

THE NATIONAL SYSTEM OF CHILD SOCIAL PROTECTION IN ROMANIA

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ABSTRACT: *Our reason to focus the research on the national system of child social protection in Romania is to underline the fact that this category of subjects is the most vulnerable and at risk from social categories in our country. To underline the subject of research, we will highlight some key terms that are directly related to the subject. The term "child", in the social assistance specific legislation, is defined according to the law and legal provisions referred to. Thus, Law no. 272/2004, on the Protection and Promotion of the Rights of the Child defines in Article 4(a.) as a “child - a human being below the age of 18, who has not acquired full capacity of exercise, according to the law.”*

Key words: *system, law, kids, social assistance programs, category*

1. Research Paper theme

Our reason to focus the research on the national system of child social protection in Romania is to underline the fact that this category of subjects is the most vulnerable and at risk from social categories in our country.

In order to underline the subject of research, we will highlight some key terms that are directly related to the subject. The term "child", in the social assistance specific legislation, is defined according to the law and legal provisions referred to. Thus, Law no. 272/2004, on the Protection and Promotion of the Rights of the Child defines in Article 4(a.) as a “child - a human being below the age of 18, who has not acquired full capacity of exercise, according to the law” [Badiu, A., 2008, pg.324].

As we mentioned in the beginning, this category is the most vulnerable and at risk of marginalization and social exclusion. Since December 1989, the phenomenon of institutionalization of children has become increasingly complex and diverse, with more and more types of social services being developed, which along with social benefits, being involved in situations that could create the risk of social exclusion. Therefore, along

the way, the social protection system of the child in Romania has undergone legislative and organizational changes, depending on the situations and problems that have occurred in the Romanian society at a certain time.

Immediately after 1989, as a result of the negative publicity made to Romania in terms of child protection, both civil society and state institutions brought together the legislative changes, as well as institutional organization, so that the national social assistance system, of which the protection of children is also a part, to go through a number of important and beneficial changes to this disadvantaged category.

The development of different types of child-centered services has inevitably led to the need for people specialized in this field, well-trained and familiar with the issues, legislation and, in particular, to be committed and dedicated to the profession for which they have been trained, considering the fact that they work with a category of people from disadvantaged backgrounds; we are also referring here not only to children, but also to their families.

Social assistance programs, which have been developed by both non-governmental organizations and state institutions, have

sometimes encountered difficulties in implementing them, even from those who might have received advice, in the provision of certain types of services, support in finding a job, etc.

2. The current state of the issue

The National Social Assistance System in Romania is regulated by Law no. 47/2006 on the National Social Assistance System, and the law that deals with the child issue is Law no. 272/2004, on the Protection and Promotion of the Rights of the Child. Certainly, the previous mentioned laws are not the only ones that are relevant to the issue that we want to address.

The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly on 10 December 1948, sets out the right to life, liberty and security of person, the right to social security, the right to a standard of living adequate for the health and well-being of himself and of his family, the right of the family to protection from society and the state, the right of the mother and child to social care and assistance. The same authority proclaimed on 20 November 1959, the Declaration of the Rights of the Child, in which preamble states that the child's entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity" [Macavei, E., 1989, pag.13-14].

The Declaration of the Rights of the Child represents the universal code of the child's rights, including the duties for the society to enforce, stated in the following ten principles:

în satul Petrisat (mun. Blaj),

- "the child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
- the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity;
- the child shall be entitled from his birth to a name and a nationality;
- the child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services;
- the child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable;
- the child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be

given an education, which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society. The responsibility lies in the first place with his parents, to give full opportunity for play and recreation, which should be directed to the same purposes as education;

- the child shall in all circumstances be among the first to receive protection and relief;
- the child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development;
- the child shall be protected from practices, which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men” [Macavei, E., 1989, pp. 14-15].

Law no. 47/2006 on the National Social Assistance System, republished, as amended and supplemented sets out both the types of services intended to prevent the separation of the child from the parents and those of special protection of the child that has been separated temporary or permanent from the parents. The following types of services were organized and made operational: day-care services, family-type services and residential services. Day services are those services, which ensure that the abilities of the child and his or her parents are maintained, reestablished and developed in order to

overcome the situations which could lead to the separation of the child from his or her family. These include:

- a) Day-care centers;
- b) Centers of counselling and support for parents;
- c) Centers of assistance and support for the re-adaptation of the child to psycho-social problems;
- d) Services for monitoring, assistance and support of the pregnant woman predisposed to abandon her child.

Family services are those services, which provide, at the domicile of a natural person or family, the child's rearing and care separately, temporarily or permanently, from his parents, because of the establishment of the placement measure under the terms of this law.

The role of residential services is to ensure the protection, rearing and care of the child separately, temporarily or permanently, from his or her parents, because of the legally established placement measure. These services include placement centers (including family type homes), centers for receiving children in emergency situations, as well as maternal centers.

The institutions responsible for the protection and promotion of the rights of the child:

- *Central level* - National Authority for the Rights of Persons with Disabilities, Children and Adoption subordinated to Ministry of Labor and Social Protection;
- *County level* - General Directorates for Social Assistance and Child Protection (GDASPC) under the authority of the County Councils and the Local Councils of the Bucharest City;
- *Local level* - General Directorates for Social Assistance and Child Protection (GDASPC)/ Public Services for Social Assistance (PSSA) organized at the city or municipal level, or public services for social assistance operated by the local public administration authorities at the level of communes local councils.

Some placement centers offer a high quality of childcare, monitoring and support services for children. Childcare services require good organization in terms of children's hygiene and not only. All children in placement centers receive regular medical visits, treatments if they have certain conditions, either respiratory or other. On the other hand, unfortunately, there are centers where disinterest, discrimination, or any other form of exclusion, perhaps more than is the case, occur. Children are physically or mentally abused, sometimes sexually, which can lead to poor development in qualitative terms.

The major changes faced by Romanian society after 1990, from the economic, financial and social terms points of view, have also brought changes in what the traditional family meant, about the community that was deeply involved in supporting families who were in crisis at some point. Even if they did not do it in an organized way, they were nevertheless able to help through the community members, extended family, church and last but not least school, so that the family or child in a difficult situation to be helped to overcome the critical moments.

Special measures of child's protection are:

- Placement.

- a) Emergency placement;
- b) Specialized supervision.

The beneficiaries of the special child protection measures are:

- a) the child whose parents are deceased, unknown, deprived of the exercise of parental rights or have been enforced the penalty of denial of parental rights, placed under interdiction, declared dead or missing by a court of law and for whom no legal guardianship could be established;
- b) the child who, in view of protecting his or her best interests, cannot be left in the care of the parents, for reasons for which the parents cannot be held accountable;

- c) the abused or neglected child;
- d) the foundling or the child who has been abandoned by the mother in a hospital ward;
- e) the child who has committed an act stipulated by the criminal law and who is not criminally liable (Article 60 from Law no. 272/2004).

The placement of the child represents a temporary special child protection measure, which, in accordance with the present law and by case, may be decided, as follows:

- a) with a person or family.
- b) with a maternal assistant.
- c) in a residential service.

The placement measure is decided by the child protection commission, if the consent of the parents has been granted, or by the court of law, upon the request of the general department for social security and child protection.

The emergency placement of the child is a temporary special child protection measure, which is undertaken when a child is in the following situations:

- a) the abused, neglected child or exposed to any other form of violence;
- b) the foundling or abandoned child in healthcare institutions.

The emergency placement may also be ordered in the case of whose sole legal guardian or both have been detained, arrested, hospitalized or in situation which, for any other reason, they cannot exercise their parental rights and obligations with regard to the child. (Article 68, Law no. 272/2004).

The specialized supervision measure is decided for the child who has committed a criminal act and who is not criminally liable. In case the parents or the legal guardian has granted their agreement, the specialized supervision measure is decided by the child protection commission, and in the absence of this agreement, by the court of law. In Alba County, there are several types of centers in which children or young people in care are provided with specialized services:

- Day centers – 16 centers, at the end of 2018, provided services for an approximate number of 460 children.

The main role of the service is to provide during the day free assistance to children, from families in difficulty (families with a precarious economic situation and/or disorganized families where mothers/fathers grow up their children by themselves), thereby enabling parents to find a workplace, and to be able to provide suitable material conditions for the upbringing of children.

The day-care center ensures the promotion of every child rights to maintain the relationship with his or her family, offering adequate services to the family at risk of child abandonment, so that the family would be able to fulfill the responsibilities concerning the childcare, security and education.

The establishment of such centers aims to keep the child in the family, avoiding the entry into the protection system predominantly for socio-economic reasons.

The day-care center provides children with care, educational and fun programs, counselling - during the day, and in the evening, they return home to their environment, avoiding the separation from the family.

The activities of the day-care center are complementary to those of other public services (education, health). The day-care center will not include any school activities.

The beneficiaries of day services centers are:

- Children from families being in the following situations:
 - family with socio-economic problems (unemployed parents, poor house, low standard of living);
 - family with many children and low incomes, families with health problems (temporary or for a long period of time);
 - single parent family;
 - family where one of the parents is deprived of liberty;

- Children reintegrated into the natural or extended family after a protection measure has ceased in a residential unit or a substitute family;
- Children whose parents work and there is no support from the extended family for the care, security and education of child.

In accordance with the provisions of Law No 272 of 21 June 2004 on the protection and promotion of the rights of the child, special protection means all measures, benefits and services intended for the care and development of a child who is temporarily or definitively deprived of the protection of his or her parents or of those who, in order to protect his or her interests, it cannot be left to their care.

The placement of the child represents a temporary special measure for child protection, which, in accordance with the provisions of the law and by case, may be ordered to stay with:

- a) a person or family.
- b) a maternal assistant.
- c) in a residential service.

Special protection measure - placement to a person or family benefits:

- the child whose parents have a certificate of decision stating the disability degree;
- the child whose mother is underage;
- the child whose parents are convicted by a court order.

The professional maternal assistant is the natural person, attested, who provides, through his home activity, the child's rearing, care and necessary education, for the harmonious development of the children he receives in placement or in custody.

The professional maternal assistant has the following obligations regarding the children received in placement or custody:

- to ensure the growth, care and education of a child, in order to ensure harmonious development of physical, mental, intellectual and emotional thereof;
- to ensure integration of children in the family, applying them equal treatment with the other family members;

- to ensure integration of children into society;
- to help prepare the natural reintegration of children in their family or their integration into the adoptive family, if applicable;
- enabling skilled child protection public service or authorized private bodies overseeing his business and assessing the development of children;
- to ensure the continuity of the work carried out during the period of annual leave, unless the separation from children in placement or custody for that period is authorized by the employer; to preserve the confidentiality of the information which he receives about children;
- shall immediately inform the specialized public child protection service or the authorized private body supervising their work of any change in their personal, family or social situation which might influence their professional activity; to participate in further training courses organized by employers;
- to present, together with the persons with whom they live, annually to the child protection committee a medical certificate stating that their health status allows the continuation of work;

The activity of maternal assistants is supervised by the specialized public service for Child Protection or by the authorized private body. They shall be obliged to submit quarterly reports to the child protection committee on the progress of the children in custody or in placement to maternal assistants.

In Alba County, by the end of 2018, approximate 90-100 maternal assistants were active.

Taking into consideration the fact that, the problem we are facing is increasingly diverse, as well as the crisis situations, the national system of child protection in Romania has to adapt to the current situations, to be reorganized according to emergent risk situations, there may also

appear centers to provide new services to the beneficiaries, or the preexistent ones may be developed, but the most important fact is that of the requirements of good practices, which were already implemented in a foreign country, and to take into account the family type, customs, traditions, their geographical area etc., because all of them may influence the final result.

3. Research Methodology

A. *The purpose of research*

The aim of the research is to study both the reason why children and young people are abandoned in placement centers, and what is their relationship with family members and the employees in the specialized centers.

B. *Research Objectives*

- the reason why children get to be placed in centers;
- the background of family environment;
- the reasons of child's separation from the family;

C. *Hypotheses*

- A large number of children and young people in placement centers had in their families, brothers who were abandoned or sisters who have become mothers of early and were abandoned as well in special centers for protection.
- Once these children and young people grow up and start their own families, they could adopt the behavior and attitudes from their parents, brothers or sisters, and perhaps they would do the same thing, to abandon their own children.

4. Stages in the development of the research

In the development of this project, we have taken several steps:

- a) *Formulating research questions* - at this stage, we have chosen an observed and well-known phenomenon to many people.

Furthermore, we discussed with certain subjects familiar with the topic, and we chose to have a wide range of consultations concerning this phenomenon.

- b) **Selecting methods and instruments of data collection - as a method of research, we have chosen an indirect method, the qualitative sociological survey, and as a research instrument, our option was the standardized questionnaire.**
- c) *Target group selection* - in determining the sample we selected several centers for the protection of children and young people, with a number of 100 respondents.
- d) *Implementation of the Questionnaire* - the questionnaire was applied in a user-friendly context, thus being a relaxed atmosphere, and this makes it easier to apply the questionnaires, as well as the answering process, without any reservations and to make the data collection as easy as possible.

5. Results

Y *Gender distribution*

The gender distribution pertaining to children and youngsters shows that 60% are girls, a much higher percentage than 40% of boys. Furthermore, we may observe that girls are more prone to the risk of institutionalization than boys are institutionalization, which is carried out for various reasons.

Y *Ages of children in protection centers*

A small percentage is represented by children who are between the ages of 10 and 14 (**10%**), on the second place we have the children or youngsters with ages between 14 and 16 (**18%**), followed by the category between 16 and 18 where we met a pretty high percentage (**30%**), and last but not least, with a much higher percentage and that is enough alarming is the situation of young people with more than 18 years

(**42%**). Young people over the age of 18 are institutionalized or in centers of origin custody, until they complete their age-specific educational activities, or in some cases, their studies.

Y *Background*

A relatively small percentage of young people or children are from the urban area (37%), followed by the rural area where the number is quite high (63%). This result may also say a lot of things about the specific situation of each child, or about the reasons of institutionalization.

Y *Domicile*

Regarding the aspects of this chapter, both the percentage of children and young people shows an equality, so that the percentage of children or youngsters from Alba Iulia City or from Alba County is **50%**.

Y *Children or young people homes*

45% of the total number of children and young people stated that they live in their natural family, **15%** live in their extended family, **18%** live with their maternal assistant and a percentage of **22%** live in centers.

Y *Siblings - brothers/sisters*

At this question, a percentage of **82%** of the respondents gave an affirmative answer. This means that the respondents affirmed the fact that they have other siblings, and they are not the only child in the family, comparing with the **18%** of people who sustained that they do not have any other siblings.

Y *Siblings number*

72% affirmed the fact that they have other siblings from which, **18%** have two brothers, and **10%**, the smallest percentage, have just a brother or a sister.

Y *Age Gap*

A percentage of **24%** is represented by smaller brothers or sister, and **76%** of them are older than the children or youngsters in placement centers.

Y *Relationships with brothers and sisters*

5% of children and youngsters affirm that they have a very good relationship with

their brothers or sisters, **28%** have a good relationship, **17%** of them have bad relationships, and **50%** have a very bad relationship.

6. Conclusions

To sum up, we have to take into account the fact that the current problem have a tendency to increase, the situations of crisis become more and more diverse, this means that the national protection system of the child has to readapt to the new situations, to

be reorganized in accordance to the situation at risk which may appear, also to create new services delivered in centers, or to develop the activities from the old ones, so that all the previous mentioned to lead to the most important thing, which would be a good practice model, successfully implemented abroad and to permit taking into consideration the specific characteristics of family types, customs, habits, background, the geographical area of living, especially because all these aspect may influence the final result.

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Sitography

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