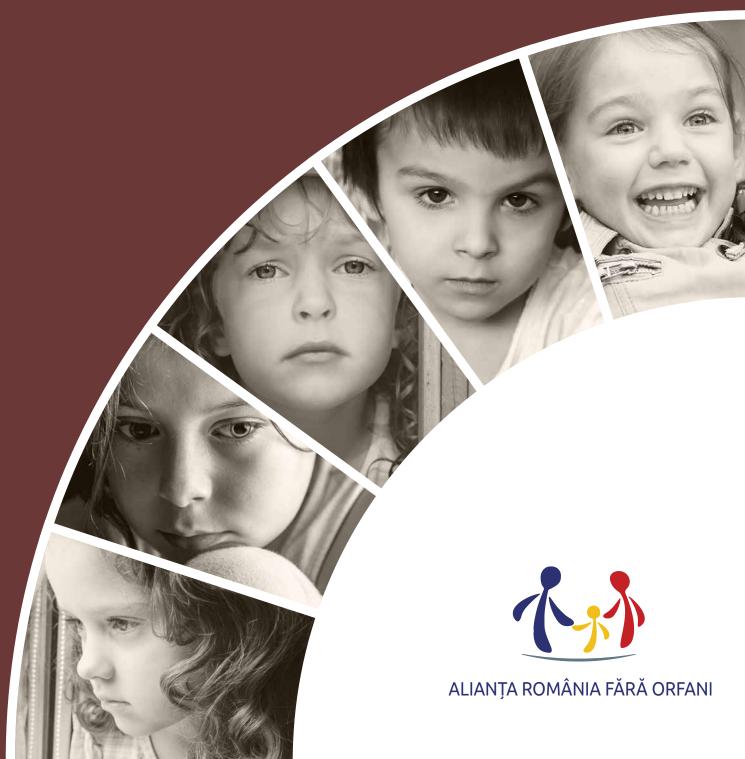
# ARFO ANNUAL REPORT

THE CONDITION OF CHILDREN UNDER ROMANIA'S CHILD PROTECTION SYSTEM



## Together, we can!

On paper, Romania's Child Protection System offers a child temporary intervention until they are reintegrated into their biological family, or placed in an adoptive family. In reality, this "temporary intervention" usually lasts until they be**come an adult.** For these children, who cannot be reintegrated into their biological family, their path to adoption is made especially difficult by exaggerated laws, described in this report. In recent years some of Romania's adoption laws have been improved; but these improvements are usually ignored at the local level and we suspect that priority may be given to keeping children in the system based on the miniscule rate of adoptability for institutionalized children (only 1.5%).

This report by the Romania Without Orphans Alliance offers a behind-the-curtain analysis of Romania's current Child Protection System, including statistics such as retention rates and institutionalization rates based on forms of intervention and geography.

In recent years, Romania has begun to close large orphanages. This is a step forward, but it does not address the fundamental need of children to be raised in a family. While large orphanages are being closed, many small ones are being opened. Children in these smaller institutions are cared for by rotating staff, just like in the large orphanages of the past. This approach misses the point as it fails to provide families for these children.

We are also concerned with the quality of social work offered to the children of Romania. In recent years Romania set standards for licensure in social work. While NGOs risk sanction and closure if they operate without this licensure, 83% of public services remain unlicensed because they cannot meet the same standards.

On the other hand, progress is being made by Romania's lawmakers. In 2016 changes were made to the legal process, giving children a greater chance of being adopted. Some of the changes for children included: creation of a "difficult to adopt" list, and adoptability once declared is no longer terminated at age 14. Adoptive parents now have more time to find a child, their term of certification was extended to 2 years.

We are optimistic about the positive steps being taken, and hope this report will contribute to a better diagnosis for further improvements. Based on our evaluations, we consider the following items to be vital and urgent: lowering the number of relatives sought from the 4th degree, which includes great-great-grandparents, introducing a sanction for not respecting the deadlines in declaring a child adoptable, lowering the number of migrations within the system, and changing the laws to allow accredited private organizations to be more involved.

"I have a dream..." was the theme of our Annual Summit in 2017. Martin Luther King Jr.'s dream has required sacrifice and endurance. We believe that with the same determination, our dream for Romania's orphans to be raised in a family will also one day be a reality.

LIVIU MIHĂILEANU

President



A family for every child.

EXECUTIVE SUMMARY

## **Surprising Numbers**



In Romania the common notion is that poorer regions have a higher rate of child abandonment. This is not supported, however, by the numbers. The capital counties of Bucharest-Ilfov have the most abandoned children, and are followed by counties representing every region of the country; including the west (Bihor), center (Mures), south (Constanta) and northeast (Iasi and Vaslui).

Among the counties with over 1,000 children in the Child Protection System, the highest percentage of children who are institutionalized is Harghita (55.63%). Bucharest-Ilfov, Prahova and Mures are at the top of the list for the most institutionalized children and are among the highest in percentage of children in institutions. In Bucharest, the capital, Sector 2 is the most alarming district, where 58.93% of children are institutionalized, followed by Sector 1 with 57.52%.

On the other end of the spectrum is Vaslui County, where only 10.29% of children in the system live in institutions. Although Vaslui has the 3rd highest number of abandoned children, they have succeeded to place nearly 90% of them in a family-based intervention.



The current requirement to find relatives to the 4th degree can block a child's case for adoption. It can take case managers up to 6 months to obtain death certificates of great-great-grandparents who may have died before modern record keeping. It is unjustified and unuseful to find relatives to the 4th degree, who are either dead (great-great-grandparents), too old, or out of the child's sphere of influence (siblings of great-grandparents).

5%

## OF INSTITUTIONALIZED CHILDREN ARE LEGALLY ADOPTABLE

This extremely small percentage of children that can be adopted out of institutions (1.5%) highlights a widespread practice of Romanian case managers, who usually work for the same local government agency that receives funds to house the children. Legally there are time limits and deadlines for opening procedures toward either reintegration in the biological family or adoption. In practice these deadlines are ignored and we are concerned this might be a tactic to secure funding for institutions and jobs for caregivers. Therefore, we propose sanctions be introduced to combat such a practice.

# 1.3%

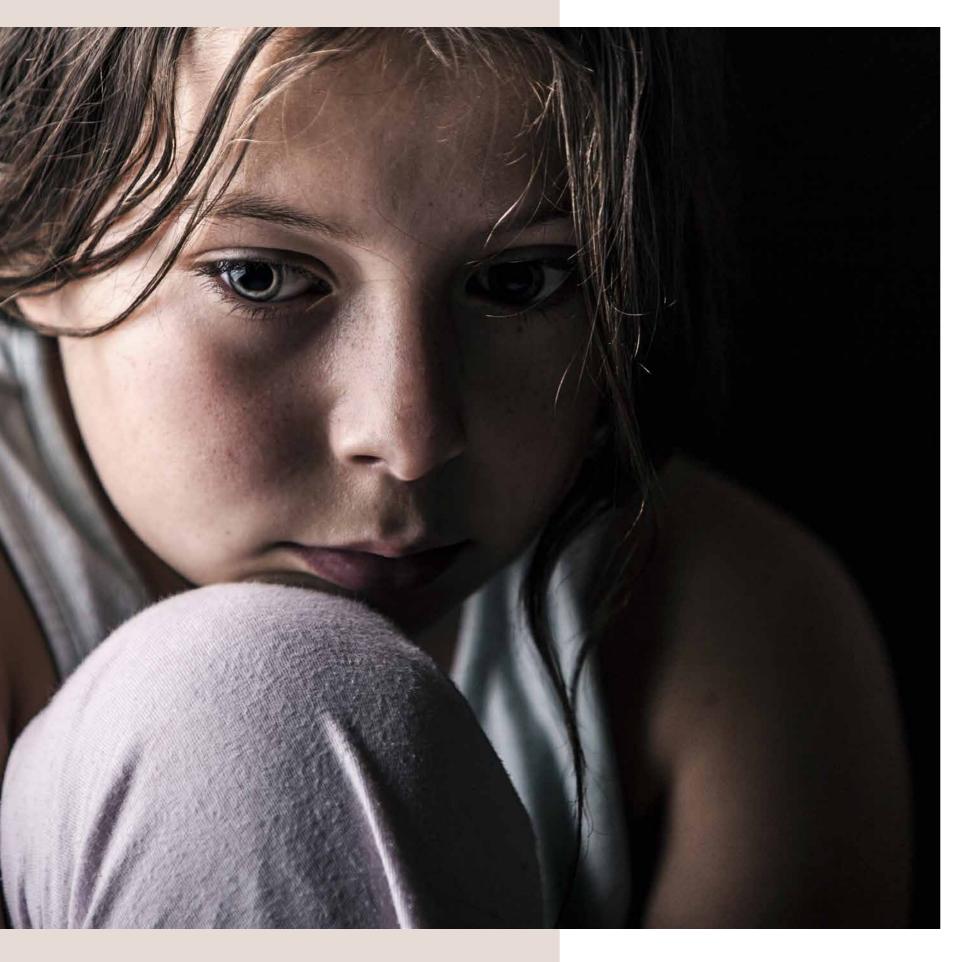
## OF CHILDREN IN THE SYSTEM WERE ADOPTED IN 2016

Out of the nearly 10,000 children who enter the Romanian Child Protection System every year, between 5,000 and 6,000 remain in the system. For these children their only option for a permanent solution is adoption, since reintegration into their biological family is unrealistic. Despite this reality, only 3,273 children have been declared legally adoptable. That is 5.7% of the children in the System, and only 1.3% were adopted last year. The chances to adopt in Romania dropped dramatically after 2004, when international adoption was closed, and the process for Romanians to adopt was made difficult. In 2004 there were 1,422 domestic adoptions, a number that has not been reached since.



Family placement, where children are placed with an extended family member or unpaid foster family, has no defined standards and methods for practice at the national level. These standards were supposed to be published by the Ministry of Labor and Social Justice in 2012. Not emitting these standards has endangered children who can be placed families that were never properly evaluated.

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ENTRANCE OF CHILDREN INTO ROMANIA'S CHILD PROTECTION SYSTEM

## The long wait for a new beginning.

The study, "Children in the child protection system," published in 2016 by the World Bank and UNICEF, notes that the principle causes of child separation from family and entrance into the Romanian Child Protection System include: poverty (32%), abuse and neglect (25%), disappearance of parents (12%), physical or mental incapacity (10%) and "other causes" (16%), which include many categories of family dysfunction: working abroad, incarceration of parents, substance abuse, divorce, separation, relational instability, infidelity, teen pregnancy, rejection of infant by extended family, infant abandonment, unwanted pregnancy, infants abandoned because of low birthweight or other health issues, children with behavioral problems, children

sent to produce money by prostitution, begging and theft.

Few children enter Romania's Child Protection System because of parental death. In fact, over 90% of children in the System have mothers who are alive and known to authorities.

The Child Protection System is meant to offer temporary intervention for children at risk until they are reintegrated into their biological family. When reintegration is not feasible the child should be declared adoptable. Yet, the 2016 UNICEF report shows this "temporary intervention" is usually not temporary; they found that children stay in the system for an average of 7.5 years.

"In Romania 1 in 5 children in residential care between the ages of 15 and 27 spent their whole lives in an institution and nearly 1 in 3 children spent 90% of their lives in the system. Lack of a family environment reduces these children's chances for a fulfilled life and limits their personal and professional development."

SUZY YOON-YILDIZ, Senior Operations Officer, World Bank.

CURRENT SITUATION

## Children in the System

According to statistics provided by the Romanian General Directorates of Social Assistance and Child Protection, on 31 March 2017, there were 19,236 children in residential institutions out of 57,026 children in the System. A list of counties with the most children in the System includes representation from each region of Romania. Beside the capital counties of Bucharest-Ilfov, which have the most abandoned children, the list includes counties in the west (Bihor), center (Mureş), south (Constanța) and northeast (Iași, Vaslui). And so, the presumption that only the poorest regions of Romania still have a problem with abandoned children is proven false.

	COUNTY	NUMBER OF CHILDREN IN THE CHILD PROTECTION SYSTEM
1	Bucureşti-Ilfov	3638
2	laşi	3588
3	Vaslui	2953
4	Constanţa	2309
5	Timiş	2302
6	Bihor	1933
7	Bacău	1892
8	Prahova	1746
9	Mureş	1744
10	Suceava	1703

#### OF THE 57,026 CHILDREN IN THE SYSTEM



**19,236** institutionalized



**18,775** in paid foster care



14,199 with family <4th degree



**4,816** with other families or persons



MOST CHILDREN DON'T REMAIN STABLE IN ONE FORM OF INTERVENTION, INSTEAD THEY SUFFER COMPLEX TRAUMA DURING EVERY MIGRATION WITHIN THE SYSTEM.

A child who enters the Child Protection System at 6 months and is moved to 9 homes and institutions by age 11, or a child who was taken at 3 years old from a foster mother and moved into a social apartment to be cared for by rotating staff, are true and tragic stories that Romania's children live through right now.

Migration within the System creates trauma in

children's lives that is extremely hard to recuperate from. A common practice that is especially damaging is moving young children from foster families into residential institutions in order to "free up" their foster family to care for a new child who is under 3 years old. (Romanian laws do not allow children under 3 to be housed in institutions.) This practice measurably affects the child's brain development and mental health.





CURRENT SITUATION

### Level of Institutionalization

The situation described in the letter, quoted beside, is real. Unfortunately, organizations that experience abuse against themselves do not file complaints. They fear retribution. In Romania, state-run Agencies can unilaterally cancel contracts which NGOs need to have programs and keep accreditation. Officials can cancel collaborations for any reason (or without reason), and the NGO has no legal recourse. This is an unhappy truth well known by the members of our Alliance.

Among Romanian counties with over 1,000 children in the System, Harghita County, located in the North has the highest percentage of institutionalized children (55.63%). Bucharest-Ilfov, Prahova, and Mures counties are notable for being on both the list of top number of children in the System, as well as percentage of children institutionalized.

In the capital Bucharest, the most alarming region is Sector 2, in the East of the city, with 58.93% of children in the System in institutions. On the other end of the spectrum is Vaslui county, often derided as one of the poorest counties, with the 3rd most abandoned children, yet 90% of those children are placed in family-based interventions.

The high percentage of institutionalization shows the limitations of government agencies in Romania to offer children the possibility of family-based interventions, such as family placement or paid foster caregiveers.

	COUNTY	PERCENTAGE OF INSTITU- TIONALIZED CHILDREN*
1	Harghita	55.63%
2	Alba	49.17%
3	Sibiu	46.36%
4	Bucureşti-Ilfov	44.80%
5	Arad	44.75%
6	Buzău	44.20%
7	Braşov	43.94%
8	Prahova	42.61%
9	Mureş	37.84%
10	Botoşani	37.34%

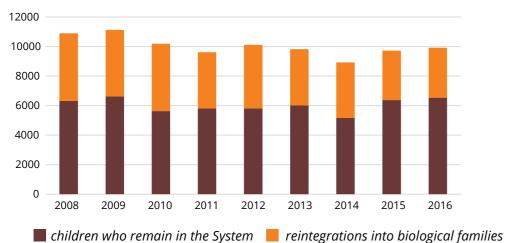
\*percentage of institutionalization in counties with over 1,000 children in the Child Protection System

Under Romanian law, any institutionalized child can be placed in a family who offers to foster the child without being employed after they have completed appropriate paper-work and inspections. We recommend legal sanctions be established for individuals, administrators and officials who misinform or intimidate people in order to impede children to transition from institutional care into this legal form of family placement.

## Reintegration into Biological Family

Statistics provided to our Alliance by Romania's National Authority for Child Protection Rights and Adoption show that a child in the System has a 30-40% chance of ever being placed with someone in their biological family.

#### NUMBER OF CHILDREN WHO REMAIN IN THE SYSTEM BY YEAR

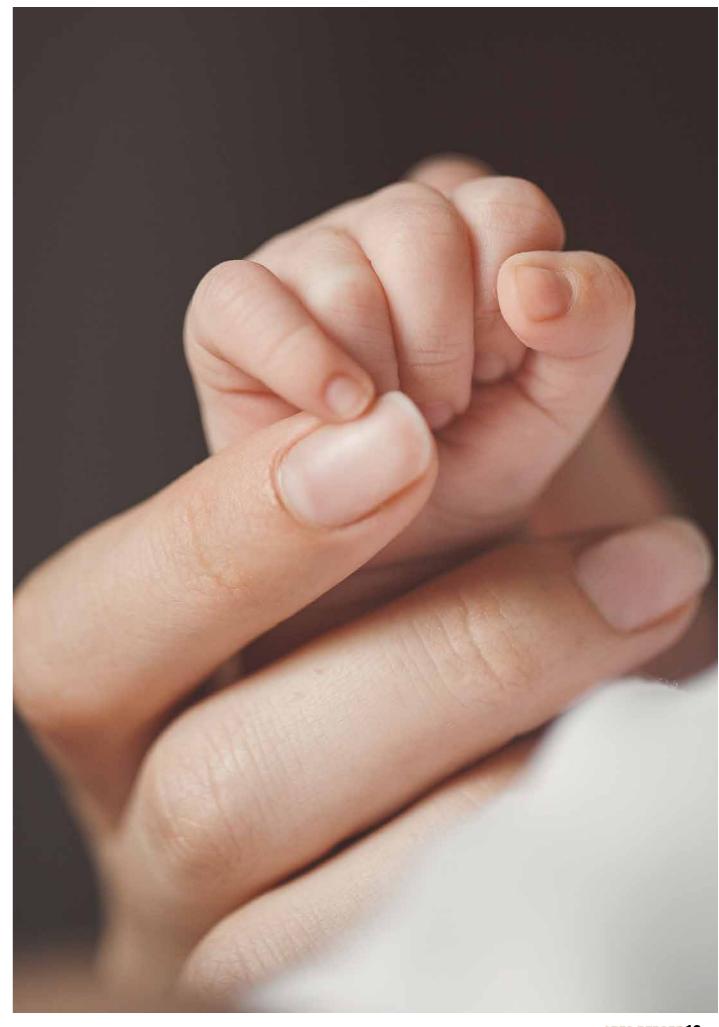


**EACH YEAR APPROXIMATELY 6,000 CHILDREN ENTER THE SYSTEM** 

THAT CANNOT BE REINTEGRATED INTO THEIR BIOLOGICAL FAMILY.

Approximately 10,000 children enter the Romania's Child Protection System each year. Out of these, 5,500 to 6,500 remain in the system until they become adults (50%-60%). On paper, priority is given to family, laws state that children must be reintegrated into their biological family or put up for adoption. But in practice, only 3,273 children (5.7%) have been declared adoptable.

	2008	2009	2010	2011	2012	2013	2014	2015	2016
Children entering the System	10,896	11,128	10,192	9,621	10,114	9,818	8,922	9,722	9,919
Reintegration into biological family	4582	4506	4567	3805	4298	3813	3763	3348	3385
Children who cannot be reintegrated	6314	6622	5625	5816	5816	6005	5159	6374	6534
Retention rate	58.0%	59.5%	55.2%	60.5%	57.5%	61.2%	57.8%	65.6%	65.9%



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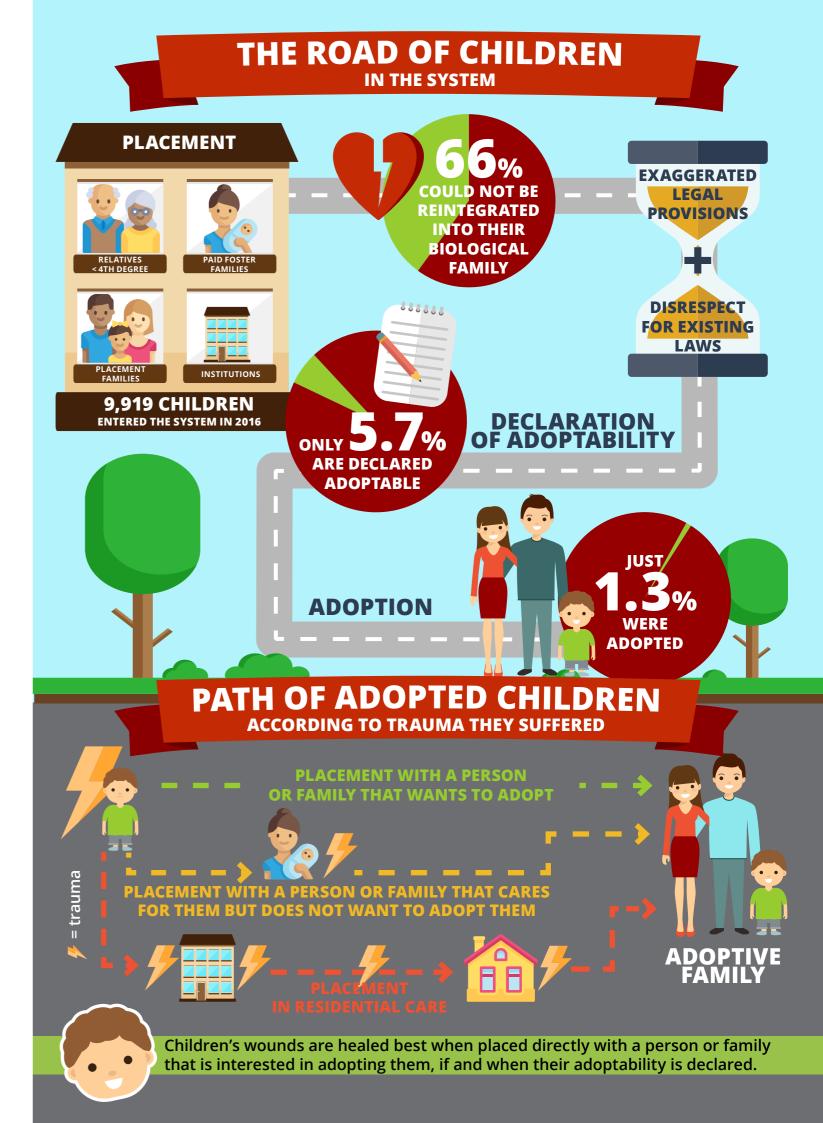


## **Family Placement**

In Romania, family placement legally can be performed by a relative, family friend, or any another person or family who meets certain criteria. Some public authorities and workers view this form of foster care as "masked adoption," since after 6 months the foster parent has priority if the child is put up for adoption. Sadly, many dreams have been shattered by this bias. It is a common practice to misinform couples about this legal method of obtaining a child from an institution.

It is in the best interests of a child to be placed in a family that is interested in adopting the child, if reintegration into their biological family proves infeasible. This can be accomplished under current laws in Romania through family placement or paid foster care. Unfortunately, these are not properly promoted. As a result, the percentage of institutionalization is high in Romania, in some counties, over 50% of children in the system live in orphanages and group homes.

While some government officials assume that family placement is a form of "masked adoption," the members of our Alliance have seen otherwise. In fact, when our members tell couples interested in adoption that in family placement, they would be expected to support attempts to reintegrate the child into their biological family by allowing parental visits and giving social workers time to speak with extended family about taking the child in, few are willing to move forward. Couples who pursue family placement do so because they want what is best for the child (reintegration first, adoption second) they should be encouraged, not misinformed or intimidated.



Priority for child placement should be with persons or families willing and qualified to adopt the child if they are declared adoptable. In this system, if a child is afterward reintegrated into their biological family they will go back healthier, having benefited from the best care possible. If reintegration is not possible and the child is declared adoptable, no extra transition is needed. No matter the outcome this option would offer the most psycho-emotional

stability possible in transitional placement. It is the best choice from the child's point of view.

One member of our Alliance was held up 6 months while working on a child's adoption case because authorities would not accept the child's file until our member tracked down the child's great-great-grandfather's death certificate. This example is not unique, and shows that Romania's current system is out of balance.

The law requiring 4th degree relatives to sign off on an adoption is unjustified. Great-great grandparents, aunts and uncles of greatgrandparents and siblings of grandparents are either dead, or too old to raise a young child.

We draw attention to the fact that family evaluations before placement are not performed according to national standards. In Romania, the minimum wage is 230 euros per month. As we previously showed, 32% of children in the system come from poor families and the children's 130 euros per month stipend might be motivation for extended family members to pursue family placement without providing proper care for children. Issuing of these standards has been expected since 2012.

It is imperative that Romania's Ministry of Labor and Social Justice issues the standards for Family Placement. Without these standards, consistent quality cannot be assured to keep children safe.

While NGOs are not permitted to function in Romania without a license, only 17% of public social services are licensed. The rest function without meeting the minimum standards that

all NGOs must meet to provide the same services. This raises questions concerning the quality of Romania's Child Protection System.



## **Declaration of Adoptability**

One of the positive modifications in 2016 to Romanian Law 273/2004 was the provision that adoption procedures be opened after the following special protection measures:

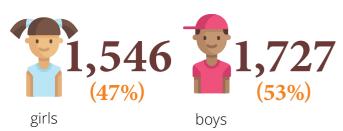
- one year passed, and the child's natural parents where not found competent to receive
  the child, as well as relatives up to the fourth
  degree who could be found, did not make any
  attempt to reintegrate or integrate the child
  into their family
- six months have passed and the child's natural parents and relatives up to the fourth degree

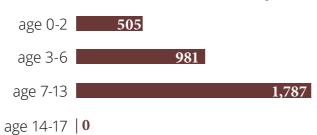
have not been found or identified but do not wish to have parental care / do not cooperate with authorities to take steps to reintegrate or integrate the child into their family

If taken seriously, this modification would dramatically increase the number of declarations of adoptability, but more than one year after the adoption of the law, the number of children declared adoptable remains below 6%. According to the data in the National Registry for Adoptions (RND) on 31 March 2017, 3,273 children were declared adoptable children of which:

#### 3,273 ADOPTABLE CHILDREN

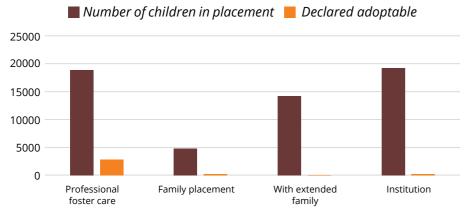
(OF WHICH 1,814 ARE ON THE DIFFICULT TO ADOPT LIST WHICH INCLUDES 1,629 CHILDREN WHO COULD LEGALLY BE ADOPTED INTERNATIONALLY BY ROMANIANS LIVING ABROAD)





At a closer analysis, only 1.5 percent of institutionalized children have their paperwork in order for adoption and only 0.15% of children in family placement and with extended family are declared adoptable.

#### ADOPTABLE CHILDREN ACCORDING TO THEIR FORM OF PLACEMENT



Adoptability percentage	14.43%	5.21%	0.15%	1.51%	5.74%
Number of adoptable children	2710	251	22	290	3273
Number of children	18,775	4,816	14,199	19,236	57,026
	PROFESSIONAL FOSTER CARE	FAMILY PLACEMENT	EXTENDED FAMILY	INSTITUTION	TOTAL



THE MINISCULE NUMBER OF INSTITUTIONALIZED CHILDREN AVAILABLE FOR ADOPTION (1.5%) DEMONSTRATES A TROUBLING PRACTICE OF KEEPING CHILDREN IN THE SYSTEM.

There may be a healthy explanation why only 0.15% of children placed with extended family are declared adoptable, namely to keep them closer to their family. However, we are alarmed by the miniscule percentage of institutionalized children with their paperwork in order for adoption (1.5%) we suspect children may intentionally be kept in the institutional system by not having their cases pursued.

At present there is a gap between Romania's laws and what happens on the ground. The law sets deadlines for progressing a child's case toward leaving the orphanage for a home. In practice, case managers do not take these requirements into account, and do not pursue the cases of children in orphanages and group homes.

On the subject of sanctioning case managers,

Ciprian Buhusi former inspection chief of Romania's National Authority for the Protection of Child Rights and Adoption stated last year at our Alliance's annual summit, "There are two aspects to addressing this situation: we could treat it as failure to perform service duties, which could be considered a contravention of the law, but beyond that, it could be the subject of an administrative inquiry." However, when our Alliance formally inquired of the Authority how many cases of children in the System for over one year they had investigated and what sanctions had been applied, they did not respond as to the number of cases investigated, and in regard to sanctions they stated, "The National Authority for the Protection of Child Rights and Adoption does not apply sanctions over case managers since they are the employees of the General Director for Social Assistance and Child Protection (a separate government body)."

The miniscule percentage of institutionalized children with their paperwork in order for adoption (1.5%) will only be improved by an outside body applying sanctions over the organizations responsible for case management.

The findings of the **Bucharest Early Intervention Project** show that, in addition to a reduced IQ, institutionalized children display a wide range of social and emotional disorders as well as malformities in brain development. By comparison, children placed in families showed measurable improve-

ments. The earlier they were placed, the better they proved to recover. Therefore, not declaring adoptability and keeping children in an institutionalized environment who otherwise could benefit from a family should be considered maltreatment of minors by Romania's Child Protection System.

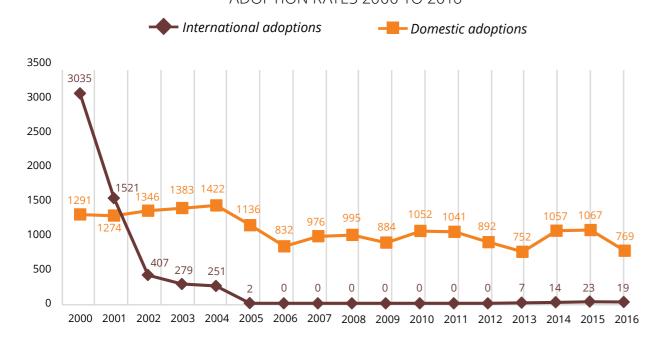
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## Adoption

Chances to adopt in Romania dropped dramatically after 2004. On the one hand, international adoptions were closed, and on the other hand, the procedures for domestic adoption was made more difficult for Romanians. In 2004, before the changes, there were 1,422 domestic adoptions in Romania, a number that has not been reached since. Current adoption trends are still alarming.



#### ADOPTION RATES 2000 TO 2016



A positive development over the past year is a rise in the number of certified applicants for adoption. The rise in certified applicants may be due to the media coverage of the 2016 amendments to Roma-

nia's adoption law. The number of valid certificates held by persons wanting to adopt in Romania as of 31 May 2017 was:

### 2,664 PERSONS / FAMILIES APPLYING TO ADOPT WITH VALID CERTIFICATES AS OF 31 MAY 2017 OF WHICH



Certificates for domestic adoption

The Romania Without Orphans Alliance (ARFO) has affirmed from the beginning the need for a more open approach than Romania's current criteria-based matching system, which has proven inefficient. Thus, we appreciate the transparent approach of the "hard-to-adopt" list. This is a list of children who did not match with a family willing to continue the adoption process with them after the initial match (according to the criteria-based software) for over nine months, or for whom there



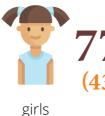
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Certificates for "international" adoption (Romanians living abroad)

were no families on the list matching their criteria for a period of three months. Once on the list, prospective adoptive parents are allowed to view their profile, humanizing the approach. We consider this a step in the right direction.

According to the data in the National Registry for Adoptions (NRN) on 31 March 2017, there were 1,814 hard-to-adopt children, out of which:

#### **1,814 HARD-TO-ADOPT CHILDREN**



778 43%)

1036

(57%

boys

The profile of a hard-to-adopt child can be reviewed by any person or family with a valid certificate to adopt. This is done at the local Child Protection Agency of the applicant's county of residence. If the applicant wishes to begin the adoption procedure with a hard-to-adopt child, indifferent of the databased criteria normally used to match children with applicants, a request for full information can be sent to the local Child Protection Agency where the child was evaluated. Within seven business days from the request the applicant receives a file with complete information about the child and may initiate adoption procedures.

Members of our Alliance have seen first-hand that the "hard-to-adopt" list has given children a chance at adoption who would have been passed over otherwise. In some cases, criteria that on paper frightens prospective parents, such as ethnicity or age 0-2 **48**age 3-6 **408**age 7-13
age 14-17 | **0** 

health issues, when communicated with transparency have proven to not be insurmountable issues. Humanizing and giving transparent information has especially helped sibling groups find families that would not have checked a box requesting them.

As mentioned, in 2004 international adoption was closed in Romania. Since 2013 there have been a handful of "international" adoptions. These have been performed by Romanian citizens living abroad. Through this process of "international" adoption, standards and procedures have been established for cooperation between Romanian and foreign authorities to assure transparency and safety for children. These standards and procedures acquired over the past four years could easily be the foundation of reopening international adoption. Doing this would give families to children who have little chance of a domestic adoption.

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WHAT IS TO BE DONE?

## **Conclusions and** Recommendations

## RAISED QUALITY BY EMPOWERING NGOS

While NGOs are not allowed to provide social services in Romania without a license, 83% of state-run social serves operate without the same license because they do not meet the minimum requirements. **Partnerships** between Romania's Child Protection System and accredited NGOs would raise the quality of social services. We recommend such collaborations be encouraged, even required.



**SANCTIONS** FOR DISREGARDING TERMS AND DEAD-LINES

The extremely small percentage of children that can be adopted out of institutions (1.5%) highlights widespread deficiencies in conforming with current legislation. As a side note, case managers usually work for the same local government agency that is receiving funds to house the children. Legally, there are time limits and deadlines for opening procedures toward either reintegration in the biological family or adoption. In practice, these deadlines are ignored and children remain in institutions. Therefore, one may conclude that such a practice is intentional to secure staff and funding. We propose sanctions be introduced against the persons and organizations responsible for case management who abusively disregard the legal terms and deadlines. To be effective, these controls and sanctions must be imposed by an outside entity.



3 SANCITORIA-**SANCTIONS** TION AND INTIMIDATION

Considering the high degree of children in residential care, resistance on the part of residential services to let children leave for a family environment must be addressed accordingly. It is imperative to sanction those who by means of misinformation or intimidation hinder the family placement of a child so that they remain in a residential service. At the same time, residential services that encourage transition of children in a family environment should be respected. This would contribute to changing Romania's Child Protection culture and decrease

# institutionalization.

#### **OUTLAW TRANSITIONS** FROM FAMILY ENVIRONMENTS TOWARD **RESIDENTIAL SERVICES**

A child who enters the Child Protection System at 6 months and is moved to 9 homes and institutions by age 11, or a child who was taken at 3 years old from a foster mother and moved into a social apartment to be cared for by rotating staff, are true and tragic stories that Romania's children live through right now. Legal regulations should not allow the transition of children from a family environment to residential services except in exceptional circumstances.

#### **MINIMUM STANDARDS** FOR FAMILY PLACEMENT (UNPAID FOSTER CARE)

Children can be placed in danger when integration into extended families is done without proper evaluations. It is imperative that Romania's Ministry of Labor and Social Justice issue minimum standards for family placement as quickly as possible. Without these, child safety cannot be assured.

### LOWER • DEGREE OF RELATION

The law requiring 4th degree relatives to sign off on an adoption is unjustified. Greatgreat grandparents, aunts and uncles of grandparents are either dead or too old to raise a young child. We thus recommend amendment of Romanian laws: 272/2004 and 273/2004 to lower the number of relatives to sign off on an adoption. This will reduce irrelevant paperwork case managers are responsible for completing in a child's case.



#### 7. OPEN INTER-NATIONAL **ADOPTION**

The standards and procedures acquired over the past four years in coordination with foreign agencies to coordinate adoptions by Romanian citizens living abroad can easily form the foundation for reopening international adoption, based on the Haga Convention. Doing this would give families to children who have little or no chance of a domestic adoption.

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ABOUT US

## The Romania Without Orphans ALLIANCE

The Romania Without Orphans Alliance (ARFO) unites NGOs, religious organizations, businesses, public figures and private persons to mobilize Romanian society to care for children in difficult circumstances.

Among our initiatives are our annual Summit, "Orphan Sunday" campaign, "Consortium to train in understanding and treat trauma," the "reFresh" conferences, and other projects executed in collaboration with various organizations in Romania.

Rather than creating a program, ARFO purposes to mobilize our society to care for children in difficult circumstances. Members of our Alliance are people and organizations who have devoted their resources to meet the physical, psychological, emotional and spiritual needs of children by providing expert services in adoption, family placement, professional foster care, counseling and prevention of abandonment.

The Romania Without Orphans Alliance is affiliated with World Without Orphans (WWO) and Christian Alliance for Orphans (CAFO).

**NOTES** 



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