not just at the level of each individual member state.

In Romania, the child protection system has seen a profound reform in recent years, with a strong emphasis on preventing separation of the child from the family, with the attempt to deinstitutionalise and create an alternative in accordance with the best interests of the child and the family type, with efforts to protect and support children with disabilities.

This multifaceted process involves central and local public authorities, NGOs, and community-based structures. Despite progress, Romania still faces systemic shortcomings, especially regarding funding and resource allocation.

Changes in public policy are required; a correct application of the legislation and specialised personnel are needed; risk situations in which children are found must be quickly identified, including in rural areas; and urgent interventions are needed to protect children without care by choosing the most suitable service. Moreover, children with special educational needs or disabilities remain vulnerable to exclusion due to a persistent lack of adapted infrastructure and support services.

KEYWORDS

deinstitutionalisation, special protection services, foster care, placement, guardianship, adoption

1. Introduction

A multidimensional approach can lead to the elimination of ineffective practices and the creation of an integrated, functional system. This can be achieved by adopting policies and useful programmes, such as increasing the quality of child-centred services and their protection; identifying risk categories; creating services to prevent children from being separated from their families to avoid institutionalisation; ensuring deinstitutionalisation of children and their care in the community; establishing social, medical, educational, rehabilitation and psychological counselling services;

Carmen Oana MIHĂILĂ (2025) 'Child-Protection Systems in Romania – Romanian Perspective' in Jakab, N., Benyusz, M. (eds.) (2025) *Child-Protection Systems*. Miskolc–Budapest: Central European Academic Publishing, pp. 159–225. https://doi.org/10.71009/2025.njmb.cps_5.



creating unitary work methodologies; allocating sufficient financial resources; and involving the community and non-governmental organisations (NGOs).

Furthermore, reforming the system for the protection of children with disabilities should aim to ensure dignity, eliminate isolation and exclusion, and support those in protection institutions in order to facilitate their participation in community life.

Romania's child protection system has undergone significant reform. During the communist regime before 1989, Romania had a disastrous child protection system, where poor families or those with children with disabilities were even encouraged to leave them in large institutions: in 1989, over 100,000 children lived in such institutions.¹ After the 1990s, there was no coherent institutional support strategy for children in Romania, as child protection responsibilities were divided between many institutions. However, funds and technical support were received from international organisations and NGOs whose objective was to support the children.²

In Romania, progress has been made in terms of reducing the number of children in the protection system, but there is still a lot to do. After 2018, the deinstitutionalisation process was accelerated and led to a reduction in the number of children in residential services, especially in public foster care centres.

As of December 31, 2024, in the social protection system in Romania, there were 26,333 children in family-type services and 9,579 children in residential services. Additionally, 38,898 children were beneficiaries of services aimed at preventing separation from their parents.³

From exclusive care in institutions, Romania gradually moved to deinstitutionalisation (i.e. placement in the extended family, family-type services, foster care and adoptions). NGOs have contributed to the development of support services and alternative care.⁴

The better alternative to the residential system is the protection of the child in a family environment. To ensure this, the Romanian legislator, public administration bodies, NGOs and the community in general must unite their efforts in the best interests of the child. Day-care and family-type services constitute an alternative form of protection, a solution when a child cannot be raised and cared for by their parents. However, the temporary nature of these measures is desirable. Therefore, greater emphasis is being placed on the development of services aimed at preventing the separation of the child from their family.

1 Marin and Stănculescu, 2019, p. 68.

2 Zamfir, 1997, pp. 7–10.

3 Ministry of Labor, Family, Youth and Social Solidarity, 2024c, p. 1.

4 Marin and Stănculescu, 2019, p. 72.

Despite these advances, unfortunately, the decentralization of social services has not been followed by adequate financial support⁵

On average, a child spends 7.5 years in the social protection system, and the duration is even longer in the case of children with disabilities.⁶ A real issue remains the transition from the residential protection system to independent life for young people who have spent their childhood in care.

However, children in institutions represent diverse groups, some of whom are unable to reintegrate. Therefore, some of them must continue to be protected either in family-type services (i.e. family placement or foster care) or in small residential services (i.e. family-type houses or apartments)⁷.

Although our country has adopted mandatory minimum standards for the care of children in residential services, with licensed residential services and a procedure in this regard, as outlined in the 2020 National Authority for the Protection of Children's Rights and Adoption Report 'Monitoring and Evaluation Tool for the Transition from Institutional Care to Community Care'⁸ actions aimed at reducing the number of children in residential centers and developing better family-type alternatives must continue. The same document highlights that 'the care of children in institutions is based on an individualized protection plan (IPP), but the outcome of the IPP is often determined formally, and the stability of the case manager is not yet strictly ensured.' The report further shows that, despite the existence of procedures, there are still suspicions of abuse, neglect, and exploitation of children within the special protection services, which are not yet prioritized for monitoring nor addressed with the necessary firmness and urgency.

The *National Strategy for the Protection and Promotion of Children's Rights 'Protected Children, Safe Romania' 2023–2027*⁹ states that 'children are still not placed at the centre of development policies at the national level, and for many families with poor resources raising children represents a major challenge, support services being insufficient'.¹⁰

5 The 2020 Country Report on Romania accompanying the document called 'Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank and the Eurogroup European Semester 2020: Assessment of progress on structural reforms, prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No 1176(2011)', Bruxelles, 26.2.2020, COM(2020) 150 final.

6 Stănculescu et al., 2016, p. 42.

7 See: Ministry of Labour and Social Solidarity, 2021. This is part of the project 'Elaborarea planului de dezinstituționalizare a copiilor din instituții și asigurarea tranziției îngrijirii acestora în comunitate' [Development of the deinstitutionalization plan for children in institutions and ensuring the transition of their care into the community; hereinafter referred to as *Project*] – SIPOCA 2, regarding the Development of Plans for the Deinstitutionalisation of Children Without Parental Care and Their Transfer to Community Assistance.

8 Ministry of Labour and Social Solidarity, 2020, p. 11.

9 Official Gazette, Part I No. 942bis of 18 October 2023.

10 Ibid, p. 6.

Moreover, the expenses required for the child protection system are below the European Union (EU) average. The most vulnerable are children from single-parent families or families with many children, Roma children and children with disabilities or from families with adults with disabilities.¹¹

An important element in the organisation of the child protection system is the existence of *the electronic register for social services*: a tool regulated by Romanian legislation to centralize and manage information related to social services provided to citizens. Its purpose is to ensure transparency, accessibility, and efficiency in the administration of social services, as well as to facilitate their monitoring and evaluation by the competent authorities¹². The electronic register of social services is published on the website of the Ministry of Labour and Social Solidarity in MS Excel format and contains data on accredited social service providers and licensed social services, according to Law No. 100/2024 of 16 April 2024 which amends Law No. 197/2012 regarding the assurance of quality in the field of social services.¹³

A positive development worth mentioning is that, in addition to education-related legislation, a new law was adopted in 2023 - Law No. 156/2023 on the organization of activities for the prevention of child-family separation¹⁴. This law establishes the *National Child Observatory*, which encompasses activities carried out using digital tools to register, by local public administration authorities, children at risk of separation from their families.

In Romania the Social Assistance Law No. 292/201 has undergone significant changes in recent years, aimed at improving the social protection of children and responding more effectively to their needs. The essential amendments have targeted several aspects, ranging from the integration of measures to prevent the separation of children from their families to the development of more appropriate services focused on integrating children into the community and protecting their rights.

It should be noted that within the General Directorates of Social Assistance and Child Protection, at least one structure was created in most counties for intervention in situations of violence, and emergency reception centres were also created for

11 See also: Marc and Bacter, 2016, pp. 204–205.

12 In the SPREV Register *Services for the Prevention of Child Separation from the Family*, a mapping of the services and infrastructure available for children at risk of family separation was carried out. The SPREV Register has collected data on the full list of services that Public Social Assistance Services (SPAS) should take into account when planning interventions and new services, in accordance with the law: '(a) services intended to prevent child separation from parents, such as counselling and support centers for parents, etc.; (b) educational services; (c) healthcare services; (d) legal information services; (e) services for children with disabilities; and (f) other services such as social canteens, shelters for victims of domestic violence, premarital counselling for young couples, counselling centers for citizens.' Ministry of Labour and Social Solidarity, 2022a, p. 13.

13 Law No. 100/2024 of 16 April 2024 on amending and supplementing certain normative acts in the field of social assistance, as well as on supplementing Law No. 78/2014 on the regulation of voluntary work in Romania and amending Law no. 272/2004 on the protection and promotion of children's rights, Official Gazette, Part I No. 369 of 18 April 2024.

14 Official Gazette, Part I No. 484 of 31 May 2023.

abused, neglected and exploited children (according to data of the National Authority for the Protection of Children’s Rights and Adoption, some counties have more structures while others have none at all).¹⁵

In Romania, the “child helpline – 119 – has been launched, which can be called by children in vulnerable situations as well as other people who know about abused, exploited or violent children.

2. Core Aim of the National Child Protection System

As numerous specialists have previously pointed out, it is necessary to ensure the provision of support services within the community for families, in order to prevent child abuse and neglect, as well as to implement concrete measures for intervention in situations of risk, abuse, or neglect.¹⁶

The purpose of the child protection system is to protect the child from violence, abuse, neglect or exploitation. This goal can only be achieved through the development of appropriate legal regulations, the adoption of sound policies and the establishment of necessary services to ensure the education, health and well-being of the child.

The special protection of the child represents a set of measures, benefits and services intended for the care and development of the children who are deprived temporarily or permanently of the protection of their parents or of those who, to protect their interests, cannot be left in the parents’ care.¹⁷

Following the UN Guidelines for the Alternative Care of Children, which recommend *that removing a child from family care should be seen as a measure of last resort and whenever possible, a temporary and as short as possible measure*, Romania has adopted a series of legal regulations to ensure the effective child protection.

The main legislative benchmarks regarding child protection are as follows: a) Law No. 272/2004 on the protection and promotion of children’s rights¹⁸; b) Law No. 273/2004 on the adoption procedure¹⁹; c) Law No. 448/2006 on the protection and

15 Roth, Antal and Călian, 2019, p. 14.

16 See: Marin and Stănculescu, 2019, p. 62.

17 Art. 54 of Law No. 272/2004 regarding the protection and promotion of children’s rights, Official Gazette of Romania No. 159 of 5 March 2014.

18 Official Gazette of Romania No. 159 of 5 March 2014.

19 Republished under the provisions of Art. X from Law No. 57/2016 for the amendment and completion of Law No. 273/2004 regarding the adoption procedure, as well as other normative acts. Official Gazette No. 283 of 14 April 2016.

promotion of the rights of persons with disabilities²⁰; d) Law No. 287/2009 – Civil Code²¹; e) Social assistance Law No. 292/2011²²; f) Pre-university education Law No. 198/2023²³

This legal framework is supplemented by government decisions and ordinances or ministerial orders.²⁴

The major objective of the child protection system has been the restructuring of the residential care system and placing greater emphasis on family-based care. The reform is ongoing, with a strong focus on developing services that prevent the separation of children from their families.

3. Guiding Principles of the National Child Protection System

The principles underlying the entire child protection system are (according to Art. 6 of Law No. 272/2004 on the protection and promotion of children's rights) as follows: the respect for and prioritization of the best interests of the child; equal opportunities and non-discrimination; respect for the dignity of the child; provision of individualized and personalized care for each child; protection against abuse, neglect, exploitation, and any form of violence against the child; listening to the child's opinion and taking it into account, considering the child's age and level of maturity; ensuring stability and continuity in the care, upbringing, and education of the child, considering the child's ethnic, religious, cultural, and linguistic background when a protection measure is taken; promptness in making any decision regarding the child; holding parents accountable for exercising their rights and fulfilling their parental duties, and recognizing the primary responsibility of parents for respecting and guaranteeing the rights of the child; decentralization of child protection services, multisectoral

20 Official Gazette No. 1 of 3 January 2008.

21 Republished pursuant to Art. 218 of Law No. 71/2011 for the implementation of Law No. 287/2009 regarding the Civil Code, Official Gazette of Romania, Part I, No. 409 of 10 June 2011, with amendments.

22 Official Gazette, Part I No. 905 of 20 December 2011.

23 Official Gazette Part I No. 613/5.VII.2023.

24 Examples include Government Decision No. 691/2015 for the approval of the procedure for monitoring the manner of raising and caring for children with parents working abroad and the services they can benefit from, as well as for the approval of the working methodology regarding the collaboration between the general directorates of social assistance and child protection and the public social assistance services and the standard model of the documents developed by them; Government Decision No. 354/2021 regarding the amendment and completion of the annex to Government Decision No. 867/2015 for the approval of the nomenclature of social services, as well as the framework regulations for the organisation and operation of social services; Order No. 25/2019 regarding the approval of the minimum quality standards for residential social services intended for children in the special protection system; Order No. 26/2019 regarding the approval of the minimum quality standards for family-type social services intended for children in the special protection system; Order No. 27/2019 regarding the approval of the minimum quality standards for day social services intended for children; Order No. 81/2019 regarding the approval of minimum quality standards for social services organised as maternity centres.

intervention, and partnership between public institutions and authorized private organizations.

Despite the regulation of these principles, with all the efforts made so far, Romania still lacks the capacity to fully implement them.

4. Institutions Responsible for Ensuring the Child Protection System: Modalities of Their Financing

In Romania, *the following institutions have duties for the protection and promotion of children's rights:*

A.N.P.D.C.A. – Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție or the National Authority for the Protection of Children's Rights and Adoption is organised and functions as a specialised body of the central public administration, with legal personality, and it is subordinated to the Ministry of Family, Youth and Equal Opportunities at the central level.

The authority monitors compliance with the principles and rights established by the *Convention on the Rights of the Child* or the *Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption*. It prepares draft normative acts in the field of child protection and adoption, which it submits, through the relevant ministry, to the government for adoption.

This institution has undergone changes in its name and responsibilities over the years. Established in 2001, the *National Authority for the Protection of Child's Rights and Adoption* was renamed since 2005 as the *National Authority for the Protection of Children's Rights*. Duties in the field of adoption were taken over by the *Romanian Office for Adoptions*. In 2009, the *National Authority for the Protection of Children's Rights* was abolished, and the institution's powers were taken over by the *National Authority for the Protection of the Family and the Rights of the Child*. In 2019, *The National Authority for the Rights of Persons with Disabilities, Children and Adoption* was organised, and in 2022, Government Decision No. 233/2022²⁵ came into force, establishing the current structure and responsibilities of the *National Authority for the Protection of Children's Rights and Adoption*.

A.N.P.D.P.D. – Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități or the National Authority for the Protection of the Rights of Persons with Disabilities is the Romanian central authority, subordinate to the Ministry of Labour and Social Solidarity. It plays a role in the coordination of activities for the protection and promotion of the rights of persons with disabilities; elaboration of policies, strategies and standards in the field of protection and promotion of the rights of persons with disabilities; follow-up of the application of regulations in their own field; and control of activities for the protection and promotion of the rights of persons with disabilities,

according to Government Decision No. 234 of 2022²⁶ regarding the powers, organisation and operation of the *National Authority for the Protection of the Rights of Persons with Disabilities*.

It should be noted that this institution has also changed its name and powers. In 2014, the *National Authority for Persons with Disabilities* was established. In 2019, it was reorganised as the *National Authority for the Rights of Persons with Disabilities, Children and Adoptions*, and in 2022, the *National Authority for the Protection of the Rights of Persons with Disabilities* was established.

CPC – Comisiile pentru protecția copilului or Commissions for the Protection of the Child are subordinated to the county council and local councils of the sectors of the city of Bucharest, as their specialised body. They are without legal personality and their organization and functioning are regulated by government decision.²⁷

D.G.A.S.P.C. – Direcțiile Generale de Asistență Socială și Protecție a Copilului or the General Directorates of Social Assistance and Child Protection are subordinate to county councils, and local councils of the Municipality of Bucharest. They are a public institution with legal personality. The D.G.A.S.P.C. have under their control residential institutions that protect children separated from their families.²⁸

SPAS – Serviciile Publice de Asistență Socială or the Public Social Assistance Services are with or without legal personality. They are established under the subordination of the local councils of the municipalities and cities, as well as within the mayor's office at the commune level. Social workers, social assistance technicians, school counsellors and mediators, community medical assistants and health mediators work within them.

SCC – Structuri comunitare consultative or Consultative Community Structures aim to promote the respect of children's rights within their administrative-territorial units, collaborating with the Guardianship Authority and D.G.A.S.P.C. They represent formal or informal associations of local businesspeople, priests, teachers, doctors, local councillors, police officers, and other community members, supporting local public authorities and social service providers in addressing the community's social service needs (Art. 6 letter n) of Social Assistance Law No. 292/2011).

DAS – Direcțiile de asistență socială cu Serviciul protecția copilului și Autoritate tutelară or the Departments of Social Assistance with the Child Protection Service and Guardianship Authority undertake all the necessary measures for early detection of risk situations that may cause child-parent separation and to prevent abusive parental behaviours and domestic violence. They identify and evaluate situations requiring the provision

26 Official Gazette, Part I No. 165 of 18 February 2022.

27 Government Decision No. 502/2017 of 13 July 2017 regarding the organisation and operation of the child protection commission, Official Gazette No. 596 of 25 July 2017.

28 Government Decision No. 797/2017 of 8 November 2017 for the approval of the framework regulations for the organisation and operation of public social assistance services and the indicative personnel structure, Official Gazette No. 920 of 23 November 2017.

of services and benefits to prevent child separation from the family and prepare service plans for approval by the mayor.

OPA – Organisme private or Private Organisations are private legal entities, without profit purposes, established and accredited according to the law, conducting activities in the field of child rights protection and special protection.

Avocatul Poporului or the Ombudsman is an institution that aims, among other things, to defend the rights and freedoms of children in their relations with public authorities to promote and improve the condition of the child. Since 2018, the institution has had a specific domain dedicated to defending, protecting, and promoting children's rights, known as the *Child's Advocate*, created at the proposal of the Save the Children organization and supported by the National Authority for the Protection of Children's Rights and Adoption.

MMSS – Ministerul Muncii și Solidarității Sociale or the Ministry of Labour and Social Solidarity was established by Government Decision No. 23/2022, and it is organised and functions as a specialised body of the central public administration, subordinate to the Government. It has a legal personality and engages in synthesis and coordination of the application of the government's strategy and policies in the fields of work, family, equal opportunities and social protection. It has also operated under the following names: Ministry of Labour and Social Solidarity; Ministry of Labour, Social Solidarity and Family; Ministry of Labour, Family and Social Protection; Ministry of Labour and Social Justice; and Ministry of Labour and Social Protection.

Ministerul Familiei, Tineretului și Egalității de Șanse or the Ministry of Family, Youth and Equal Opportunities is organised and operates through Government Decision No. 22/2022 as a specialised body of the central public administration. It has a legal personality and is subordinate to the government. It ensures coordination of the implementation of the government strategy and policies in the areas of family policies, youth, protection of children's rights, adoption and domestic violence and equal opportunities for women and men.

In 2025, the Ministry of Labor absorbed the Ministry of Family and now operates under the name *Ministerul Muncii, Familiei, Tineretului și Solidarității Sociale or the Ministry of Labour, Family, Youth and Social Solidarity*, established by Government Decision No. 29/2025. The Ministry of Labour, Family, Youth and Social Solidarity develops national policies, aligned with those at the European and international levels, in its areas of activity, fulfilling the role of state authority in terms of strategy and planning, regulation, synthesis, coordination, monitoring, inspection, and control.

In Romania, *social services* can be provided by both *public and private providers*. *Social service providers*, according to Art. 37 of the Social Assistance Law, as amended by Law No. 100/2024, include the following: a) legal persons governed by public law, who have legally established attributions for the provision of social services; b) natural or legal persons governed by private law, whether profit-making or not-for-profit, who have stipulated in their deed of establishment/statutes the provision of social services as classified in the Nomenclature of Social Services.

The procedure for the accreditation of social service providers started at the beginning of 2014, based on the provisions of Law No. 197/2012 for ensuring quality in the field of social services, with subsequent amendments and additions. At the national level, a social services registry system is organized, which includes data and information related to social services – Art. 43 Para. (2) of Social Assistance Law No. 292/2011.

Public service providers can be the following: a) specialized structures within/subordinated to local public administration authorities and executive authorities of administrative-territorial units organized at the level of communes, cities, municipalities, and sectors of the municipality of Bucharest; b) central public administration authorities or other institutions under their subordination or coordination that have legal duties regarding the provision of social services for specific categories of beneficiaries; c) healthcare units, educational units, and other public institutions that develop integrated social services at the community level.

Private service providers can be the following, according to the law: a) non-governmental organizations, namely associations and foundations; b) religious organizations recognized by law Natural persons authorised under the law; c) individuals authorized in accordance with the law Profit-making economic operators; d) branches and subsidiaries of international associations and foundations recognized in accordance with the current legislation; e) economic operators, under special conditions provided by law

On 11 July 2024, there were 4,002 accredited social service providers: 1,639 public providers (41.0%) and 2,363 private providers (59.0%).²⁹ In contrast, on 10 July 2023, 3,745 social service providers were accredited in accordance with the legal provisions. Depending on the legal organisation's regime, 1,510 public providers (40.3%) and 2,235 private providers (59.7%) were accredited.³⁰

At the *central level*, attributions in the field fall to the Ministry of Labour and Social Solidarity, and at the *local level*, the organisation, administration and provision of social services fall to the local public administration, namely the county councils through the General Directorate of Social Assistance and Child Protection and town halls through public social assistance services. Services outsourced to NGOs, religious institutions or other natural and legal persons under public or private law can be used.

The *annual action plans* of local public administration authorities are carried out in accordance with the measures and actions provided for in the social services development strategy approved by the county and local councils. These plans must include detailed data on the number and categories of beneficiaries, existing social services, social services proposed to be established, the programme for contracting

29 Ministry of Labour and Social Solidarity, 2024b, p. 20.

30 Ministry of Labour and Social Solidarity, 2023b, p. 24.

services from private providers, the subsidy programme and the estimated budget and funding sources³¹.

The *financing of social services*, in accordance with the law, is provided from the local budget, from the contribution of the beneficiary and/or, as the case may be, their family, the state budget, as well as from other sources – Art. 39 letter c) of Social Assistance Law No. 292/2011. Social assistance is financed from funds allocated from the state budget; local budgets; donations; sponsorships or other contributions from individuals or legal entities, both domestic and foreign; from beneficiaries' contributions; European funds; as well as other sources, in compliance with the relevant legislation and within the limits of available financial resources.³²

Day-care services for children receive funding from the local budget, and funding for the services of authorised private bodies can be provided from own sources. Through the relevant ministry, they can grant funding for capital investment and repairs to day-care and residential centres of both public and private providers.

Social assistance benefits, depending on their purpose, are classified as follows: a) social assistance benefits for the prevention and combating of poverty and the risk of social exclusion; b) social assistance benefits for supporting the child and family; c) social assistance benefits for supporting people with special needs; d) social assistance benefits for special situations.

Social assistance benefits are granted in cash or in kind and include allowances, indemnities, social aid, and facilities (Art. 9 of Social Assistance Law No. 292/2011).

Prevention of the child's separation from his or her family, as well as special protection of the child deprived, temporarily or permanently, of the protection of his or her parents is financed by the following sources (Art. 132 of Law No. 272/2004 on the protection and promotion of the rights of the child):

1. *State budget* – within the limits of amounts allocated from certain state budget revenues approved for this purpose by the annual budget laws, distributed by counties, based on proposals made by the Ministry of Labour, according to the cost standards for social services, approved by Government decision
2. *County budget*, respectively the budget of the Bucharest municipality sector – to supplement the funding from the state budget for covering the expenses of organizing and operating services, from its own revenues or from amounts allocated from certain state budget revenues for balancing local budgets;
3. *Local budget of communes, cities, and municipalities*;
4. *Donations, sponsorships, and other private forms of financial contributions, allowed by law.*

The Ministry of Labour and Social Solidarity (as of 2025, referred to as *Ministry of Labour, Family, Youth and Social Solidarity*) can finance programmes of national interest for the protection and promotion of children's rights, from funds allocated from the state

31 Art. 118 of Social Assistance Law No. 292/2011.

32 According to the provisions of Art.128 of Social Assistance Law No. 292/2011.

budget for this purpose, external reimbursable and non-reimbursable funds and other sources, in accordance with the law.³³

In 2024, the Ministry of Labour and Social Solidarity through the budget of the National Agency for Payments and Social Inspection spent a total of 43.334 million lei in the first quarter for financing social services. This amount represents a 32.5% increase compared to the same period in 2023³⁴. The amount spent from the Ministry of Labour and Social Solidarity budget in 2022, through the budget of the National Agency for Payments and Social Inspection, to finance social services was 27,768,014 lei, which was 5,656,240 lei (25.6%) higher than that in 2021.

In addition to public institutions at the county or local level, private services or interventions carried out by NGOs, religious cults and volunteers can be identified.³⁵ NGOs are already developing early intervention and support services for children at risk, by cooperating with local public administration authorities. For example, some NGOs are established to support children with special needs and their families.

Voluntary activities, as well as material support, can also be carried out through the community and by involving specialists gathered in the Consultative Community Structure. The consultative community structures include, but are not limited to, local businesspeople, priests, teachers, doctors, local councillors, and police officers. The role of these structures is both to solve specific cases and to respond to the overall needs of the respective community. The mandate of the consultative community structures is established through acts issued by the local public administration authorities. To fulfil the role for which they were created, consultative community structures will benefit from training programmes in the field of social assistance and child protection (Art. 114 of Law 272/2004 on the protection and promotion of children's rights).

To prevent or limit certain situations of difficulties; combat poverty and social exclusion of children, families and individuals who do not have the necessary resources to meet a minimum standard of living; and ensure their access to fundamental rights, such as the right to housing, education, healthcare, services to increase the chances of employment for people seeking employment, the public social assistance service provides the minimum package of social assistance, in accordance with Art. 54 of Social Assistance Act No. 292/2011.

5. The Child at Particular Risk: Necessary Interventions

According to Council Recommendation (EU) 2021/1004 of 14 June 2021³⁶ that establishes a *European Child Guarantee*, Member States must identify *children in difficulty*.

33 Ministry of Labour and Social Solidarity-National Authority for the Protection of Children's Rights and Adoption, 2022b, p. 26.

34 AGERPRES, n.d.

35 For more details, see the following report: Ministry of Labour and Social Solidarity, 2021a.

36 OJEU L 223/14 22.6.2021.

Within this group of children, they must consider the development of integrated national measures for the specific forms of disadvantages the children face. This group includes children who: are homeless or face severe homelessness; have disabilities; have mental health problems; come from a migration context or have a minority ethnic origin, especially Roma; are in alternative care, especially those who are institutionalised; and are in vulnerable family situations.

*In Romania, the child protection system mainly addresses children who:*³⁷ are from poor communities; are at risk of separation from their parents; are separated from their parents, including children whose parents are away working abroad; are abandoned in health facilities; are abused, neglected or exploited, including those who are trafficked, labour-exploited, sexually exploited and exposed to illegal migration; are unaccompanied in the territory of other states, repatriated, refugees and street children; have committed criminal acts but are not criminally liable; have disabilities, are HIV-infected or AIDS patients or have serious chronic diseases; belong to ethnic minorities; and are children/youth beneficiaries of a protective measure.

To respect the best interests of the child, the Romanian law (Art. 2 para. 6 of Law No. 272/2004 on the protection and promotion of children's rights) imposes several criteria to be considered, such as the following: a) needs of physical, psychological, education and health development; security and stability; and belonging to a family; b) opinion of the child, depending on the age and degree of maturity; c) history of the child, particularly considering the situations of abuse, neglect, exploitation or any other form of violence against the child, as well as potential risk situations that may occur in the future; d) ability of the parents or persons who will take care of the child's upbringing and care to respond to his or her concrete needs; e) maintenance of personal relationships with persons with whom the child has developed attachment relationships

State intervention is necessary for children exposed to or victims of any form of violence, within or outside the family. These children are offered information, social, psychological, family, and legal counselling, and monitoring services. All suspicions or cases of abuse and/or neglect must be reported to the County Directorates for Social Assistance and Child Protection.

The institutions and public services with responsibilities are the ministries and other authorities at the central level, public social assistance services, public health departments, medical services, General Directorate of Social Assistance and Child Protection, school inspectorates and school units.

Public social assistance services are required to prioritize identifying children in a *risk situation* – a situation or inaction that may affect the child's physical, mental,

37 For details, see also: Onica-Chipea, 2014, p. 258.

spiritual, moral, or social development, within the family or community, for a determined period³⁸.

The risk situation requires the analysis of several elements, including the economic and social situation of the family, level of education, state of health, living conditions and existence of risky behaviours among the child's family members.

As regulated in Art. 7 of Government Decision No. 691/2015, the public social assistance service will identify the risk situation to which the child may be subjected and will use an observation sheet and a risk identification sheet. People at the local level, by the nature of their profession, can come into contact with the child – namely the local police officer, family doctor, teaching staff, medical assistant, school mediator, health mediator and assistant medical community. They can have suspicions regarding the existence of a risk situation and complete the observation sheet according to the legal powers and send it within a maximum of 48 hours to the public social assistance service of the administrative-territorial unit in which they operate.

For planning such interventions, Public Social Assistance Services are obliged to draw up a list of existing local resources, including potential partners at the local and county level and active service providers in the community, as well as available financial benefits and social, educational, medical, legal, public, or private services (Art. 9 of Government Decision No. 691/2015).

Romania continues to have the highest child poverty or social exclusion rate in the EU, with 41.5% of children – around 1.5 million – affected by family income insufficiency, social and educational isolation, lack of adequate nutrition, and limited access to quality socio-educational and health services³⁹. This makes *prevention services* extremely important, aiming to support children who are abused, neglected, exploited, living in poverty or precarious conditions, or in disorganized or criminal households.

Children may be subjected to physical, emotional, sexual abuse, neglect, or exploitation through labour or forced into criminal activities. Cases of physical and sexual abuse, neglect, and labour exploitation are more frequent in rural areas.

The *most common causes of child-family separation*, accounting for 55% of cases, are related to neglect, abuse, or exploitation, while 26% are due to social causes such as poverty, inadequate housing, disorganized families, underage parents, excessive alcohol or substance use, or promiscuous or criminal adult behaviour⁴⁰.

38 The risk situation is, by definition, *any situation, measure or inaction that affects the physical, mental, spiritual, moral or social development of the child, in the family or in the community, for a determined period of time* (Art. 2 letter g) from Government Decision No. 691/2015, for the approval of the procedure for monitoring the way of raising and caring for children with parents working abroad and the services they can benefit from, as well as for the approval of the working methodology regarding the collaboration between the general directions of social assistance and protection of the child and the public social assistance services and of the standard model of the documents elaborated by them, Official Gazette No. 663 of 1 September 2015).

39 Save the Children, 2022.

40 Ministry of Labour and Social Solidarity, 2022a, p. 11.

Romania has adopted the *National Action Plan for the European Child Guarantee*, committing to invest over 19 billion euros in accessible and quality services for vulnerable children. The European Child Guarantee is a recommendation from the Council of the European Union, adopted in 2021, to ensure that all Member States take the necessary actions to ‘guarantee’ that all children in the European Union, particularly the most vulnerable, have access to quality services that are free or affordable, in order to combat poverty and social exclusion⁴¹.

From 1 January to 31 December 2024, the National Authority for the Protection of Children’s Rights and Adoption reported 20,216 cases of *abuse, neglect and exploitation*. Of these, 2,413 children were physically abused, with 283 children placed in emergency care; 2,817 were emotionally abused; 1,865 were sexually abused; 12,740 were neglected, with 2,218 ordered for emergency placement; 216 were labour exploited; 66 were sexually exploited; and 99 were exploited for committing crimes. During the same period in 2023, 15,503 cases of child abuse, neglect and exploitation were reported. The children benefited from psychological counselling, psychotherapy and other therapies, medical services, school reintegration, vocational guidance and training and legal advice/assistance.⁴²

Intervention in cases of children in risk situations must be rapid, effective, and based on an individualized protection plan.

Recommendations: children in risk situations must benefit from an educational system that provides not only knowledge but also emotional and social support; access to healthcare services must be free or financially accessible; local authorities must intervene to ensure adequate housing and to prevent the risk of family abandonment or separation of the child from the family; children who are victims of abuse or exploitation must be protected through clear legal measures – the intervention must include removing the child from the abusive environment, emergency placements, and legal counselling to ensure the child’s rights are upheld; educational programs for parents, interventions in poor or vulnerable communities, and awareness campaigns regarding abuse and exploitation are essential for preventing the emergence of risks.

6. Children With Disabilities in the Child Protection System

The group of persons with disabilities can be considered one of the most exposed to the risk of poverty or social exclusion in Romania.⁴³

It is well known that the child protection system faces numerous issues related to children with disabilities, who do not have uniform access across the country to

41 UNICEF, n.d.

42 Ministry of Labour, Family and Social Solidarity - National Authority for the Protection of Children’s Rights and Adoption, 2024f.

43 Bihor County Council, 2024, p. 14.

the necessary resources, technical means, or adequately trained personnel to ensure that their rights are respected (public social assistance services need both personnel and specialized training). Key objectives remain the promotion and protection of the rights of children with disabilities, the continued deinstitutionalization of children with disabilities, and ensuring a smooth transition within the protection system for young people with disabilities – from institutional care to community-based care and integration.

6.1. Internal and International Contexts

*The Convention on the Rights of Persons with Disabilities*⁴⁴ recognises in Art. 19 ‘the equal right of all persons with disabilities to live in the community, with choices equal to others. It also reinforces ‘the need to promote and protect the human rights of all persons with disabilities, including those who need more support’. According to the provisions of the convention, the right to independent living and inclusion in the community must be guaranteed for all persons with disabilities, regardless of their level of intellectual capacity, degree of autonomy, or support needs.

Regarding *children with disabilities*, Art. 23 para. 5 of the *Convention on the Rights of Persons with Disabilities* states that ‘States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.’

Non-family care (e.g. residential care) ‘should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests’.⁴⁵

Art. 17 of the *European Social Charter*⁴⁶ stipulates that the states shall take ‘all appropriate and necessary measures designed to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family’s support’. Children who belong to vulnerable categories, such as children with disabilities, should not be placed in children’s centres, but alternative forms of non-institutional and family-type care should be utilised in practice (the European Committee for Social Rights considers it a violation of Art. 17 of the European Social Charter⁴⁷).

Article 50 of the *Romanian Constitution* enshrines the right of persons with disabilities to benefit from special protection, in accordance with the provisions of the 2007 New York Convention on the rights of persons with disabilities. Romania adopted in 2016 the *National Strategy ‘A Society Without Barriers for People with Disabilities’*

44 Convention on the Rights of Persons with Disabilities, 13 December 2006, Art. 23 (5), ratified by Romania through Law No. 221/2010, Official Gazette No. 792 of 26 November 2010.

45 United Nations, General Assembly, 2010, para. 21.

46 Council of Europe, 1996, Art. 17. para. 1 point c).

47 *European Committee of Social Rights, European Roma Rights Centre (ERRC) and Mental Disability Advocacy Centre (MDAC) v. Czech Republic*, Complaint No. 157/2017, 17 June 2020 [Online]. Available at: <https://hudoc.esc.coe.int> (Accessed: 27 October 2023).

2016–2020, which aimed to implement *The Convention on the Rights of Persons with Disabilities*, but its implementation was limited.

The *Constitutional Court*⁴⁸ has ruled that any protective measure must be proportionate to the degree of capacity, tailored to the person's life, applied only if other measures cannot provide sufficient protection, based on the individual's will, applied for the shortest time possible, and reviewed periodically.

Children with disabilities in Romania, according to Art. 71 of Social Assistance Law No. 292/2011 have the right to support and care measures tailored to their needs. They benefit from social services intended to facilitate the effective and non-discriminatory access of the child with disabilities to education, professional training, medical assistance, recovery, preparation for employment, recreational activities and any other activities capable of enabling their full social integration and personal development. These services are also intended for the parents of such children or for persons to whom the children have been entrusted under foster care or legal guardianship.

In Romania, *respite centers* have been established which, by providing temporary support, contribute to preventing the institutionalization of persons with disabilities, encouraging their care within the family or community. Respite centers are social services designed for persons with disabilities, especially children with disabilities, aimed at providing a break for their families, allowing them to recharge, regain their energy, or fulfil other responsibilities.

To *deinstitutionalise people with disabilities* in old-style institutions and prevent the institutionalisation of people with disabilities in the community, several programmes of national interest were started. These include establishment of the following:⁴⁹ a) social services in the form of day-care centres⁵⁰; b) social services such as day centers, /crisis centers, and supported housing, aimed at the deinstitutionalization of persons with disabilities living in outdated institutional settings, and at preventing the institutionalization of persons with disabilities from the community⁵¹; c) social services to ensure the transition of young people with disabilities from the special child protection system to the adult disability protection system⁵²

Additionally, Government Decision No. 1444/2022 approved the '*Data collection and monitoring mechanism for the implementation of the UN Convention on the rights of persons with disabilities and for the modification and completion of some normative acts.*'

48 Decision No. 601 of July 16, 2020 regarding the exception of unconstitutionality of the provisions of Art. 164 para. 1 of the Civil Code, point 34, published in the Official Gazette No. 88 of 27 January 2021 [Online]. Available at: <https://www.ccr.ro> (Accessed: 20 October 2023).

49 Ministry of Labour and Social Solidarity - National Authority for the Protection of the Rights of Persons with Disabilities (2022d) 'Raport de activitate pentru anul 2022', pp. 21-24 [Online]. Available at: <https://anpd.gov.ro/web/despre-noi/rapoarte-si-studii/rapoarte/> (Accessed: 27 October 2023).

50 Official Gazette, Part I No. 501 of 20 May 2022.

51 Government Decision No. 1205/2022 for the amendment of the annex to Government Decision no. 798/2016 and annexes to Government Decision No. 193/2018, Official Gazette No. 979 of 7 October 2022.

52 Government Decision No. 1205/2022.

Through this mechanism, the authorities will have appropriate information, including statistical and research data, to formulate and implement policies leading to the implementation of the UN Convention.

With the adoption of the *National strategy regarding the prevention of institutionalisation of adults with disabilities and the acceleration of the deinstitutionalisation process, for the period 2022–2030*, the need for deinstitutionalisation and respect for the right to independent life was recognised.⁵³

*The National Strategy for the Rights of Persons with Disabilities ‘An Equitable Romania,’ 2022–2027*⁵⁴ was adopted to ensure implementation of the UN Convention in Romania and, implicitly, of the national framework to fully exercise all rights and fundamental human freedoms by all persons with disabilities under equal conditions.

Among the *principles* listed in this *Strategy*, we mention the following: non-discrimination and equal treatment, equal opportunities, transparency, accessibility of information and data, the principle of integrated approach, respect for inalienable dignity, individual autonomy, full and effective participation and integration in the society, respect for diversity and acceptance of people with disabilities, respect for the developmental capacities of children with disabilities and/or *special educational needs* (SENs) and effectiveness of the use of funds. SENs represent additional educational needs, complementary to the general objectives of education, which are adapted to individual particularities and characteristics of a certain deficiency/disability, learning disorders/difficulties or difficulties of another nature, as well as complex medical, social and/or educational assistance.⁵⁵

6.2. Benefits and Forms of Support for Children With Disabilities and Special Needs

It is necessary to ensure a minimum income in the form of financial benefits for children, together with access to health, education and protection services.

In Romania, the following *financial benefits* are granted for children with disabilities and their families:⁵⁶

1. *Allowance for the care of a child with disability* aged 3–7 years in the amount of 1,496 lei starting from 1 March 2023 and 1,651 lei from January 2024
2. *Compensatory allowance for people who support a child with (severe or accentuated) disability* until the age of 18 years and opt for a reduced working schedule of 4 hours,⁵⁷ in the amount of 826 lei from January 2024

53 ‘National Strategy of December 19, 2022 regarding the prevention of the institutionalization of adults with disabilities and the acceleration of the deinstitutionalization process, for the period 2022–2030’, Official Gazette No. 1249 bis of 23 December 2022.

54 Ministry of Labour and Social Solidarity, 2022c. (Government Decision No. 490/2022 for the approval of the National Strategy for the Rights of Persons with Disabilities ‘An Equitable Romania’, 2022–2027).

55 Pre-university Education Law No. 198/2023, Official Gazette Part I No. 613/5.VII.2023.

56 Ministry of Labour and Social Solidarity, 2024b, pp. 1–19.

57 According to the provisions of Art. 32 para. 1 letter a) of Emergency Ordinance No. 111/2010 regarding leave and monthly allowance for raising children, Official Gazette No. 830 of 10 December 2010.

3. *Monthly support granted to a person with a severe disability* who does not earn any other income apart from the social assistance benefits intended for people with disabilities, for a child aged 0–3 years, in the amount of 743 lei from January 2024
4. *Monthly support granted to the person with a disability* who does not earn any other income apart from the social assistance benefits intended for people with disabilities, for a child aged 3–7 years in the amount of 578 lei from January 2024
5. *Monthly support granted to the person who does not meet the conditions provided by law for the granting of parental leave*, for a child with disability aged 3–7 years in the amount of 248 lei from January 2024
6. *Monthly support for the person with a severe disability who does not meet the conditions provided by law for the granting of parental leave* and who has a dependent child aged up to 2 years, in the amount of 743 lei from January 2024
7. *Monthly support for the person with a severe or pronounced disability who does not meet the conditions provided by law for the granting of parental leave* and who has a dependent child aged 2–7 years, in the amount of 248 lei from January 2024.

Children with SENs schooled in mass education units or in special, state and private education units, including those schooled in a county other than their home county, benefit from one of the following *forms of support* during the school year: educational vouchers in a fixed amount for support services, psycho-pedagogical interventions and support materials, from the state budget in amounts broken down from some revenue of the state budget; full social assistance, consisting of daily allowance of food, school supplies, weapons, clothing and footwear, in an amount equal to that for children in the child protection system, as well as free accommodation in boarding schools within the general county/Bucharest municipality directorates for social assistance and child protection

Children with severe disabilities have the right to a personal assistant. This can be one of the parents, another family member or a person designated by the relatives. The personal assistant is employed by the General Directorate of Social Assistance and Child within the local municipality to which the child’s family belongs. A minor with a severe disability benefits from a companion allowance in the amount of 2,574 lei (starting from 01 January 2025) or the hiring of a personal assistant (for minors classified with the disability “Severe – with personal assistant”). The monthly social benefit is 463 lei from June 2024.

Children classified with an accentuated degree of disability do not benefit from a personal assistant, and the monthly social benefit is 232 lei from March 2024.

Children with medium disabilities benefit from a monthly social benefit of 80 lei from March 2024.

The state allowance of 719 lei and free medical assistance are other benefits for children with disabilities.

Parents of children with disabilities, whose own monthly net income is less than or equal to 2,210 lei, can benefit from social cards for purchasing basic food items.

Additionally, the legal representatives of children with severe or accentuated disabilities are exempt from paying taxes for the residential building, the land associated with it, and one means of transportation. The legal representatives of children with severe and accentuated disabilities can also benefit, upon request, from a card-identifier for free parking spaces in specially designated public areas or exemption from paying the toll for the use of the national road network based on the road tax.

Children with disabilities and SENs should be granted access to inclusive education within the community, ensuring equal opportunities alongside their peers, thereby enabling them to achieve their fullest developmental potential.⁵⁸ *Special education* is regulated by Art. 68 of the Pre-University Education Law No. 198/2023 which governs both special and integrated special education. This form of education is tailored for children with various disabilities – mental, psychological, intellectual, sensory, physical, motor, neuromotor – as well as those with emotional, neurodevelopmental disorders, social maladaptation, or chronic, genetic conditions. For children requiring hospitalization exceeding four weeks, a flexible educational model known as – *The hospital school* – is available. For children with SENs who, for medical reasons or a disability, cannot be moved, home schooling can be organised for a certain period.

In pre-school education⁵⁹, special education is organised in the form of *early intervention groups* for children with SENs due to physical, intellectual and/or sensory disabilities; emotional disorders; neurodevelopment or social maladjustment; or any other disease, disorder or chronic genetic condition. Specific recovery and compensatory therapies are provided, along with specialized services such as social, medical, and psychological assistance, psycho-pedagogical counseling, audiometry, and speech therapy, all tailored to the specific educational needs of the children. The organization of these services, the therapies, and early intervention programs are regulated by a methodology approved through a joint order of the Minister of Education, the Minister of Health, and the Minister of Family, Youth, and Equal Opportunities.

Children and young people with disabilities and/or special educational needs, integrated into mainstream education, benefit from educational support provided, on a case-by-case basis, by support and itinerant teaching staff.

The financing of special and special integrated education is ensured from amounts allocated from certain revenues of the state budget, through the local budgets of county councils and the sectors of the Municipality of Bucharest, regardless of the domicile of the children, based on a management contract.

58 Ministry of Labour and Social Solidarity, 2022c, p. 7. (Government Decision No. 490/2022 for the approval of the National Strategy for the Rights of Persons with Disabilities ‘An Equitable Romania’, 2022-2027).

59 Art. 69 of Pre-university Education Law No. 198/2023.

6.3. System Deficiencies

The promotion and enforcement of the rights of persons with disabilities fall mainly to under the responsibility of local public administration authorities where the person with a disability has their domicile or residence, and secondarily and complementarily, to the central public administration authorities, civil society, and the family or legal representative of the person with a disability, in accordance with the provisions of Art. 7 of Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities.

Although these rights are legally regulated, it is not enough, for example, to guarantee access to education for a child with disabilities if this goal cannot be achieved due to the lack of conditions adapted to their needs. Some children with disabilities require physiotherapy or speech therapy in order to learn, or the presence of assistants to help them.

According to some reports, there are very few support teachers; on average, there is one support teacher for every 47 children with disabilities enrolled in mainstream education.⁶⁰

For children with intellectual, mental or visual disabilities, there are no learning materials adapted to their special needs.

Playgrounds are also not adapted for children with physical disabilities. In reality, children with disabilities have great difficulties accessing housing, schools or other institutions, compared to those without disabilities.

According to a document prepared by the National Authority for the Protection of Children's Rights and Adoption and the World Bank in 2021, of the 1,442 institutions checked, including courts, employment agencies, pension houses, health insurance houses, schools, or police stations, most had issues with accessibility for persons with disabilities (lack of access routes into buildings, absence of ramps, lack of accessible bathrooms). Moreover, public transportation is very hard to access because it is not adapted to their needs. Schools are not adapted to the needs of children with disabilities, with 1 in 5 schools lacking an access ramp. Few children with special educational needs receive the necessary support services to participate in and benefit from quality mainstream education, and as a result, they achieve much lower educational levels than the average⁶¹.

6.4. Obligations Concerning a Young Person With Disabilities Who Turned 18 and Left the Protection System

A young person with a disability who has been part of the child protection system to a smooth transition into the adult disability protection system, to be ensured by the responsible public authorities (the measures are provided by Art. 30 of Law 448/2006 on the protection and promoting the rights of people with disabilities).

60 See: Grigoraş et al., 2021, p. 24.

61 Ibid., pp. 19, 54 and 242.

At the request of a child with disabilities who was placed under guardianship or foster care with a family or individual, if they are not enrolled in education or vocational training upon reaching 18 years of age, they may remain under the care of that family or individual for an additional 3 years-with the consent of the family or person with whom the child was placed under guardianship.

Within the framework of the project implemented by the National Authority for the Rights of Persons with Disabilities, Children and Adoptions called '*Progress in Ensuring the Transition from Care in Institutions to Care in the Community*', a monitoring and evaluation tool was developed to assess the status of the transition from institutional to community care. The monitoring system enables the analysis of the transition from institutional care for children deprived of parental care to community-based care, based on four main objectives: (a) closure of foster care centres, as every child must grow up in a family; (b) development of alternative services to care in placement centres, especially those of the family type, both numerically and from the point of view of quality; (c) strengthening case management to ensure the quality and appropriateness of protection services; and (d) development of prevention and support services within the community to reduce institutionalization and encourage reintegration into families.⁶²

6.5. Statistics on Children With Disabilities in Romania

On 31 December 2024, the *total number of persons with disabilities* reported in Romania, was 960,428 persons. Of these, 944,280 persons are cared for by their families and/or live independently (non-institutionalised) and 16,148 persons are in public residential social assistance institutions for *adults* with disabilities (institutionalised)⁶³.

At the end of 2024, 86,210 *children with disabilities* were registered⁶⁴, none of whom were institutionalised. By comparison in 2023, there were 78,587 children with disabilities, of whom: 2,192 in 2023 (2,150 in 2024) were classified with mild disabilities; 16,820 in 2023 (18,671 in 2024) were classified with moderate disabilities; 10,788 in 2023 (11,711 in 2024) had with marked disabilities, and 498,787 in 2023 (53,678 in 2024) had severe disabilities.

The distribution of children with disabilities by age group was as follows:

1. Children classified with mild disabilities:
 - 0–2 years: 619 in 2023 (527 in 2024)
 - 3–6 years: 664 in 2023 (672 in 2024)
 - 7–13 years: 506 in 2023 (611 in 2024)
 - 14–17 years: 284 in 2023 (340 in 2024)
3. Children classified with moderate disabilities:
 - 0–2 years: 2,097 in 2023 (2,343 in 2024)

62 Ministry of Labour and Social Solidarity, 2020, p. 11.

63 Ministry of Labor, Family, Youth and Social Solidarity-National Authority for the Protection of the Rights of Persons with Disabilities, 2024, p. 2.

64 Ministry of Family, Youth and Equal Opportunities-National Authority for the Protection of Children's Rights and Adoption, 2024e.

- 3–6 years: 4,791 in 2023 (4,047 in 2024)
 7–13 years: 6,965 in 2023 (7,374 in 2024)
 14–17 years: 4,728 in 2023 (4,907 in 2024)
3. Children with marked disabilities:
 0–2 years: 995 in 2023 (1,058 in 2024)
 3–6 years: 2,566 in 2023 (2,821 in 2024)
 7–13 years: 4,552 in 2023 (4,903 in 2024)
 14–17 years: 3,034 in 2023 (2,929 in 2024)
4. Children with severe disabilities:
 0–2 years: 3,244 in 2023 (3,220 in 2024)
 3–6 years: 12,495 in 2023 (14,363 in 2024)
 7–13 years: 21,122 in 2023 (22,192 in 2024)
 14–17 years: 12,666 in 2023 (13,183 in 2024)

In 2024, of the total 1,237 residential services, 269 residential services (25 public residential services and 12 private residential services) were intended for children with disabilities. The number of children benefiting from special protection measures in these services for children with disabilities was 2,713 on 31 December 2024, a decrease of 259 children compared to the same period in 2023.

At the end of 2023, out of the total of 1,274 *residential services*, 270 residential services (258 *public* and 12 *private* residential services) were intended for children with disabilities. By 31 December 2023, 2,972 children had benefited from a special protection measure in these services intended for children with disabilities, a decrease of 409 children compared to the same period in 2022. In 2022, of the 1,308 *residential services*, 284 residential services were for children with disabilities, compared to 269 public and 12 private residential services in 2021. By 31 December 2022, 3,381 children had received special protection measures through these services for children with disabilities, a decrease of 388 children compared to the same period in 2021.⁶⁵

According to the National Authority for the Protection of Children's Rights and Adoption, by 1 January 2022, the public social assistance services reported that there were 149 recovery centres for children with disabilities in 97 administrative-territorial units. There is still a rather large imbalance between centres in the urban environment (132) compared to those in the rural environment (17). Thus, children from marginalised rural areas do not have access to recovery centres, as they do not have the means to travel to them.⁶⁶

According to the statistics of the National Authority for the Protection of the Rights of Persons with Disabilities, we can follow the evolution of the reported number of

65 Ministry of Labor, Family, Youth and Social Solidarity-National Authority for the Protection of Children's Rights and Adoption, 2023, p. 2.; Ministry of Labor, Family, Youth and Social Solidarity, 2022b, p. 2.

66 Ministry of Labour and Social Solidarity, 2022a, p. 17.

children with disabilities:⁶⁷ 1993: 11,466 children; 2003: 56,886 children; 2013: 60,993 children; 2023: 77,053 children; 2024: 87,577 children.

Moreover, 4,349 children with disabilities were institutionalised in 1993; this number was 568 children in 2003 and none in 2024.

The protection of children with disabilities is especially important to ensure that they become integrated adults who live with dignity.

7. Structure of the Child Protection System

7.1. Basic and Special Services for the Welfare of Children in Personal Care

According to the legislation in force, children have the right to social assistance and social insurance. If the parents or persons who, according to the law, have the obligation to support the child are unable, for reasons beyond their control, to meet the child's basic needs for housing, food, clothing, and education, the state, through the competent public authorities, is obliged to provide appropriate support in the form of financial benefits, in-kind benefits, as well as services, in accordance with the law. Local public administration authorities have also the obligation to inform parents and children about the rights they have, as well as the way of granting social assistance and social insurance rights.

The minimum package of social services for the child and family,⁶⁸ which must be provided by the central and local public administration authorities, consists of basic and information services in the field of health, education and social protection, including the following: identifying situations that can lead to marginalisation or social exclusion and assessing them; providing information and counselling; accompaniment, assistance and monitoring.

The aim of the minimum services package is to guarantee every child's right to survival, development and protection, as well as to combat and prevent poverty, violence, disease and school dropout. The minimum package of services is provided by a mixed, multidisciplinary team, formed at the level of the administrative-territorial unit. It comprises a social assistant/social worker, a community medical assistant, a school counsellor, and a health or school mediator, as the case may be.⁶⁹

Regarding the *right to education*, children benefit from early education, which, according to the Pre-University Education Law No. 198/2023, is carried out through nurseries and kindergartens that are part of the national pre-university education system. They provide integrated education services and annual assessments for

67 Ministry of Labour and Social Solidarity-National Authority for the Protection of the Rights of Persons with Disabilities, 2024a.

68 Regulated by Law No. 231 of 5 November 2020 for the amendment of the Social Assistance Law No. 292 of 2011. According to the UNICEF, financing of the minimum package of services is done from the state budget/local authorities and external funds, such as European Economic Area, Norwegian and Swiss grants.

69 Ministry of Labour and Social Solidarity, 2021c, p. 80.

ante-preschool children aged between 3 months and 3 years (nurseries), and pre-school children aged between 3 and 6 years (kindergartens). These assessments result in a descriptive evaluation report regarding the child's physical development and the formation of cognitive and socio-emotional skills. In administrative-territorial units where there are not enough nurseries and kindergartens, or where the number of available places is limited, complementary early education services can be developed, such as toy libraries, playgroups, or community kindergartens.

Moreover, there are social services intended for the child and/or family, persons with disabilities and victims of domestic violence.

To prevent and combat the risk of young people leaving the child protection system becoming homeless, as well as to promote their social integration, local authorities can establish multifunctional centres that provide their living and household conditions for a determined period.

7.2. *Special Protection Services*⁷⁰

Law No. 272/2004 on the protection and promotion of children's rights establishes the types of services intended to prevent the separation of the child from the parents, as well as types of special protection services for children who have been temporarily or permanently separated from their parents. These are *day services*, *family-type services* and *residential-type services*.

7.2.1. *Day Services*

These are services that ensure the maintenance, recovery and development of the capacities of the child and their parents to overcome situations that could lead to the separation of the child from the family (Art. 120 para. 1 of Law No. 272/2004 regarding the protection and promotion of children's rights).

These services include⁷¹: day-care centres; counselling and support centres for parents; assistance and support centres for the rehabilitation of children with mental and social problems; and monitoring, assistance and support services for pregnant women prone to abandoning their child.

According to Art. 3 letter (h) of Law No. 156/2023 regarding the organisation of the activity to prevent the separation of the child from the family, the *day centre* represents

‘the social service whose mission is to prevent the separation of the child from the family, by ensuring, during the day, care activities, informal and non-formal education, recreation - socialisation, counselling, development of

70 The website of the Ministry of Labour and Social Solidarity, the National Authority for the Protection of the Rights of Persons with Disabilities provides a map of social services (residential, community and at home) for each county. See <https://anpd.gov.ro> (Accessed: 5 December 2023).

71 Ministry of Labour and Social Solidarity-National Authority for the Protection of Children's Rights and Adoption, n.d.

independent living skills, empowerment/rehabilitation, as the case may be, food provision, etc. for children, as well as support activities, counselling, education, etc. for parents or legal representatives, as well as for other people who take care of children.⁷²

Day-care centres for children in the family and separated or at risk of separation from their parents include centres for children at risk of separation from their parents; centres for preparing and supporting the integration/reintegration of the child into the family; recovery centres for children with disabilities; day centres for the development of independent life skills; centres for orientation, supervision and support for the social reintegration of children who have committed criminal acts and are not criminally liable; and day centres for street children. Moreover, *day-care centres for families with children* are centres for counselling and support for parents and children and centres for monitoring, assistance and support for pregnant women likely to abandon their children.

According to the SPREV Register data, as of January 1, 2022, only 11% of UATs (administrative-territorial units) in the country had at least one day-care center for children or families with children. Additionally, there were 261 day-centers for children at risk of separation from their parents -157 in urban areas and 104 in rural areas.⁷³

As stated in the National Strategy for the Protection and Promotion of Children's Rights 'Protected Children, Safe Romania' 2022–2027, the number of day-care centres and their beneficiaries increased significantly between 2014 and 2019; however, the degree of ensuring access for vulnerable children to these services is still modest and has been affected by the 2020 COVID-19 crisis.⁷⁴

7.2.2. Family Services

Family-type services ensure the upbringing and care of a child temporarily or permanently separated from his or her parents at the home of an individual or family, as a result of establishing the placement measure (Art. 121 of Law No. 272/2004 regarding the protection and promotion of children's rights).⁷⁵ These services are organized based on internal rules and regulations developed by each social service provider.

Family-type services include *foster care* provided by professional foster carers and *family placement* which can be arranged with relatives up to the fourth degree (extended family), or with other persons/families.

72 See also: Order of the Ministry of Labour and Social Justice No. 27/2019 of 3 January 2019 regarding the approval of minimum quality standards for day social services intended for children, Official Gazette No. 160 bis of 28 February 2019.

73 Ministry of Labour and Social Solidarity, 2022a, p. 16.

74 Monitorul Oficial al României, 2023, p. 16.

75 See also: Order No. 26/2019 of 3 January 2019 regarding the approval of the minimum quality standards for family-type social services intended for children in the special protection system, Ministry of Labour and Social Justice, Official Gazette No. 103 bis of 11 February 2019.

These social services are organized without legal personality; the functions are performed by at least one case manager for the child and the person/family or professional foster carer where the child is placed, according to the decision of the legally authorized bodies.

The provider of family-type social services creates its own network of foster persons/families and professional foster carers. It monitors the children in placement, reviews monitoring reports, and drafts a self-evaluation report of the family-type social services.⁷⁶

The person/family wishing to take one or more children in placement submits an evaluation application, addressed to the General Directorate of Social Assistance and Child Protection or to Authorised Private Bodies, along with required documents.⁷⁷

These services are aimed at raising and caring for children in compliance with the individualised care plan (ICP) developed for each child (an ICP framework model is developed by social service providers and approved at the national level by the National Authority for the Protection of Children's Rights and Adoption).

For the *child's placement in family-type services*, it is necessary to identify the child, the fostering persons/families and foster carers who are suitable for the child. This is followed by the decision to place and transfer the child to the care and residence of the foster persons, families or parental assistants.

Upon termination of the foster care service, the child must be informed. The competent authority will issue a decision for termination, revocation, or replacement of the measure.

The professional maternal assistant is a natural person, certified under the conditions of Government Decision No. 679/2003, which ensures through the activity they carry out at their home, the growth, care and education necessary for the harmonious development of the children they receive in foster care.⁷⁸ This assistant is an employee of General Directorate of Social Assistance and Child Protection or Authorised Private Bodies, based on a special employment contract. The child cared for by the foster carer is also supervised by a social worker.

Foster care services were initially viewed as a temporary solution for caring for children temporarily or permanently separated from their families, especially for young children. However, the large number of children in the special protection system, as well as the limited number of other services or adoptions have made foster care services a long-term care solution. Although developed in recent years, foster care services still have gaps. They are disproportionately distributed across the country, especially in rural areas, with most foster parents being women over 40 with

76 Ibid., p. 16.

77 Ministry of Labour and Social Solidarity, 2021c, p. 13.

78 Order No. 35/2003 regarding the approval of the mandatory minimum standards for ensuring child protection for the professional maternal assistant and the methodological guide for the implementation of these standards, Official Gazette No. 359 of 27 May 2003.

secondary education, who may lack experience when caring for children with special needs (disabilities or special educational needs).⁷⁹

Family placement services are provided through placement with relatives up to the fourth degree and placement with other persons: relatives, in-laws, family friends with whom the child has developed attachment relationships or with whom they have shared family life. There are more family placement services in rural areas, than in urban areas, but the situation is relatively balanced.

Moreover, changes are needed in these services; for example, it is shown that foster care is accredited as a service provided by the General Directorate of Social Assistance and Child Protection only in some counties.⁸⁰

7.2.3. Residential Services

Residential-type services ensure the protection, upbringing and care of the child temporarily or permanently separated from their parents, as a result of the placement measure established by law (Art. 123 para. 1 of Law No. 272/2004 regarding the protection and promotion of children's rights).

These services include *placement centres (and family-type homes), emergency child-care centres and maternity centres*, which provide accommodation for the child for more than 24 hours.

By the Ministry of Labour Order No. 26/2019, mandatory minimum quality standards for family-type social services intended for children in the special protection system were developed and approved.

For example, *'The minimum quality standards for social services with accommodation, organized as residential centres for children temporarily or permanently separated from their parents'* include the following:

1. Access to the service: admission to the residential centre and termination of care in the residential centre
2. Assessment and planning: child assessment and service planning
3. Daily life: current needs, food, personal care, recreation and socialisation, relationship with family and other close persons, participation and involvement in personal and community life
4. Health: assistance for health, hygiene and infection control
5. Specific activities/services: education, preparation for independent living, social integration/reintegration and functional empowerment/rehabilitation
6. Physical living environment: accessibility and comfort, safety and protection, accommodation and sanitary facilities
7. Rights and ethics: respect for children's rights and professional ethics, children's relationships with staff and suggestions/reports/complaints
8. Protection against abuse and neglect: protection against abuse and neglect and behaviour control

79 Ministry of Labour and Social Solidarity, 2021c, pp. 111–112.

80 Ibid., p. 40.

9. Management and notification of special incidents: management of special incidents and notification of special events
10. Management and human resources: administration, organisation, operation and human resources

*The residential centre*⁸¹ owns and applies its own regulation of organisation and operation, developed by the social service provider that administers the centre, in compliance with the provisions applicable framework regulation.

After entering the residential centre, the *child temporarily or permanently separated from his or her parents* a person will be designated by the center coordinator to establish, together with the child, depending on their needs, an accommodation program with a minimum duration of two weeks, to monitor the child's evolution and integration level.

For each child protected in the center, a file is created, which includes, among other things, the child's individualized protection plan.

The centre carries out quarterly reassessment of the child's physical, mental, spiritual, moral, or social development, the manner in which they are cared for, and the circumstances that led to the establishment of the special protection measure.

The recommended number of children per group in placement centers is a maximum of 12, except for young people, where the number can be 15. Group inclusion should consider the children's age and sibling relationships. In this regard, it is recommended that the age difference between children in a group not exceed 3-4 years, except for siblings.

The family home covers the essential needs of rest, food preparation, education and hygiene, ensuring the minimum requirements for a maximum of 12 children for whom the measure of emergency placement or placement has been established, under the terms of this law. In exceptional situations, the number of children can be a up to 16, maintaining minimal requirements, but only during the existence of the exceptional situation.

The apartment is a home that covers the essential needs of rest, food preparation, education and hygiene, ensuring the minimum requirements for a maximum number of 6 children for whom the measure of emergency placement or placement has been established in accordance with the provisions of Art. 123, para. 5 of Law No. 272/2004 on the protection and promotion of children's rights.

The emergency reception centre is the structure that provides temporary accommodation, up to a maximum of 6 months, without the possibility of extension. It is organised in compliance with the minimum requirements provided for in para. 8 of Art. 123 of Law No. 272/2004 on the protection and promotion of children's rights for a maximum of 30 children for whom the emergency placement measure was established. A maximum of three emergency reception centres can be organised at the level of each county.

81 See: Appendix 1, Order of the Minister of Labour and Social Justice No. 25/2019.

Admission to the *emergency reception centre for the abused, neglected or exploited child*⁸² is based on the emergency placement measure, made in accordance with the law. Within the center, children receive appropriate services tailored to their individual situations and needs, as outlined in an individualized protection plan or, where applicable, a personalized service plan. Each child has an emergency placement file containing relevant documents regarding their situation.

Children protected in the residential centre, organised as an emergency reception centre, are encouraged and supported to maintain contact with their parents, extended family and other close people, if this does not contradict with their best interests. The maximum recommended number is 12 children/group, and the inclusion of children in a group must consider their age and family relationships.

When a child leaves the centre, specific activities are carried out for his or her reintegration into the family or integration into the extended or substitute family, as well as for raising the child's awareness of the future way of life. The ending-of-services procedure, annexed to the Regulation on the Organisation and Functioning of the Centre, is approved by decision or, if necessary, by order of the head of the social service provider.

*The emergency reception centre for street children*⁸³ accepts children based on an emergency placement decision and only if the centre can respond to their individual needs for care, education, socialisation, etc., established through an initial assessment.

Admission to the night shelter for street children is carried out because of a voluntary request of the children, street social services or police bodies, as well as based on the decision of the director of the General Directorate of Social Assistance and Child Protection regarding the measure of placement in the emergency regime. Initial assessment of the child's situation is carried out by the street social service. Children are evaluated and receive services appropriate and tailored to their situation and personal needs, provided according to a personalized service plan.

*The emergency reception centre for minors who have committed criminal acts and are not criminally liable*⁸⁴ is based on the measure of residential placement. The mission of this centre is to ensure, for a determined period, the hosting, supervision, care, education and behavioural rehabilitation of a child who has committed criminal acts and is not criminally liable, to integrate/reintegrate him or her into the family and society. The coordinator of the centre nominates, from their own staff, a case manager for the respective child.

82 Annex 2 of the Order of the Minister of Labour and Social Justice No. 25/2019.

83 Ibid., Annex 3.

84 Annex 4 of the Order of the Minister of Labour and Social Justice No. 25/2019.

The *maternity centre*⁸⁵ is a structure that provides temporary accommodation, for a duration of up to 2 years. It is organised in compliance with the minimum requirements for a maximum number of nine mother-child couples.⁸⁶

Regarding social services intended for young people who leave the child protection system, residential centres for young people in difficulty should be mentioned.⁸⁷

According to *statistics*, the total number of children and young people in the special protection system has continuously decreased from almost 65,000 in 2010 to around 55,000 in 2017 and around 47,000 by 1 January 2021.⁸⁸ By 31 December 2024, there were 998 *public residential services* and 239 *residential services of accredited private bodies*. These services include classical or modulated residential care centres, apartments, family-type homes, maternity homes, emergency reception centres and other services (services for the development of independent living skills and day and night shelters). By the end of December 2024, 35,912 children were in the special protection system. Among them, 9,579 children (26.68%) were in a special protection measure in residential services (7,765 children were in public residential services, and 1,814 children were in private residential services); 26,333 children (73.32%) benefited from a special protection measure in family-type services (14,524 children were placed with foster carers 9,255 children were placed with relatives up to and including fourth-degree relatives and 2,554 children were placed with other families or persons).⁸⁹

The main reason for children entering social protection systems⁹⁰ is poverty. Vulnerabilities such as lack of housing, unemployment, school dropout, domestic violence, child neglect and abuse, inadequate parenting skills, low parental age, single-parent family, low expectations and/or low self-esteem lead to the child entering the protection system.

85 Order of the Ministry of Labour No. 81/2019 of 16 January 2019 regarding the approval of minimum quality standards for social services organised as maternity centres, Official Gazette No. 111 bis of 13 February 2019.

86 Art. 123 paras. 4–7 of Law No. 272/2004 on the protection and promotion of children's rights.

87 Annex 3, Order No. 29/2019 for the approval of the minimum quality standards for the accreditation of social services for the elderly, homeless people, young people who have left the child protection system and other categories of adults in difficulty, as well as for services provided in the community, services provided in integrated system and social canteens. It is available at: <https://www.mmuncii.ro> (Accessed: 27 September 2023).

88 Ministry of Labour and Social Solidarity, 2021c, p. 11.

89 Ministry of Labour and Social Solidarity, 2024c, p. 2.

90 International Labour Organization and United Nations Children's Fund, 2023.

Table 1. Beneficiaries of the special protection scheme⁹¹

Type of service	Number of children (active cases on 31 December 2024)
Family services	26,333
Foster carers employed by the General Directorates for Social Assistance and Child Protection	14,474
Childminders employed by accredited private bodies	50,000
Relatives up to and including the fourth degree	9,255
Other families/persons	2,554
Residential services	9,579
Public	7,665
Private	1,814

Table 2. Number of children by age group (completed years) in residential services, 31 December 2024⁹²

Residential services	<1 year old	1–2 year olds	3–6 year olds	7–9 year olds	10–13 year olds	14–17 year olds	>18 year olds	Total
Public	109	110	218	408	1,752	3,956	1,212	7,765
Private	2	6	15	96	543	946	206	1,814
Total	104	101	243	527	2,386	4,982	1,611	9,954
Percentage	1.2%	1.2%	2.4%	5.3%	24.0%	51.2%	14.8%	100%

Table 3. Beneficiaries of services to prevent separation from parents⁹³

Type of service	Number of children (active cases on 31 December 2024)
Day-care centres	27,569
Day centres under the authority of local councils	5,732
Day centres run by accredited private bodies	11,694
Day centres under the supervision of the General Directorates for Social Assistance and Child Protection	10,143

7.3. Monetary and In-Kind Benefits to Ensure Child Protection

Social protection expenditures (including administrative costs of social protection schemes) amounted to 229.2 billion lei in 2022, reflecting an increase of 31.347 billion lei or 15.8% compared to 2021. The share of social protection expenditures in GDP was 16.5%, down by 0.1 percentage points compared to 2021. As for social protection

91 Ministry of Labor, Family, Youth and Social Solidarity – National Authority for the Protection of Children’s Rights and Adoption, 2024d.

92 Ibid.

93 Ibid.

revenues, they increased by 18.9% compared to 2021, totalling 231.367 billion lei and accounting for 16.7% of GDP⁹⁴.

Romania's expenditure on social protection as a percentage of gross domestic product (GDP) is among the lowest in the EU: in 2022, the share of social protection expenditure in GDP was 16.5%; in 2022, out of the total expenditure of 197,853 million lei on social benefits, 11.7% was allocated to family/children.

The resources for financing social protection in Romania were composed of 74.9% social contributions (from employers and protected individuals), 24.6% contributions from public administration, and 0.5% other expenditures.

According to the legislation in force, 12 social protection schemes were identified that regulated social benefits under the *Family/Children* function⁹⁵: state child allowance; social protection of children in difficulty; social scholarships and other entitlements for pupils and students; kindergartens and nurseries; health insurance; social assistance and protection provided by non-governmental organizations; social protection provided in the form of pensions and other social insurance benefits; free or discounted transport; family support allowance and allowance for single-parent families; maternity protection in the workplace; adjustment allowance for adoptive parents; social protection for the prevention of social marginalization.

Analysing the structure of social benefit expenditures under the Family/Children function, it is observed that the most significant portion of benefits was provided through the State Child Allowance scheme in the form of state allowances, accounting for 46.9%, amounting to 12,519 million lei.

Art. 12 of the Social Assistance Law No. 292/2011 establishes the following *benefits for child and family support* for the birth, education and maintenance of children: child allowances; allowances for children temporarily or permanently deprived of parental care; child-raising allowances; facilities in accordance with the law.

The levels and amounts of social assistance benefits are determined in relation to the RSI by applying a social inclusion index. Starting from 1 March 2024, it was 660.2 lei (increased by 10.4%).

The state allowance for children is intended for those under the age of 18. The monthly amount is 292 lei. For children up to 2 years old and for children classified with a disability, the monthly amount is 719 lei.

The largest share of the resources managed by the Ministry of Labour and Social Solidarity for these social assistance benefits was directed to the state child allowance. In 2024, the amount paid for this type of allowance was 11.3% higher than that in the same period in 2023. However, the number of child beneficiaries is decreasing.

The *child benefit* is received by stay-at-home parents with children younger than 2 years (3 years for children with disabilities).

The *child-raising incentive* is paid if the parent returns to work until the child is 6 months old, or 1 year old in the case of a child with disability.

94 Institutul Național de Statistică, 2024.

95 Ibid., pp. 41–42.

The *foster care allowance* consists of monthly payments for each child for whom a foster care measure has been taken or guardianship has been established, paid to the person who has taken the child into care or to the guardian. On 1 March 2024, the amount of the foster care allowance was 1,194 lei. In the first semester of 2024, 31,519 children received this allowance.

The *family support allowance* was dedicated to poor families with children (to receive support, family income must be lower than the threshold set by law, and school-age children must attend school). Starting from January 1, 2024, social assistance and the family support allowance were replaced by the *minimum inclusion income*, the amount of which is composed of two components: *inclusion support* for families with an income below 275 lei/month per member or 400 lei/month in the case of single persons aged at least 65; and *support for families with children*: for families with an income below 700 lei/month that have one or more dependent children up to the age of 18.

The amount of assistance for families with children is determined based on the level of monthly income and the number of children in the family.

In the 2024-2025 school year, students from single-parent families can benefit from a social scholarship, also known as a single-parent scholarship. To be eligible, they must come from families with a net average monthly income per family member lower than the net minimum wage in the economy, which, starting from July 1, 2024, is 2,363 lei.

The average monthly number of beneficiaries of the placement allowance and the support allowance in the first half of 2024 was 31,519 children, of which 25,984 were children without disabilities (82.4%) and 5,535 were children with disabilities (17.6%). The total amount spent was 242,332,713 lei. Compared to the first half of 2023, there was a decrease of 1,890 beneficiaries (5.7%), while the amount spent was higher by 10,678,593 lei (4.6%)⁹⁶.

According to Government Decision No. 1253/2022⁹⁷ amending Government Decision No. 426/2020 approving the cost standards for social services, the minimum amounts of annual expenditure necessary was established for the provision of social services calculated for one beneficiary/year/type of social service.

The *cost standard/year/beneficiary* (minimum amount of annual expenditure required to provide social services, calculated for one beneficiary/type of social service) was as follows:

1. For children in foster care, with one child in foster care: 49,766 lei
2. For services for children with disabilities placed with foster carers, with one foster child: 59,464 lei
3. For residential services for children:
 - a. Children placed in foster homes: 74,883 lei
 - b. Children placed in family homes: 59,311 lei

⁹⁶ Ministry of Labour and Social Solidarity, 2024b, pp. 2-3.

⁹⁷ Official Gazette No. 1023 of 20 October 2022, in force since 20 October 2022.

- c. Children placed in apartments: 84,832 lei
- 4. For residential services for children with disabilities:
 - a. Children placed in foster homes: 91,950 lei
 - b. Children placed in family homes: 86,428 lei
 - c. Children placed in apartments: 90,232 lei

Law No. 272/2004 on the protection and promotion of children's rights also provides for *additional benefits*. For example, children and young people for whom a special protection measure has been established are entitled to food, clothing, footwear, hygiene and sanitary materials, school supplies/manuals, toys, transport, cultural and sports materials as well as financial allowances for personal needs.

In the case of *children with disabilities* classified as disabled, for whom a special protection measure has been established under the law, the amounts allocated for these entitlements are increased by 50%.

Additionally, children for whom a placement measure has been established are entitled, on leaving the special protection system, to a one-off allowance equal to the amount of the guaranteed gross minimum wage.

The amount of the daily *food allowance* (22 lei) has been established for children in public day-care services, as well as for children and young people under a special protection measure in a public residential service, children in family-type homes, and mothers housed in maternal centers. The amount of food allowance for children in day-care services is also applicable to children in nurseries and other early education establishments. The food allowance for children in day-care services organised by accredited private bodies must be set at no less than the level established for public day services.

Romanian law establishes the possibility for the mayor to grant *exceptional financial benefits* including in-kind support (such as food, clothing, textbooks and school supplies or school equipment, covering transportation costs, procurement of prosthetics, medicines, and other medical accessories) when the family caring for the child is temporarily facing financial difficulties due to an exceptional situation that endangers the child's harmonious development (Art. 130 of Law No. 272/2004 on the protection and promotion of children's rights).

7.4. Measures of the Authorities to Ensure Special Protection of Children

Article 20 of the *Convention on the Rights of the Child* obliges State Parties to provide special protection and assistance to children who are temporarily or permanently deprived of their family environment. This includes ensuring alternative care arrangements such as foster care, adoption, or institutional placement when necessary.

In Romania, the Civil Code (Law No. 287/2009) and Law No. 272/2004 on the protection and promotion of children's rights establish the legal framework for child protection measures. Art. 106 para. 1 of the Civil Code, under the marginal heading of *Protective Measures* outlines the responsibilities of public social security services

and local councils in monitoring and analysing the situation of children, preventing separation from their families, and providing necessary services and assistance.

The Committee on the Rights of the Child, in its General Comment No. 13 (2011)⁹⁸ on the *right of the child to freedom from all forms of violence*, stresses the importance of an integrated and rights-based child protection and support system.

One of the most important measures for the protection of the child is the prompt appointment of a guardian, when necessary, as set out in General Comment No. 6 (2005) of the Committee on the Rights of the Child.⁹⁹ The choice of placement is compatible with Art. 8 of the convention only when it is in accordance with the law, pursues a legitimate aim, is in the best interests of the child and is considered a necessary measure in a democratic society.

Furthermore, Recommendation Rec(2005)5 of the Council of Europe to Member States on the Rights of Children Living in Residential Institutions underscores that placement in residential institutions should be a measure of last resort and that children's human rights must be fully respected in such settings.

7.4.1. Special Protection Measures for Minors

As stated above, special protection of the child requires measures and services for the care and development of the child temporarily or permanently deprived of parental care or of a child who, to protect his or her interests, cannot be left in the care of his or her parents.

IPP: The individualized protection plan *IPP*, developed by the General Directorate for Social Assistance and Child Protection is a key component in implementing these measures. This plan is developed within 30 days from the date the request for special protection is received, or immediately after the institution of emergency placement. The IPP must be drawn up based both on the child's developmental capacities and abilities and respect for their autonomy, as well as on the maintenance of connections with the outside world and preparation for future life outside the institution.¹⁰⁰

Case management: The IPP is developed and implemented by the case manager. Thus, children in special protection have a designated case manager (within the General Directorate of Social Assistance and Child Protection or Authorised Private Bodies). Additionally, a case manager is also appointed for children with disabilities who are not subject to a special protection measure.

According to Order No. 288 of 2006¹⁰¹ of the National Authority for the Protection of Children's Rights which approved the minimum mandatory standards for case management in the field of child protection

98 United Nations Committee on the Rights of the Child, 2011.

99 United Nations Committee on the Rights of the Child, 2005.

100 Recommendation Rec (2005)5 of the Committee of Ministers to member states of the Council of Europe on the rights of children living in residential institutions.

101 Official Gazette No. 637 of 24 July 2006.

‘Case management in the field of child rights protection is a method of coordinating all social assistance and special protection activities carried out in the best interest of the child by professionals from various public and private services or institutions.’

The case manager ensures the coordination and monitoring of social assistance and special protection activities carried out in the best interests of the child. They assess children separated from their parents, prepare placement documentation, propose the necessary measures and services for the upbringing and care of the child in the special protection system, draft personalized intervention plans, conduct field monitoring visits in the services where the child is cared for, and prepare the child’s transition out of the system. If a child is in a situation of difficulty, a comprehensive assessment is conducted by an interinstitutional team coordinated by the case manager.

At the request of the child, their family/legal representative, a public or private institution, a written notification by a third party, or through self-notification, an *initial assessment* must be conducted.

After the case manager is designated, they analyse the needs of the beneficiary and their family, requiring knowledge of: identification data of the child, parents, siblings, and others living with the child; the case history; any previous prevention services; reasons for family separation; the child’s institutional trajectory – placement decisions, exits/returns to the protection system; school situation; special needs; health condition; disability status; psychological evaluation (behaviour types, personality, motor skills, will, attention, memory, imagination, cognitive capacity/thinking, language); services received; personal independent living skills; attachment types; the child’s relationship with extended family and community; the child’s opinion on the protection measure; data about the biological family; their health status; family income; and the relationship between the family and the professionals involved¹⁰².

For children with disabilities, it is necessary to draw up the habilitation-rehabilitation plan provided for in Art. 19 of Government Decision No. 502/2017 on the organisation and functioning of the Commission for Child Protection. For abused, neglected and/or exploited children, including victims of trafficking, labour exploitation and commercial sexual exploitation, the case manager draws up the rehabilitation and/or social reintegration plan in accordance with the provisions of Law No. 272 The IPP developed by the case manager may ultimately lead to family reintegration, adoption, or socio-professional integration (for youth over 18 leaving the child protection system). When establishing the objectives of the IPP, the case manager is required to give priority to the reintegration of the child into the family.

Special protection measures for children include *placement, emergency placement and specialised supervision*.

102 SOS Children’s Villages Romania, 2022.

The special protection measures established by this law shall benefit: a child having parents who are deceased, unknown or deprived of parental rights; who have been sentenced to a ban on parental rights; who receive legal counselling if they cannot exercise parental authority according to the law, or special guardianship; and who have been judicially declared dead or missing, when guardianship could not be established; a child who, to protect his or her interests, cannot be left in the care of his or her parents for reasons beyond his or her control; an abused or neglected child; a child found or a child left in a health facility; a child who has committed an offence under criminal law and who is not criminally responsible; unaccompanied children, foreign citizens or stateless persons, including those seeking asylum or benefiting from international protection in Romania, under the terms of Law No. 122/2006, as subsequently amended and supplemented

Under the terms of Art. 55 para. 1 of Law No. 272/2004 on the protection and promotion of children's rights, as a general rule, the child shall benefit from special protection until the date of acquiring full legal capacity. However, special protection can be granted under the law at the request of the young person who has acquired full legal capacity if he or she continues studies only once in each form of day education; the special protection is for the duration of the continuation of studies, but not exceeding the age of 26 years.¹⁰³ The period may be extended by 2 years if the young person is at risk.

Special protection measures for children who have reached the age of 14 are established only with their consent. If the child refuses to give consent, protection measures are determined only by the court, which, in duly justified cases, may overrule the child's refusal to consent to the proposed measure¹⁰⁴.

The placement of the child is a special protection measure, of a temporary nature, granted to all categories of children mentioned in Article 60 of Law No. 272/2004 on the protection and promotion of children's rights¹⁰⁵.

The court is the only competent authority to rule, considering the best interests of the child as a priority, on the person who exercises parental rights and fulfils parental obligations in a situation where the child is deprived, temporarily or permanently, of parental care¹⁰⁶.

Thus, among the measures that can be taken, the law establishes as a special protection measure of a temporary nature *the placement of the child with a person or family, a foster carer or a residential service*. The person or family receiving a child in foster care must meet two requirements: they must be residents of Romania and be assessed by the General Directorate of Social Assistance and Child Protection regarding the moral guarantees and material conditions they must meet to receive a foster child.

103 Domocoş, 2021, p. 120.

104 Art. 57 paras. 2–3 of Law No. 272/2004 on the protection and promotion of children's rights.

105 Irinescu, 2024, p. 498.

106 Art. 43 of Law No. 272/2004 on the protection and promotion of children's rights.

Children who have not reached the age of 7 years cannot be placed in a residential centre but only with an extended family, foster family or foster carer. By exception, placement in a residential type of service may be ordered for a child aged 3–7 years who has not yet reached the age of 7 and for whom habilitation/rehabilitation cannot be provided in other types of services if the child has both a complete functional deficiency/affliction and complete activity limitations and participation restrictions, as confirmed by the complex assessment service of the General Directorate for Social Assistance and Child Protection¹⁰⁷.

The child will be placed in accordance with the following rules expressly provided by law: *placing the child, as a priority, with the extended family or a substitute family; keeping siblings together; facilitating the exercise by parents of the right to visit the child and to maintain contact with the child.*

As regards *competent authorities* for taking the placement measure, the *Commission for the Protection of the Child* will determine the placement measure only in the case of a child who, to protect his or her interests, cannot be left in the care of the parents for reasons beyond their control and of a child who has committed an offence under criminal law and is not criminally responsible. In the absence of parental consent, placement will be determined by the guardianship court.

The court, at the request of the General Directorate for Social Assistance and Child Protection, will determine the measure of placement in the following cases (Art. 60 letters (a) and (f)) of Law No. 272/2004 on the protection and promotion of children's rights:

'A child whose parents are deceased, unknown, deprived of parental rights, or have been subjected to the penalty of prohibition of parental rights, who benefits from judicial counselling if they are unable to exercise parental authority according to the law, or from special guardianship, declared judicially deceased or missing, when guardianship could not be established; An unaccompanied child, a foreign citizen or stateless person, including one who applies for asylum or benefits from international protection in Romania, in accordance with Law No. 122/2006, with subsequent amendments and completions.'

Court intervention is also necessary if the emergency placement measure is to be replaced in the following cases - Art. 60 Letters c) and d) of Law No. 272/2004 on the protection and promotion of children's rights: "A child who is abused or neglected; A child found or abandoned in healthcare facilities."

The *effects of the placement* include the following:

1. Parental rights and obligations towards the child are maintained for the duration of the placement ordered by the child protection commission. On the other hand, parental rights and obligations towards the child are exercised

107 Ibid., Art. 64 para. 2.

by the Director of the General Directorate for Social Assistance and Child Protection for the duration of the placement measure ordered by the court in the case of the child referred to in Art. 60 Letters (a), (c), (d) and (f) of Law No. 272/2004 on the protection and promotion of the rights of the child. In these cases, by exception, parental rights and obligations towards the child may be exercised by the person, family, foster carer or head of the residential service having the child in placement.

2. Following the placement order, the natural parent's right to consent to the adoption of the child shall apply in accordance with the provisions of the law in force.
3. The Commission for the Protection of the Child, or the court that ordered the child's placement, shall establish a monthly contribution of the parents for the child's maintenance. If the payment of the maintenance contribution is not possible, the court shall oblige the parent who is able to work to perform actions or work of local interest for 20–40 hours per month for each child during the application of the special protection measure, within the administrative-territorial area where the parent resides or has their domicile¹⁰⁸.

Emergency placement is a special protection measure of a temporary nature in situations referred to in Art. 68 para. 1 of Law 272/2004 on the protection and promotion of children's rights:

'Emergency placement is a special protection measure of a temporary nature established for children in the following situations:

- (a) abused, neglected or subjected to any form of violence;
- (b) found or abandoned in healthcare facilities.'

Paragraph 2 of the same article provides that emergency placement may also be ordered in the case of a child whose sole legal guardian or both legal guardians have been detained, arrested, imprisoned or for any other reason are unable to exercise their parental rights and obligations in relation to the child.

The measure of emergency placement shall be determined by the director of the General Directorate of Social Assistance and Child Protection of the administrative-territorial unit in which the child is found in the situations referred to in Art. 68 para. (1) of Law No. 272/2004 on the protection and promotion of children's rights. For the child in the situations referred to in Art. 68 Para. (2), the measure of emergency placement shall be determined by the director of the General Directorate of Social Assistance and Child Protection. The court may issue a presidential order for emergency placement of the child if there are reasonable grounds for the existence of imminent danger to the child due to abuse and neglect.

The *effects of the emergency placement* include the following:

1. For the duration of the emergency placement, the exercise of parental rights shall be suspended by operation of law until the court decides on the maintenance or replacement of this measure and on the exercise of parental rights. The automatic suspension of the exercise of parental rights is the result of situations that made it necessary to introduce the measure.
2. Any measure concerning the child shall be carried out in accordance with the principle of the best interests of the child. The aim is therefore to place the child, as a matter of priority, with the extended or substitute family, to keep the siblings together and make it easier for the parents to exercise their right to visit and maintain contact with the child.

Specialised supervision represents a special protection measure applied to a child who has committed a criminal offence but is not criminally liable. When deciding on this measure, the following factors are taken into account: the circumstances that led to the offense, the degree of social danger posed by the act, the environment in which the child was raised and lived, the risk of the child committing another criminal act, and any other elements that help characterize the child's situation (Art. 84 para. 2 of Law No. 272/2004).

This measure is ordered by the Child Protection Commission if the parents or legal representative give their consent; otherwise, it is ordered by the court.¹⁰⁹

According to Art. 85 of Law No. 272/2004 on the protection and promotion of children's rights, the measure of specialised supervision consists in *maintaining the child within their family*, under the condition that they comply with certain obligations, such as: *attending school; using day care services; undergoing medical treatments, counselling, or psychotherapy; refraining from visiting certain places or associating with certain people.*

However, if it is not possible to keep the child in the family, or if the child fails to meet the imposed obligations, the competent authorities may decide to place the child in the extended family or a substitute family.

There is also the possibility, provided by law, to place the child in a specialized residential care service if the criminal act presents a high degree of social danger, or if the child continues to commit criminal offenses.

7.4.2. Procedural Framework

The cases provided for under Law No. 272/2004 on the protection and promotion of children's rights concerning the establishment of special protection measures fall within the jurisdiction of *the court* of the child's domicile and are exempt from court fees.

The cases are resolved under an emergency procedure, and court hearings cannot be scheduled less than 10 days apart¹¹⁰. The decision of the court of first instance is

109 Art. 71 of Law No. 272/2004 on the protection and promotion of children's rights.

110 Irinescu, 2024, p. 498.

final and enforceable.¹¹¹ Appeals must be submitted within 10 days from the date the decision is communicated.

Special protection measures are addressed as a matter of urgency, with the mandatory summoning of the child's legal representative, the General Directorate of Social Assistance and Child and the mandatory participation of the public prosecutor¹¹².

A child who has reached the age of 10 must be heard. The child's written statement about abuse, neglect, exploitation, or any form of violence can be used as evidence. Alternatively, the statement can be audio-video recorded in the presence of a psychologist, with the child's mandatory consent. When the court considers it necessary, hearings in cases involving abuse or neglect must take place in the hearing chambers, in the presence of a psychologist and only after the child has been properly prepared.

The General Directorate of Social Assistance and Child Protection from the child's place of residence or the administrative-territorial unit where the child was found shall prepare and submit to the court a report concerning the child, which shall include the following information: the child's personality and physical and mental conditions; the child's socio-medical and educational background; the conditions in which the child was raised and lived; proposals regarding the person, family, or residential-type service where the child could be placed; any other relevant information regarding the upbringing and education of the child that may assist in resolving the case.

7.4.3. *Monitoring the Implementation of Special Protection Measures*

The General Directorate of Social Assistance and Child Protection must review quarterly the circumstances that led to the establishment of the protection measures. If those circumstances change, the Child Protection Commission or the court must be notified to either modify or terminate the measures. For example, Art. 73 para. 4 of Law No. 272/2004 requires that

'The proposal for the termination of the protection measure and reintegration into the family must. A proposal to terminate the protection measure and reintegrate the child into the family must be accompanied by documents proving that the parents have attended counselling sessions aimed at developing parenting skills, so that reintegration occurs under the best possible conditions.'

Upon the *termination of special protection measures* through the child's reintegration into the family, the public social assistance service organized at the level of municipalities and towns, the social assistance personnel within the mayor's specialized services, as well as the General Directorate of Social Assistance and Child Protection (in the case of the sectors of Bucharest Municipality), from the child's place of residence or, as the

111 Lupaşcu and Crăciunescu, 2021, p. 644.

112 Art. 134 para. 1 of Law No. 272/2004.

case may be, the parents' residence, are required to monitor the child's developmental progress and the manner in which the parents exercise their rights and fulfil their responsibilities toward the child. In this regard, monthly reports must be drawn up for a period of at least six months. Failure to comply with this obligation constitutes a contravention and is punishable by a fine.¹¹³

Upon *leaving the protection system*, young people are on their own, yet they often lack the necessary skills for independent living, as shown in a study conducted by the National Authority for the Protection of Children's Rights and Adoption and SOS Children's Villages Romania¹¹⁴ about the situation of young people who have left the special protection system in Romania. The research targeted 13,151 young people who exited the special protection system between 2014 and 2017, with the results published on the National Authority for the Protection of Children's Rights and Adoption website. Of the 13,151 young people, half came from residential services, 10% from professional foster carers, and 40% were cared for by relatives or other families.

The proportion of youth who are neither employed, enrolled in education, nor participating in vocational training is almost twice as high among those from the protection system; of these, 46.4% are girls and 22.3% are boys; 24.3% of young people have graduate only eight grades; girls are 5.5 times more vulnerable; 65.9% do not have a job at the end of the protection measure and, most often, occupy positions with a very low degree of qualification (51% are in worker positions with/without qualification); 31% are not ready to find a home, and 22% are not ready to look for a job; 50% of the young women in the protection system who have children gave birth before the age of 20; and 11% do not live with their children, and about 5% of the children themselves entered the protection system.

In accordance with Art. 129 of Law No. 272/2004:

'children for whom a placement measure has been established, in accordance with the law, as well as mothers protected in maternal centers, are entitled, upon leaving the special protection system, to a one-time allowance equal to the amount of the national gross minimum basic salary guaranteed in payment, as established by law.'

Young people who have been subject to a special protection measure are entitled, upon leaving the special protection system – regardless of the timing, including if they have chosen to continue the measure – to a one-time allowance equivalent to three times the national gross minimum basic salary guaranteed by law. Additionally, those who can demonstrate that they are either enrolled in a legally recognized educational program or hold a job may choose between continuing the special protection measure or receiving a monthly allowance of 4.8 times the Social Reference Indicator (ISR), up until the age of 26. This choice can only be made once, regardless of when

113 Roth, Antal and Călian, 2019, p. 19.

114 See: Toth and Mita, 2020.

the individual exits the protection system. The amount of the allowance is 3,170 lei from 1 March 2024. The number of beneficiaries of this allowance in the first semester of 2024 was 5,324 young people, 3,367 more than that in the first semester of 2023, and the amount spent was 103,274,204 lei, 68,301,686 lei more than that in the first semester of the previous year.¹¹⁵

8. Guardianship of Those Under Child Protection Care

The legal bases for the guardianship of those under child protection care are the Civil Code¹¹⁶ as well as European and international instruments.

European documents indicate that, although there is no general explicit obligation in EU legislation to appoint a guardian or curator for children deprived of parental care, at least seven EU directives require member states to appoint a guardian/curator for children in various contexts, some of which are directly related to children lacking parental care.¹¹⁷

Among the protective mechanisms is the institution of *guardianship*. Under the provisions of Art. 44 of Law No. 272/2004 on the protection and promotion of children's rights, '*any child who is temporarily or permanently deprived of parental care, or who, in order to protect their interests, cannot be left in the care of their parents, has the right to alternative care.*'

Guardianship has received various definitions in Romanian legal doctrine, the most eloquent being that "it is a responsibility assumed by a legally and factually capable person, whose purpose is to ensure the child's personal protection, manage their assets, and exercise their civil rights."¹¹⁸

Guardianship represents a set of legal rules governing the protection of a minor by a person other than their parents – the guardian – under the permanent supervision, control, and guidance of the guardianship court.

It is a *legal, gratuitous* (in principle), and *personal obligation*, through which the appointed guardian exercises parental rights and duties toward a child in any of the following situations, as provided in Art. 110 of the Civil Code: when both parents are, as the case may be, deceased or unknown; when both parents have been deprived of parental rights or have received a criminal penalty prohibiting parental rights; when both parents are under judicial advice or special guardianship; when both parents are missing or have been declared legally dead; when, upon the termination of an adoption, the court determines that establishing guardianship is in the best interest of the child.

115 Ministry of Labour and Social Solidarity, 2024b, p. 3.

116 Civil Code – Law No. 287/2009, Arts. 110–163, and Law No. 272/2004 on the protection and promotion of children's rights.

117 European Union Agency for Fundamental Rights and Council of Europe, 2014, p. 14; European Union Agency for Fundamental Rights and Council of Europe, 2022, p. 115.

118 Ungureanu and Munteanu, 2013, p. 268.

The operation of the guardianship institution must be based on several *principles*: the principle of acting in the *best interests of the child*¹¹⁹; the principle of *patrimonial independence* between the child and the guardian; the principle of *judicial oversight* by the guardianship court.

Protection of a minor through guardianship falls under the jurisdiction of the *guardianship court*, specifically the local court where the minor resides or was found. According to Art 111 of the Civil Code, notifying the court is a legal obligation for various parties, including close relatives of the minor, local civil registry services, the courts, or the public prosecutor. The guardian is appointed in the council chambers by a final court ruling.

The court will appoint as guardian either the person designated by the parent or another suitable person (a relative, in-law, or family friend), taking into account the child's best interests. Art. 114 of the Civil Code includes an important provision: the parent may designate a guardian through a unilateral legal act, a legally authenticated agreement, or a will.

The General Directorate of Social Assistance and Child Protection must prepare and present to the court an *evaluation report* of the family or individual proposed as guardian.

The child's opinion, their personal relationship with the prospective guardian, and the proximity of their residences are among the factors considered. Priority is given to members of the child's extended family.

A child placed under guardianship will receive a monthly placement allowance paid to the guardian.

Hearing the child who has reached the age of 10 is mandatory, as stipulated by Art. 264 of the Civil Code.¹²⁰ The right to be heard includes the possibility for the child to request and receive any information appropriate to their age, to express their opinion, and to be informed about the consequences of that opinion if followed, as well as the consequences of any decision affecting them.

Among the duties of the guardianship court is the possibility of constituting a *family council*, whose role is primarily to oversee how the guardian exercises their rights and fulfils their obligations regarding the child and their property. This council will provide advisory opinions at the request of the guardian or the court and will make decisions in cases provided by law. Acts performed by the guardian without the required advisory opinion may be annulled.

119 UN Committee on the Rights of the Child, 2013, 'General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration [art. 3, para. (1)], CRC/C/GC/14', para. 87 [Online]. Available at: https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf (Accessed: 3 December 2023); See also: European Union Agency for Fundamental Rights, 2022.

120 Mihăilă, 2016, p. 516.

National legislation does not set specific professional or educational qualifications for guardians.

According to Art. 113 para. 1 of the Civil Code, the following cannot be appointed as guardians:

‘A minor; a person under special guardianship or judicial advice, a person under legal assistance for entering into legal acts, a person subject to a protective mandate, or a person placed under legal curatorship; a person who has been stripped of parental rights or declared unfit to be a guardian; a person whose exercise of certain civil rights has been restricted, either by law or by court decision, as well as a person whose misconduct has been officially noted by a court of law; a person who, having previously served as a guardian, was removed from that role; a person in a state of insolvency; a person who, due to having interests contrary to those of the minor, would be unable to properly fulfil the duties of guardianship; a person excluded through an authenticated document or a will by the parent who was the sole holder of parental authority at the time of their death.’

The rights and obligations of the guardian are exercised in relation to both the person of the minor and his or her patrimony. Therefore, the guardian is responsible for the child’s care, physical and mental health and development, education, schooling, and professional training, according to the child’s abilities – Art. 134 of the Civil Code. Other rights and duties include: determining the child’s domicile or a special residence for educational or professional training purposes; guiding the child in choosing a religion; supervision; requesting the return of the child from anyone holding them without right, consenting to the marriage of the minor who has reached the age of 16 years, consenting to the child’s adoption under legal conditions, good-faith management of the child’s assets, representing the minor under the age of 14 and providing maintenance¹²¹.

By law¹²², guardians are prohibited from engaging in any voluntary act that could harm the child’s life, physical, mental, spiritual, moral, or social development, physical integrity, or health. They are also forbidden from committing any act of violence or depriving the child of rights in ways that could endanger their well-being, whether in the family or in institutions providing care and education, medical units, schools, or any other public or private institutions offering services to children.

The guardian also has a legal obligation to submit an annual report to the guardianship court detailing the administration of the child’s property, within 30 days of

121 Lupaşcu and Crăciunescu, 2021, pp. 620–626; Munteanu and Cercel, 2020, pp. 158–165.

122 Arts. 94 and 95 of Law No. 272/2004.

the end of the calendar year. At the court's request, the guardian may also be required to report on how they cared for the child, beyond just financial matters.

Guardianship is generally a legal, unpaid, and voluntary duty. Some nuances of the problem are required. Thus, the guardian may be entitled to compensation for the period of guardianship, the amount of which is determined by the court, with the advisory council's opinion, based on the effort involved in managing the child's assets and the financial situation of both the child and the guardian, but not exceeding 10% of the income generated by the child's property – Art. 123 Para. (2) of the Civil Code.

The guardian must personally fulfil their duties - they cannot appoint a representative or transfer these responsibilities to heirs. (Art. 157 Para. (2) of the Civil Code provides an exception: until a new guardian is appointed, the heirs may temporarily take on the guardianship duties, and if there are multiple heirs, they may authorize one among them via a special power of attorney.) Also, the guardianship court, with the advisory council's approval, may decide to entrust the administration of the child's property, or a part of it, to a qualified individual or specialized legal entity, depending on the complexity of the child's assets.

Guardianship ends when the conditions that led to its establishment no longer exist or upon the minor's death. The guardian's role also ends upon their death, removal from guardianship duties, or replacement, as outlined in Art. 156 of the Civil Code.

9. Curatorship of the Minor

Curatorship of the minor has as its legal bases the Civil Code (Law No. 287/2009 and Art. 150, Art. 142 para. 2, Art. 157 para. 3, Art. 160 para. 2, Art. 161 and Art. 29 para. 6 of Law No. 272/2004 on the protection and promotion of children's rights).

The *curatorship of a minor* is a *temporary and subsidiary form of protection*, often referred to in legal doctrine as an '*ad-hoc guardianship*' because the legal rules governing guardianship apply accordingly.

The reasons of establishing the *curatorship* of the minor are as follows:¹²³ when there is a time gap between the appointment of the guardian and the actual commencement of exercising the guardian's rights and duties guardian¹²⁴; in the administration of property received by the minor free of charge, if the donor or testator has not specified that the assets be managed by the guardian¹²⁵; whenever there are conflicting interests between the guardian and the minor that do not justify replacing the guardian, the guardianship court shall appoint a special curator¹²⁶; when the guardian is prevented from fulfilling his or her duties due to illness or other reasons¹²⁷; for well-grounded reasons during inheritance procedures, the public notary, at

123 Nicolae et al., 2016, p. 238.

124 Art. 119 para. 6 of the Civil Code.

125 Ibid., Art. 142 para. 2.

126 Ibid., Art. 150 para. 1.

127 Ibid., Art. 150 para. 2.

the request of any interested person or *ex officio*, may appoint a provisional special curator, to be later confirmed or replaced by the guardianship court¹²⁸; if, upon the death of the guardian, their heirs are minors, the guardianship court must urgently appoint a special curator, who may be the executor of the will¹²⁹; *Until the new guardian over the position*, in the cases provided by Articles 157 and 158 (death or removal of the guardian), the guardianship court may appoint a special curator¹³⁰

The special childcare curatorship concerns both the minor's person and their assets. To carry out the patrimonial side of the curatorship, the curator administers the minor's property, represents him or her until the minor reaches the age of 14 years at the conclusion of the legal acts and approves the acts of the minor with limited legal capacity. This form of protection ends when the causes that determined the institution of the measure disappear or when the minor's incapacity ceases.¹³¹

With the legislative changes of 2022¹³² (Law No. 140/2022 which amends, among other things, the Civil Code and the Civil Procedure Code) the legislator provided for the intervention of the court *in relation to the degree of discernment of the person who requires a form of protection*. Moreover, the extent of protection or its duration is established by law.¹³³

Therefore, *judicial counselling* is the applicable measure when mental faculties are partially impaired, and the person requires ongoing guidance in exercising their rights and freedoms.

A person may benefit from *special guardianship* when their mental faculties are completely and, where applicable, permanently impaired, and the person needs continuous representation in the exercise of their rights and freedoms. Minors with limited legal capacity can also benefit from special guardianship – Art. 164 para. 6 of the Civil Code. However, when the guardianship court determines that protection can be provided by appointing a curator or placing the person under judicial counselling, this measure may be ordered up to one year before the individual turns 18, and it will take effect on the date the person reaches 18 years of age¹³⁴.

10. Adoption

The legal bases for adoption are the Civil Code¹³⁵; Law No. 273/2004 on the adoption procedure; Methodological norms for the application of Law No. 273/2004, approved by

128 Ibid., Art. 150 para. 3.

129 Ibid., Art. 157 para. 3.

130 Art. 159 of the Civil Code.

131 Lupașcu and Crăciunescu, 2021, p. 633.

132 Law No. 140/2022 on some protection measures for persons with intellectual and psychosocial disabilities and amendment and completion of some normative acts, Official Gazette No. 500 of 20 May 2022.

133 Crăciunescu, 2022, p. 171.

134 Art. 164 para. 6 of the Civil Code.

135 Law No. 287/2009.

Government Decision No. 579/2016, amended by Government Decision. No. 798/2021; and Law No. 272/ 2004 on the protection and promotion of children’s rights, which is complemented by European and international regulations including UN Convention on the Rights of the Child, The Hague Convention, the European Convention on the Adoption of Children and the Charter of Fundamental Rights of the EU.

*Adoption, as the finality of the IPP, is established for the following reasons:*¹³⁶ a) One year has passed since the establishment of the special protection measure, and the child’s biological parents – from whose care the child could not remain for reasons not attributable to them – do not cooperate with the authorities in carrying out the steps necessary for the reintegration or integration of the child; b) six months have passed since the establishment of the special protection measure, and the child’s biological parents – from whose care the child could not remain for reasons attributable to them – do not cooperate with the authorities in carrying out the steps necessary for the reintegration or integration of the child; c) six months have passed since the establishment of the special protection measure, and the biological parents could not be located; d) the child was registered as born to unknown parents. In this case, adoption as the final goal of the individualized protection plan is established within a maximum of 30 days from the issuance of the child’s birth certificate; e) one year has passed since the establishment of the special protection measure, and the child’s biological parents – from whose care the child could not remain for reasons not attributable to them – do not cooperate with the authorities in carrying out the steps necessary for the reintegration or integration of the child; f) after the establishment of the special protection measure, the biological parents over the age of 18 who have submitted a written declaration stating that they do not wish to care for and raise the child do not withdraw their initial declaration within 45 days.

The best interest of the child must be the paramount consideration in adoption cases, in accordance with international law.

Child adoption in Romania can take two forms: *domestic and international adoption* (depending on the presence of the element of a foreign element)¹³⁷.

The Civil Code defines adoption in Art. 451 as follows:

‘The legal operation through which a parent-child relationship is created between the adopter and the adoptee, as well as kinship ties between the adoptee and the adopter’s relatives.’

International adoption is defined as:

‘An adoption in which the adopter or adoptive family and the child to be adopted have habitual residence in different countries, and, following the

136 Art. 28 of Law No. 273/2004 on the adoption procedure.

137 Mihăilă, 2010, p. 40.

approval of the adoption, the child is to have the same habitual residence as the adopter.¹³⁸

10.1. Principles of Adoption

The principles underlying adoption are enshrined in both the Art. 452 of the Civil Code and Art. 1 of Law No. 273/2004 regarding the adoption procedure:

‘a) the principle of the best interest of the child; b) the principle of raising and educating the child in a family environment; c) the principle of continuity in the education of the child, taking into account their ethnic, cultural and linguistic origin; d) the principle of informing the child and taking into account his/her opinion in relation to his age and degree of maturity; e) the principle of promptness in the fulfilment of any acts related to the adoption procedure; f) the principle of guaranteeing confidentiality with regard to the identification data of the adopter or, as the case may be, of the adoptive family, as well as with regard to the identity of the natural parents.’

The substantive conditions of concluding the adoption are regulated in Arts. 455–468 of the Civil Code and Arts. 6–18 of Law No. 273/2004.

10.2. Conditions Regarding the Child to Be Adopted

10.2.1. Adoption Must Be Done in the Best Interests of the Person to Be Adopted

Art. 454 para. 1 of the Civil Code provides that ‘*Adoption is approved by the guardianship court, if it is in the best interest of the child and all other conditions stipulated by the law are met*’. This requirement is also stated in Art. 263 Para. (1) of the Civil Code: ‘Any measure regarding the child, regardless of its author, must be taken with respect for the best interests of the child’. They are also present in the provisions of Law No. 273/2004 regarding the adoption procedure. The best interest of the child is a fundamental requirement of adoption, being one of its essential characteristics. Regarding the notion of the best interest of the child, we can say that we are referring to the child’s primary needs, such as ensuring a moral framework and material conditions necessary for his or her growth and education.

10.2.2. The Person to Be Adopted Must Be a Minor

As the law provides, a child can be adopted until reaching the age of 18, at which point they gain full legal capacity¹³⁹. This age condition of the adoptee has its rationale in the finality of the adoption itself. According to the provisions of Art. 455 para. 2 of the Civil Code, if the person who acquired full exercise capacity was raised during his or

138 Art. 2 letter d) of Law No. 273/2004 on the adoption procedure.

139 Art. 455 para. 1 of the Civil Code.

her minority, he or she can also be adopted. This provision is justified on the idea that if the one to be adopted was raised during the minority, it means that the minor was protected and the finality of the adoption was realised in advance, before the adoption was approved.¹⁴⁰

10.2.3. Consent to Adoption

Consent of the minor: Art. 463 para. 1 letter b) of the Civil Code states: ‘For the conclusion of an adoption, the consent of the adoptee who has reached the age of 10 is required’. This establishes a genuine special legal capacity for the minor.¹⁴¹

The consent to adoption of a child who has reached the age of 10 is given before the court during the adoption approval stage, according to Art. 15 of Law No. 273/2004 on adoption procedure. The same provision states that *the adoption cannot be approved without the consent of the child who has reached the age of 10.*

To ensure informed consent, “prior to expressing consent, the child protection authority in whose jurisdiction the child resides shall counsel and inform the child, taking into account their age and maturity, especially regarding the consequences of the adoption and their consent to it, and shall prepare a report in this regard.”

Consent of the minor’s natural parents: It is also necessary for consent to adoption to be given ‘by the biological parents or, where applicable, the child’s guardian if the biological parents are deceased, unknown, declared dead or missing, or are under judicial counselling or special guardianship and are unable to express their will due to lack of discernment, in accordance with the law’ – Art. 463 para. 1 letter a) of the Civil Code.

According to Art. 14 of Law No. 273/2004 on adoption procedure, the consent of the biological parents or, where applicable, the guardian is given before the court when the application for the initiation of adoption proceedings is decided. In the specific case of adoption by the spouse of the child’s parent the biological parent’s consent is given before the court during the adoption approval hearing.

The consent of the biological parents must be informed, free, unvitiated, and not conditional upon any benefit of any kind. The parents or guardian may only give their consent after 60 days have passed since the child’s birth, and they may revoke it within 30 days of having expressed it (Art. 466 of the Civil Code).

The court may, in exceptional cases, override the refusal of the biological parents or, where applicable the guardian to consent to the adoption if it is proven, by any means of evidence, that such refusal is abusive and the court considers that the adoption is in the best interest of the child. The child’s opinion expressed in accordance with the law must also be taken into account and the court must explicitly justify its decision in this regard.¹⁴²

140 Florian and Floare, 2024, p. 492.

141 Nicolescu, 2023, p. 501; Avram, 2022, p. 336.

142 Art. 467 of the Civil Code and Art. 8 para. 2 of Law No. 273/2004 on adoption procedure.

10.2.4. Conditions Regarding the Adopting Person/Family

Adopter's full exercise capacity and state of health: According to the provisions of Art. 459 of the Civil Code the person seeking to adopt must have full legal capacity. This is required by law because through adoption parental rights and responsibilities are transferred to the adopter, and therefore the adopter must have the necessary psychological aptitude to exercise them under normal conditions, in the best interest of the adopted child. Persons with mental illnesses or intellectual disabilities are not permitted to adopt. According to Romanian legislation there is no maximum age limit for the adopter.

Minimum age difference of 18 years between adopter and adoptee: Under Art. 460 of the Civil Code the person who wishes to adopt (the adopter) must be at least 18 years older than the adoptee. If there are valid reasons, the guardianship court may approve the adoption even if the age difference is less than 18 years, provided that there is at least a 16-year age difference between the adopter and the adoptee.¹⁴³

Moral and material ability to adopt: Both Civil Code in Art. 461 and Law No. 273/2004 on the adoption procedure in Art. 13 require that the adopter or adoptive family fulfil the moral guarantees and material conditions necessary for upbringing, education, and harmonious development of the child.

The adopter/adoptive family are subject to an evaluation process after which they obtain a certificate of a person/family fit to adopt which confirms the applicant's parental abilities as well as the fulfilment of the moral guarantees and material conditions required for the upbringing, education, and harmonious development of the child.

Consent of the adopter, respectively of the adopter's spouse: Art. 463 para. of the Civil Code requires the consent of the adopter or, as the case may be, of the spouses in the adopting family, when they adopt together, or of the spouse of the adopter, unless the lack of discernment makes it impossible for him or her to express his or her will. This latter agreement is one of non-opposition to adoption, given that the spouse does not become the adopter.

The consent of the adopter or adoptive family must be given in front of the court together with the resolution of the request for approval of the adoption¹⁴⁴.

Other substantive conditions required for the validity of an adoption are the *absence of impediments to the adoption*.

143 According to Art. 9 of the European Convention on the Adoption of Children of Strasbourg: "(1) A child may be adopted only if the adopter has attained the minimum age prescribed by law for this purpose, this minimum age being neither less than 18 nor more than 30 years. There shall be an appropriate age difference between the adopter and the child, having regard to the best interests of the child, preferably a difference of at least 16 years.

(2) The law may, however, permit the requirement as to the minimum age or the age difference to be waived in the best interests of the child: when the adopter is the spouse or registered partner of the child's father or mother; or by reason of exceptional circumstances."

144 Art. 16 of Law No. 273/2004.

10.2.5. Substantive Negative Conditions or Impediments to Adoption

Other substantive conditions required for the validity of an adoption are the *absence of impediments to the adoption*.

Kinship: Adoption between siblings is prohibited, regardless of their gender; thus, second-degree collateral kinship is an impediment to adoption (Art. 457 of the Civil Code).

Status of spouses and ex-spouses: Adoption of two spouses or former spouses by the same adopter or adoptive family, as well as adoption between spouses or former spouses, is prohibited (Art. 458 of the Civil Code).

Simultaneous or successive adoption: Two people cannot adopt together, either simultaneously or successively, unless they are husband and wife. However, a new adoption can be approved in the following cases: (a) the adopter or adoptive spouses have died; in which case, the previous adoption is considered dissolved on the date the final court decision authorizing the new adoption becomes definitive.

Adoption by same-sex couples: Adoption by two people of the same sex is not allowed.¹⁴⁵

Law No. 273/2004, in addition to the above-mentioned Civil Code provisions, establishes in Art. 6 letter c) the possibility of adopting a child who has a single, unmarried parent who is in a stable relationship and living with an unmarried person of the opposite sex, who is not related to the parent up to the fourth degree, and who declares by notarized document that the new adopter has directly and consistently participated in the upbringing and care of the child for an uninterrupted period of at least five years.

Other impediments to adoption provided in Art. 7 of Law No. 273/2004 regarding the adoption procedure are as follows:

1. A person who has been definitively convicted for a crime against another person or family, committed with intent, as well as for the crime of child pornography and crimes related to drug or precursor trafficking, cannot adopt.
2. A person or family whose child benefits from a special protection measure or who is deprived of parental rights cannot adopt.
3. A person who wants to adopt alone or whose spouse is mentally ill or mentally disabled cannot adopt.
4. A child out of wedlock, recognised by the father administratively, as well as a child whose paternity was established by a court decision that acknowledged the recognition by the father or that confirms the will of the parties, cannot be adopted, without an investigation of the validity of the request; they can be adopted by the father's wife only if the filiation is confirmed by the result of the expertise carried out using the DNA serological method.

145 Art. 462 of the Civil Code; Mihăilă, 2021, pp. 279–314; Moloman and Ureche, 2022, p. 996.

5. A child whose natural parents have not reached the age of 14 years cannot be adopted¹⁴⁶.

The international adoption of a child with habitual residence in Romania by a person/family with habitual residence abroad can only be approved for children who are in the records of the National Authority for the Protection of Children's Rights and Adoption and only in the following situations, according to the provisions of Art. 60 of Law no. 273/2004 regarding the adoption procedure: the adopter or one of the spouses of the adopting family is related up to the fourth degree, including the child for whom the opening of the adoption procedure was approved; the adopter or one of the spouses of the adopting family is also a Romanian citizen; the adopter is the spouse of the natural parent of the child whose adoption is requested.

Adoptable children in an international adoption procedure must be in the records of the Authority for the Protection of Children's Rights and Adoption, in this case, the children for whom the case manager established adoption as the finality of the IPP.

After reaching its peak in 2004, the number of domestic and international adoptions has been fairly constant in recent years. What is encouraging is that according to officials' statements, largely due to legislative changes in the field, the number of adoptions is increasing. According to official statistics for the year 2023,¹⁴⁷ a total of 1,356 national adoptions and 12 international adoptions were completed. During the same period, 7,057 children were registered as adoptable, of whom 6,285 were publicly listed on the adoptable children's profile. In terms of potential adoptive parents, 3,119 individuals or families were certified for national adoption, and an additional 67 received certification for international adoption. Comparable figures from previous years reflect a similar trend. In 2022, for example, 6,702 children were declared adoptable, 2,845 families or individuals were certified for adoption, and 1,587 children were adopted, including 16 through international adoption procedures. In contrast, 2021 saw a total of 1,655 adoptions finalized, with 5,797 children listed as adoptable - most of whom were aged between 3 and 6 years - and 3,067 certified adopters or adoptive families.¹⁴⁸

Thus, regardless of the positive evolution of the statistics, there is still a significant gap between the number of adoptable children and people certified to adopt. Particularly concerning is the growing number of children who are considered difficult to adopt, including those with disabilities. A special category is represented by children who have experienced an unsuccessful adoption, the majority being in the age category over 7 years, with siblings in the system or with developmental delays. Children who have run away from home and street children have quite a small chance of being successfully adopted.¹⁴⁹

146 Art. 11 of Law No. 273/2004 on the adoption procedure.

147 Ministry of Labour and Social Solidarity, 2023a, pp. 1-3.

148 Ministry of Labour and Social Solidarity, 2021b, p. 1.

149 Stănculescu et al., 2016, pp. 300 and 302.

11. Participation of Children in the Child Protection System

The participation of children in the social protection system represents an essential dimension of respecting children's rights, as enshrined in the UN Convention on the Rights of the Child and in national legislation, particularly Law No. 272/2004 on the protection and promotion of children's rights. In a system where children are often seen as passive beneficiaries, recognizing their capacity to actively contribute to decisions that affect their lives is a necessary paradigm shift for promoting genuine and effective protection.

Children can participate in various civil, administrative and criminal procedures. Therefore, they must be helped to be aware of the importance of participation in decision-making that concerns them and to understand the reasons why some of their opinions or wishes cannot be considered.

Whether we are talking about requests related to the establishment of guardianship, civil status registrations, inheritance claims, divorce, adoption, or procedures before public administration authorities for the granting of services or benefits, or situations where children are arrested or convicted, or serve as witnesses in judicial proceedings, a *child-friendly infrastructure* must be ensured, as stated in the '*National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2023–2027.*'

According to Art. 12.1 of the *Convention on the Rights of the Child* (CRC):

'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.'

This is regarding both the child's capacity as a legal subject and the legal and social status of the child, who has full autonomy, like adults. The child has the right to be heard and informed in relation to all administrative or judicial proceedings in which he or she participates.

Similarly, Art. 24 of the *Charter of Fundamental Rights of the EU* stipulates the following:

'Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.'

According to Art. 6 of the *European Convention on Human Rights* (ECHR), specific requirements must be respected when a minor is involved in criminal proceedings. In any such procedure, the child's age and level of maturity must be taken into account, ensuring that

the minor understands the implications of every step in the process that concerns them. Hearings should be conducted behind closed doors, publicity should be limited, and the minor must have access to legal counsel.

The ‘*Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice*’¹⁵⁰ stipulate that a child-friendly judicial system is characterized by a set of fundamental principles: participation, the best interests of the child, dignity, protection against discrimination, and the rule of law.

Regarding the *child’s participation*, the following must be respected: access to justice, consultation, the right to be heard, and consideration of the child’s views, taking into account the child’s maturity and any potential communication difficulties. The best interests of the child are paramount, and the best interests of all children involved in the same proceeding or case should be assessed and weighed separately to reconcile the possible conflicting interests of the children. To ensure the *dignity of the child*, the child must be treated with care, sensitivity, fairness, and respect throughout all procedures, and must not be subjected to torture or other cruel, inhuman, or degrading treatment or punishment. The child must be *protected against discrimination* guaranteeing their rights without discrimination based on sex, race, colour or ethnic origin, age, language, religion, political or other beliefs, national or social origin, socioeconomic background, parental status, association with a national minority, property, birth, sexual orientation, gender identity, or any other status. *The principle of the rule of law* aims to ensure procedural guarantees, such as the principles of legality and proportionality, the presumption of innocence, the right to a fair trial, the right to legal advice, the right of access to justice and the right to appeal.

The participation of the child in the assessment and planning of protection measures is a fundamental component of child-centered social care practice. Every child for whom a special protection measure is established benefits from an individualized protection plan developed by a multidisciplinary team coordinated by the case manager. Depending on the child’s age and capacity, they are invited to participate in the development of this plan, expressing their views regarding: the type of proposed measure (family placement, institutional care, reintegration; the place where they wish to live; maintaining contact with their biological family or siblings; their educational or personal needs and aspirations. This participation holds both legal and therapeutic value, helping the child feel valued, heard, and involved in their own life.

Children entering the special protection system should know and be informed about every step taken – from the preparation for placement in the alternative care system to details about siblings, school, or the placement location.¹⁵¹ However, studies carried out in Romania show that two out of three children in the special protection system are not consulted about their opinions and preferences. Children who have been consulted tend to prefer the living conditions in the special protection system,

150 Council of Europe, 2011.

151 Council of Europe, 2014, p. 26.

expressing their desire for their families to be free from violence, alcohol or substance abuse, and to have decent living conditions.¹⁵²

In Romania, *Standard 5 from the Order of the Minister of Labour and Social Justice No. 25/2019*, on the approval of minimum quality standards for residential social services intended for children in the special protection system, supports the ongoing involvement of children in decisions and processes concerning their own lives, as well as their active participation in all aspects of social life. The same document requires residential centres to carry out, at least once a year, periodic information and training sessions for children. Additionally, center staff must train and inform children about how they can express and communicate their opinions, wishes, and suggestions regarding their living environment, the services they receive, and the activities in which they are involved.

The same document requires residential centers to conduct at least one annual information and training session for children. Additionally, center staff must train and inform children about how they can express and communicate their opinions, wishes, and suggestions regarding their living environment, the services they receive, and the activities in which they are involved.

Hearing the minor, a guarantee of their participation in the protection system, is a fundamental procedural safeguard aimed at ensuring that children's voices are considered in decisions affecting their lives. The guardianship court cannot decide without *hearing the minor* if the minor has reached the age of 10 years. According to Art. 264 of the Civil Code, in the administrative or judicial procedures that concern the child, hearing of the child who has reached the age of 10 years is mandatory. However, a child under the age of 10 may also be heard if the competent authority considers it necessary for resolving the case. The child may request to be heard, and if the competent authority rejects the request, it must provide justification.

In principle, the court considers the child's opinion, valuing it according to age and degree of maturity.

The hearing of the minor is done in the council room. Generally, only the judge and the court clerk are present, but depending on the circumstances, the court may allow the participation of other individuals (a parent, guardian, psychologist).¹⁵³ Recently, *special rooms* have been set up *for hearing children*, but they are present in few places in the country.¹⁵⁴

According to the provisions of Art. 57 para. 3 of Law No. 272/2004 on the protection and promotion of children's rights, special protection measures for children who have reached the age of 14 years are established only with their *consent*. In the case where the child refuses to give his or her consent, the protective measures are established only by the court, which, in well-reasoned situations, can override the child's refusal to express his or her consent to the proposed measure.

152 Stănculescu et al., 2016, p. 43.

153 For details, see: Neamț, 2021, p. 225.

154 Federația Organizațiilor Neguvernamentale Pentru Copii, 2021.

The child who has reached the age of 10 years will give his or her *consent to the adoption* in front of the court, in the adoption approval phase, according to Art. 15 of Law No. 273/2004 on the adoption procedure. This does not involve just listening, and it is a requirement of consent that cannot be met otherwise.

Article 2 letter r) of the Pre-University Education Law No. 198/2023 affirms that the pre-university education system is founded on a set of core values, including *the principle of respecting students' right to express their opinions*. In addition, Art. 116, letter r) provides that the County Directorates for Pre-University Education and the Bucharest Directorate for Pre-University Education are responsible for maintaining communication with representative organizations of students, teachers, and parents. These bodies must also ensure their effective participation in both the development and implementation of education policies at the county level, as well as in decision-making processes that impact the school community.

The concept of *Student Status* plays a crucial role in shaping the educational experience by formally recognizing students not merely as passive recipients of knowledge but as active participants in the learning environment.

*Student Status from August 1, 2024*¹⁵⁵ regulates the rights and duties of students in pre-university education in Romania, establishing a legal framework that guarantees a series of essential rights for students' active participation in the educational system.

Students have *the right to be heard* (the right to express their opinions on all matters that concern them, including the educational process); *the right to actively participate in school life* (students can be involved in decision-making processes that affect them through student councils and other representation mechanisms); they have *the right to be consulted regarding the curriculum* (in order to ensure that it meets their learning needs and interests); *the right to actively participate in school life* (students have the right to be actively involved in school life and decision-making processes at the institutional level. This includes participating in extracurricular activities, school councils, and the development of local educational policies) *the right to access to information* (students have the right to be informed about school regulations, their rights, and evaluation procedures); *the right to association* (student representation in schools is carried out through student councils and their representative associations).

Children and young people with special educational needs integrated in mainstream education have the same rights as other students (Art. 8 of Student Status).

These rights are essential for developing an inclusive and participatory education that promotes student autonomy and responsibility in their learning process. Student involvement in decisions affecting their education helps create a more equitable and respectful environment for all.

The National Council of Students serves as an important institution in Romania's pre-university education system, providing a formal and unified platform for student representation. The National Council of Students is the official representative body

155 Student Status from August 1, 2024, Official Gazette, Part I No. 795 of 12 August 2024.

for all students in Romania’s pre-university education system. Established in 2007, it aims to ensure the active participation of students in the educational decision-making process and to promote their rights and interests at the local, county, and national levels. The National Council of Students operates under the coordination of the Ministry of Education, but it is an autonomous structure made up of representatives from student councils in each county and from every educational institution. Its organization is based on the Regulation on the organization and functioning of the National Council of Students, which is periodically approved through a ministerial order¹⁵⁶. The National Council of Students is an important mechanism for children’s participation in decision-making in the field of education.

Through the program initiated by the *Save the Children organization*, titled ‘*We Have Rights Too*’, over 20,000 children from all the organization’s branches were involved in 2019, along with more than 600 volunteers, teachers, and schools as partners. In 2024, the program reached 40,000 children nationwide, providing information on topics such as children’s rights and responsibilities, the phenomenon of discrimination and its emotional impact, violence, and bullying, using a non-formal, peer-to-peer education approach.

The aim of the program was to:

‘inform children to raise awareness of their own rights and responsibilities, in line with the UN Convention on the Rights of the Child, using peer-to-peer education techniques and to encourage their participation in social programs and actions, increase the respect for children’s rights, and involve children and young people in non-formal education activities to develop their knowledge of child rights as well as skills.’¹⁵⁷

Despite the favourable legal framework, the implementation of children’s participation in the social protection system faces several obstacles: lack of adequate professional training in the field of communication with children; adult-centric attitudes among professional staff, who sometimes do not value children’s opinions; absence of standardized procedures for listening to and documenting the child’s views; administrative pressures that may lead to decisions being made based on efficiency rather than the best interest of the child.

Additionally, younger children, children with disabilities, or those from severely disadvantaged backgrounds are often excluded or underrepresented in the decision-making process, which further exacerbates systemic inequalities.

156 Regulament din 8 iulie 2024 de organizare și funcționare a Consiliului Național al Elevilor, [Regulation of July 8, 2024, on the Organization and Functioning of the National Council of Students], Official Gazette Part I No. 683 of 16 July 2024.

157 Salvati Copiii, n.d.

12. Conclusions

Children in Romania and especially those in the protection system face difficulties that can affect their development, despite the real progress made by Romania.

As a priority, we identify the need to create an integrated child protection system with qualified personnel and the involvement of territorial administrative units and the entire community. Through social programmes, effective measures must be implemented to prevent children's abandonment and separation from their family. Early detection of risk situations, particularly those involving abuse, neglect, or abandonment, is imperative to ensure timely intervention by competent authorities and existing social services.

The social assistance system in Romania is still underdeveloped. It is necessary to increase the number of people or foster families, implement training and preparation programmes for foster carers and provide material means for them, as well as ensure constant evaluation and monitoring. Another aspect that must be considered is the creation of a specialised placement network for children with disabilities, following the model of other states.

Even though the number of children in the special protection system and the number of residential services and institutionalised children has decreased, prevention is still ineffective, as are the forms of support given to young people when they leave the system. There is a pronounced lack of comprehensive information and counselling services for both children and their parents.

The limited access to quality education for children with SENs and disabilities, lack of infrastructure adequate for the needs of these children and lack of resources and qualified support platforms continue to lead to the children's marginalisation or even exclusion.

To address these gaps, prevention and support services, including day services (e.g. day-care centres, rehabilitation centres and counselling and support centres for children and parents) and family-type services (foster care or foster homes) must be strengthened. Family-type services represent vital alternatives for families temporarily or permanently unable to care for their children. Nonetheless, institutional care should remain an exceptional and temporary measure, reserved for cases where other interventions are not viable.

The different practices at the level of the counties in Romania, regarding deinstitutionalisation, closing of residential centres and the alternative services offered,¹⁵⁸ require the creation of a transparent monitoring system to take the necessary measures in time.

Finally, the establishment and enhancement of rehabilitation and social integration services are critical for equipping children with the skills necessary for independent living after exiting the protection system. By fostering these capacities, Romania

158 According to the statistical analyses carried out within the SIPOCA 2 Project.

can support a more successful transition for vulnerable children into autonomous adulthood.

Bibliography

- AGERPRES (n.d.) ‘Suma cheltuită în trimestrul I din bugetul MMSS pentru finanțarea serviciilor sociale a fost de 43 ,3 milioane lei’, *agerpres.ro* [Online]. Available at: <https://www.agerpres.ro/economic-intern/2024/08/10/suma-cheltuita-in-trimestrul-i-din-bugetul-mmss-pentru-finantarea-serviciilor-sociale-a-fost-de-43-3-milioane-lei-1339726?utm> (Accessed: 16 December 2024).
- Aniței, N.C. (2024) *Dreptul familiei*. Bucharest: Universul Juridic.
- Avram, M. (2022) *Drept civil. Familia*. 3rd edn. Bucharest: Hamangiu.
- Bihor County Council (2024) Strategia județeană de dezvoltare a serviciilor sociale în domeniul asistenței sociale și protecției copilului pe termen mediu (2022 - 2027) și lung (până în 2031). Bihor: Bihor County Council - D.G.A.S.P.C., p. 14 [Online]. Available at: https://www.dgaspbihor.ro/dgaspdbh.ro/informatii_publice/Strategie_2023-2031.pdf (Accessed: 10 October 2023).
- Council of Europe (1996) ‘European Social Charter (revised)’, *Council of Europe Treaty Series*, No. 163, 3 May 1996.
- Council of Europe (2011) ‘Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice’ adopted by the Committee of Ministers of the Council of Europe on 17 November 2010 and explanatory memorandum, *coe.int* [Online]. Available at: www.coe.int/children. (Accessed: 12 December 2023).
- Council of Europe (2014) ‘Securing Children’s Rights: A Guide for Professionals Working in Alternative Care’, *coe.int*, p. 26 [Online]. Available at: <https://rm.coe.int>. (Accessed: 12 December 2023).
- Crăciunescu, C.M. (2022) ‘Câteva considerații privind ocrotirea minorului în perspectiva proiectului de modificare a Codului civil’, *Revista de Dreptul familiei*, 2022/1, pp. 165–181.
- Domocoș, V. (2021) ‘Reintegrarea minorilor ulterior dispunerii măsurilor speciale de protecție. Abandonul de familie în contextul interesului superior al minorului’, *Revista de Dreptul familiei* 2021/2, pp. 116–140.
- European Union Agency for Fundamental Rights (2014) ‘Guardianship systems for children deprived of parental care in the European Union - With a particular focus on their role in responding to child trafficking’, p. 16 [Online]. Available at: https://fra.europa.eu/sites/default/files/fra-2014-guardianship-children_en_0.pdf (Accessed: 29 September 2023).
- European Union Agency for Fundamental Rights (2022) ‘Guardianship systems for unaccompanied children in the European Union. Developments since 2014’ [Online]. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-guardianship-systems-developments_en.pdf (Accessed: 3 December 2023).

- European Union Agency for Fundamental Rights, Council of Europe (2014) *Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*. Luxembourg: Publications Office, p. 14.
- European Union Agency for Fundamental Rights, Council of Europe (2022) *Handbook on European law relating to the rights of the child 2022 edition*. Luxembourg: Publications Office, p. 115.
- Federația Organizațiilor Neguvernamentale Pentru Copil (2021) 'AUDIS: pentru o mai bună audiere a minorilor în România' [Online]. Available at: <https://fonpc.ro/2021/08/20/audis-pentru-o-mai-buna-audiere-a-minorilor/#:~:text=SCOPUL%20PROIECTULUI%20Proiectul%20isi%20propune%20sa%20dezvolte,ceea%20ce%20prive%C8%99te%20instrumentarea%20cauzelor%20cu%20minori> (Accessed: 29 September 2023).
- Florian, E., Floare, M.I (2024) *Dreptul familiei. Căsătoria. Regimuri matrimoniale. Filiația*. 9th edn. Bucharest: C.H. Beck.
- Grigoraș, V., et al. (2021) *Diagnoza situației persoanelor cu dizabilități în România*. Bucharest: Ministry of Labour and Social Protection p. 24 [Online]. Available at: <https://anpd.gov.ro>. (Accessed: 5 November 2023).
- Institutul Național de Statistică (2024) 'Sistemul de protecție socială în România în anul 2022' [Online]. Available at: https://insse.ro/cms/sites/default/files/field/publicatii/statistica_protectiei_sociale_2022.pdf, (Accessed: 16 December 2024).
- International Labour Organization and United Nations Children's Fund (2023) *More than a billion reasons: The urgent need to build universal social protection for children – Second ILO–UNICEF joint report on social protection for children*. Geneva, New York: UNICEF [Online]. Available at: <https://www.unicef.org/media/135211/file/More%20than%20a%20billion%20reasons:%20The%20urgent%20need%20to%20build%20universal%20social%20protection.pdf> (Accessed: 15 November 2024).
- Irinescu, L. (2024) *Dreptul familiei*. Bucharest: Hamangiu.
- Lupașcu, D., Crăciunescu, C.M. (2021) *Dreptul familiei*. 4th edn. Bucharest: Universul Juridic.
- Marc, C., Bacter, C. (2016) 'Protecția copilului în România: provocări și soluții' in Hatos, A., Chipea, F. (eds.) *Bihorul în Europa – Local, național și european în transformările sociale regionale din perioada 1996-2015*. Cluj-Napoca: Presa Universitară Clujeană, pp. 201-222.
- Marin, M., Stănculescu, M.S. (2019) 'Evoluția sistemului de protecție a copilului în România în ultimii 30 de ani', *Sociologie Românească*, 17(2), pp. 60-91; <https://doi.org/10.33788/sr.17.2.3>.
- Mihăilă, C.O. (2010) *Adopția - Drept român și comparat*. Bucharest: Universul Juridic.
- Mihăilă, C.O. (2016) 'Considerations on the minor's guardianship' in *Proceedings of the International Conference "European Union's History, Culture and Citizenship"*. 9th edn. Bucharest: C.H. Beck.

- Mihăilă, C.O. (2021) 'Adopția internațională. Interzicerea adopției de către persoanele de același sex. Rainbow families. O realitate încă de neacceptat?', *Revista de Dreptul Familiei*, 2021/2, pp. 279–314.
- Ministry of Labour and Social Solidarity (2020) The Report 'Instrument de monitorizare și evaluare a stadiului asigurării tranziției de la îngrijirea în instituții la îngrijirea în comunitate', within the *Project*, p. 11 [Online]. Available at: <https://copii.gov.ro/1/wp-content/uploads/2022/10/Instrument-de-monitorizare.pdf>. (Accessed: 27 September 2023).
- Ministry of Labour and Social Solidarity (2021a) The Report 'Ghid de modele alternative de dezvoltare a activității de prevenire a separării copilului de familie' [Online]. Available at: <http://comunitate.copii.ro/wp-content/uploads/2021/07/Ghid-de-modele-alternative-de-dezvoltare-a-activita%CC%86t%CC%A6ii-de-prevenire-a-separa%CC%86rii-copilului-de-familie.pdf>. (Accessed: 5 October 2023).
- Ministry of Labour and Social Solidarity (2021b) 'Statistici 2021 Date statistice privind adopțiile în anul 2021', p. 1 [Online]. Available at: <https://copii.gov.ro/1/date-statistice-copii-si-adoptii/> (Accessed: 28 September 2023).
- Ministry of Labour and Social Solidarity (2021c) 'Propunere de politică publică privind îmbunătățirea și diversificarea serviciilor alternative la îngrijirea în instituții' [Online]. Available at: <https://copii.gov.ro/1/wp-content/uploads/2022/10/Propunere-politica-publica-servicii-alternative.pdf> (Accessed: 5 September 2023).
- Ministry of Family Youth and Equal Opportunities (2022a) 'Cartografierea nevoilor, a serviciilor și infrastructurii disponibile pentru copiii expuși riscului de separare de familie, în special în comunitățile vulnerabile' [Online]. Available at: <https://mfamilie.gov.ro/1/wp-content/uploads/2022/09/Cartografierea-nevoilor-RO.pdf>. (Accessed: 30 September 2024).
- Ministry of Labour and Social Solidarity - National Authority for the Protection of Children's Rights and Adoption (2022b) 'Evoluții în domeniul protecției copilului', p. 26 [Online]. Available at: https://www.mmuncii.ro/j33/images/buletin_statistic/copil_2022.pdf (Accessed: 27 September 2023).
- Ministry of Labour and Social Solidarity (2022c) *National Strategy for the Rights of Persons with Disabilities "An equitable Romania" 2022-2027*. Bucharest: Ministry of Labour and Social Solidarity [Online]. Available at: <https://anpd.gov.ro/web/wp-content/uploads/2022/12/The-National-Strategy-for-the-Rights-of-Persons-with-Disabilities-An-equitable-Romania-2022-2027.pdf> (Accessed: 5 November 2023).
- Ministry of Labour and Social Solidarity - National Authority for the Protection of the Rights of Persons with Disabilities (2022d) 'Raport de activitate pentru anul 2022', pp. 21-24 [Online]. Available at: <https://anpd.gov.ro/web/despre-noi/rapoarte-si-studii/rapoarte/> (Accessed: 27 October 2023).

- Ministry of Labor, Family, Youth and Social Solidarity - National Authority for the Protection of Children's Rights and Adoption (2023) 'Evoluții în domeniul protecției copilului' p. 2 [Online]. Available at: <https://copii.gov.ro/1/wp-content/uploads/2024/04/Buletin-statistic-trim-IV-2023.pdf> (Accessed: 16 May 2025).
- Ministry of Labour and Social Solidarity (2023a) Statistica adopției 2023 'Date statistice privind adopțiile în anul 2023', pp. 1-3 [Online]. Available at: <https://copii.gov.ro/1/date-statistice-copii-si-adoptii/> (Accessed: 1 March 2024).
- Ministry of Labour and Social Solidarity (2023b) 'Evoluții în domeniul asistenței sociale în trimestrul I 2023', p. 24 [Online]. Available at: https://www.mmuncii.ro/j33/images/buletin_statistic/Asist_sem_I_2023.pdf (Accessed: 1 October 2023).
- Ministry of Labour and Social Solidarity-National Authority for the Protection of Children's Rights and Adoption (n.d.) 'Prezentare generală' [Online]. Available at: <https://copii.gov.ro/1/prezentare-general/> (Accessed: 5 December 2023).
- Ministry of Labor, Family, Youth and Social Solidarity - National Authority for the Protection of the Rights of Persons with Disabilities (2024) 'Statistică trimestrul IV 2024 – Evoluții în domeniul protecției persoanelor cu dizabilități', p. 2 [Online]. Available at: <https://anpd.gov.ro/web/transparenta/statistici/> (Accessed: 16 May 2025).
- Ministry of Labour and Social Solidarity - National Authority for the Protection of the Rights of Persons with Disabilities (2024a) 'Prezentare sistem de protecție specială decembrie 2024' [Online]. Available at: <https://copii.gov.ro/1/date-statistice-copii-si-adoptii/> (Accessed: 12 March 2025).
- Ministry of Labour and Social Solidarity (2024b) 'Evoluții în domeniul asistenței sociale în semestrul I 2024', [Online]. Available at: https://mmuncii.ro/j33/images/buletin_statistic/Asist_sem_I_2024.pdf [Online]. (Accessed: 16 May 2025).
- Ministry of Labor, Family, Youth and Social Solidarity - National Authority for the Protection of Children's Rights and Adoption (2024c) 'Evoluții în domeniul protecției copilului', p. 1 [Online]. Available at: <https://copii.gov.ro/1/wp-content/uploads/2025/04/Buletin-statistic-copii-31-dec-2024.pdf> (Accessed: 16 May 2025).
- Ministry of Labor, Family, Youth and Social Solidarity - National Authority for the Protection of Children's Rights and Adoption (2024d) 'Prezentare sistem 2024 - Situație protecția drepturilor copilului' [Online]. Available at: <https://copii.gov.ro/1/date-statistice-copii-si-adoptii/> (Accessed: 16 May 2025).
- Ministry of Family, Youth and Equal Opportunities - National Authority for the Protection of Children's Rights and Adoption (2024e) 'Situație copii cu dizabilități aflați în evidențele Serviciilor de Evaluare Complexă ale DGASPC' [Online]. Available at: <https://copii.gov.ro/1/date-statistice-copii-siadoptii/> (Accessed: 16 May 2025).

- Ministry of Labour, Family and Social Solidarity - National Authority for the Protection of Children's Rights and Adoption (2024f) 'Situății de abuz, neglijare, exploatare a copilului' [Online]. Available at: <https://copii.gov.ro/1/date-statisticecopii-si-adoptii/> (Accessed: 16 May 2025).
- Moloman, B.D., Ureche, L.C. (2022) *Cod Civil, Comentarii - Explicații. Jurisprudență. Cartea a II - a. Despre familie. Art. 258-534*. 2nd edn. Bucharest: Universul Juridic.
- Munteanu, C., Cercel, S. (eds.) (2020) *Persoanele – Fișe de Drept civil*. Bucharest: Universul Juridic.
- Neamț, I.I. (2021) 'Interesul superior al copilului versus rolul activ al judecătorului', *Revista de Dreptul familiei supplement*, 2021/2, pp. 201–247.
- Nicolae, M. (ed.) (2016) *Drept Civil – Persoanele*. Bucharest: Universul Juridic.
- Nicolescu, C. (2023) *Dreptul familiei*. 2nd edn. Bucharest: Solomon.
- Onica-Chipea, L. (2014) *Dreptul securității sociale*. Bucharest: ProUniversitaria.
- Roth, M., Antal, I., Călian, D. (2019) *Sistemul protecției copilului în România, în vol. Principii versus practici în sistemul de protecție a copilului*. Cluj-Napoca: Presa Universitară Clujeană.
- Salvati Copiii (n.d.) 'Promovarea drepturilor copilului', [salvaticopiii.ro](https://www.salvaticopiii.ro) [Online]. Available at: <https://www.salvaticopiii.ro/ce-facem/drepturile-copilului/promovarea-drepturilor-copilului> (Accessed: 15 May 2025).
- Save the Children (2022) 'Poverty and unequal access to education expose vulnerable children to educational exclusion: Save the Children Romania goes into communities to implement an integrated model to stimulate participation in education and prevent the phenomenon of early school leaving' [Online]. Available at: <https://www.salvaticopiii.ro/sci-ro/media/Documente/41,5-dintre-copiii-din-Romania-in-risc-de-saracie-sau-excluziune-sociala-Modelul-propus-de-Salvati-Copii.pdf>. (Accessed: 25 October 2023).
- SOS Children's Villages Romania (2022) 'Management de caz în domeniul protecției copilului. Suport de curs (iunie 2022)' [Online]. Available at: <https://copii.gov.ro/1/wp-content/uploads/2023/01/Suport-curs-management-de-caz.pdf> (Accessed: 30 November 2023).
- Stănculescu, M.S., et al. (eds.) (2016) *Romania: Copiii din sistemul de protecție a copilului - 2014*. Bucharest: Alpha MDN.
- Guvernul României (2023) *Strategia națională pentru protecția și promovarea drepturilor copilului 'Copii protejați, România sigură' 2023–2027*. ('National Strategy for the Protection and Promotion of Children's Rights "Protected Children, Safe Romania" 2023–2027'), Official Gazette, Part I No. 942bis of 18 October 2023 [Online]. Available at: <https://copii.gov.ro/1/wp-content/uploads/2023/11/Monitorul-Oficial-Partea-I-nr.-942Bis.pdf>, (Accessed: 28 September 2024).
- Toth, A., Mita, D. (2020) *Survey on the Situation of Young People who Leave the Special Protection System in Romania – Research Report*. Bucharest: Sociometrics [Online]. Available at: <https://www.sos-satelecopiilor.ro/wp-content/uploads/2020/08/Studiu-tineri-iesiti-english-web-1.pdf> (Accessed: 26 September 2023).
- Ungureanu, O., Munteanu, C. (2013) *Drept civil – Persoanele*. Bucharest: Hamangiu.

UNICEF (n.d.) ‘Garanția Europeană pentru Copii – Împreună pentru construirea unui viitor incluziv și prietenos pentru copiii din România’, *unicef.org* [Online]. Available at: <https://www.unicef.org/romania/ro/garan%C8%9Bia-european%C4%83-pentru-copii> (Accessed: 15 May 2025).

United Nations Committee on the Rights of the Child (2005) ‘General comment No. 6, Treatment of unaccompanied and separated children outside their country of origin CRC/GC/2005/6’ [Online]. Available at: <https://www2.ohchr.org/> (Accessed: 2 December 2023).

Zamfir, C. (ed.) (1997) *Pentru o societate centrată pe copil – Institutul de Cercetare a Calității Vieții*. Bucharest: Alternative, pp. 7–10.