



# COUNTRY SITUATION

## ROMANIA

(revised by a local contact)



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## General situation

### Political situation & governance:

With a history of communist rule, interspersed with a decade long dictatorship, Romania transitioned towards democracy in the mid-1990s. Romania became a member of NATO in 2004, and of the European Union in 2007. It is a semi-presidential republic governed by the President Klaus Werner Iohannis (since December 2014), with 41 counties and one municipality. It uses the civil law system.

### Population:

According to UNICEF, as of January 2021, the population was approximately [19.19 million](#). Approximately 14,12% of the population (around 3 million) are aged 14 or under. Romanian is the official and most widely spoken language. The two major religions are Eastern Orthodox (81,9%), and Protestant (6,4%).

### Economic & social situation:

Romania is in a relatively good economic situation, although it remains vulnerable to external shocks. Despite this progress, there is widespread poverty across the nation, with a middle class only recently emerging. However, it is estimated that around 23.8% of the population is living below poverty line. Several factors, including an aging population and the emigration of skilled labour, compromise Romania's long-term growth and economic stability and are the economy's top vulnerabilities. Further, with the [Covid pandemic](#), the risk of poverty or social exclusion among children has risen (at 1). According to UNICEF, in terms of [GDP](#), "Romania ranked among the last EU countries in terms of annual budgets allocated to education, health and social protection" (at 1).

### Children's rights:

Although the situation for children has improved considerably in the past two decades, risk factors remain. Children are at [significant risk of living in poverty or social exclusion](#), particularly for Roma children, children with disabilities and children living in rural areas (at 1). Children are at risk of living on the streets or trafficking – and Romania remains a primary source country for [sex and labour trafficking](#) victims in Europe (at paras. 78-81). Discrimination is a major risk factor for children from the Roma community (approximately 3% of the total population), children with HIV/AIDS, children with disabilities, asylum seeking and refugee children, LGBTI children, girls, and children living in remote rural areas.<sup>1</sup>

Internal EU migration poses significant challenges with [75,803 children left behind](#) as of mid-2021 *as per* the data of UNICEF, of whom 3,275 are in the special protection system (including 569 in residential care – at 1).

Within the European Union, Romania ranks among the top two countries with the [highest birth rates among teenagers](#) with [one in ten mother to be](#) being a teenager, linked to the high numbers of [early marriage](#) in Romania (one of the highest in Europe – at para. 77).

**2022 Ukrainian-Russian Conflict:** (April, 15, 2022) Since February 24, 2022, 714,260 Ukrainian citizens have entered Romania, out of which 85,000 are currently in the country, and 6,341 requested a form of protection (asylum or refugee status). [UNICEF](#) estimations show that about 34% of the refugees are children and adolescents. Around 1,900 unaccompanied children arrived in Romania, out of which 255 are now in the state protection system. As stated by UNICEF "all these refugee children are not adoptable, as they are Ukrainian citizens, they are taken care by the Romanian state at the request of the Ukrainian Government, and they will be returned into their home country when the situation will be safe".

Please see the various [ISS operations briefs](#) to learn about the action of ISS Romania in this context.

**Covid** : see [UNICEF Rapid Assessment](#)

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<sup>1</sup> Committee on the Rights of the Child, Concluding Observations: Romania (2017) at 16; UNICEF, [Country Profile: Romania](#).



## Children deprived of parental care and alternative care options

### Applicable laws and policies

- **Law 272/2004 on Protection and Promotion of Children’s Rights:** encompasses the rights of children in Romania, the role of families, authorities, and public institutions.
- **Law 273/2004 on Adoption** (see section Adoption).
- **Program “Romania for every child”:** This model has two components: developing an operating and services concept for Integrated Community Services Centers and strengthening the role and capacity of local government in addressing child rights issues (at 4).

### Competent authority

**National Authority for the Protection of the Rights of the Child and Adoption (NACPRA):** aims to monitor the realisation of all children’s rights and to take all measures contributing to the foundation of a dignified society for children, engaging in this process central and local public authorities, civil society, parents, and children.

### Family support and prevention of unnecessary family separations

Public authorities are responsible for providing direct support to parents. The **Public Services for Social Assistance (PSSA)** is responsible at a local level (i.e., direct face-to-face services, risk assessment, early intervention), the **General Directions of Social Assistance and Child Protection (GDSACP)** at a county level (i.e. training, carer authorisation, funding), and the **NACPRA** provides central management. The legislation requires that services must be provided prior to any removal/restriction of parenting rights, and can occur through a service provision plan setting out services for parents to engage in (i.e. parenting courses, counselling, mediation).<sup>2</sup> Further, the [National Strategy for the Promotion and Protection of Children’s Rights 2014-2020](#) considered [prevention of children’s separation](#) from their families as one of the priorities. Access – even in urban areas – remains [limited](#), whereas the greatest amount of need is in rural areas (26%). According to a local contact, while it is true that services are limited in rural areas and that there is a lack of financial and human resources, in general the services are provided.

**Minimum Packages of Services:** This programme provides integrated access to health care, social protection, and education.

**Programme “Romania for every child”:** This program began in June 2021, and aims to improve access to quality, fair and coordinated services in education, health care and social protection as well as by promoting social standards that support children’s rights.

At the end of 2018, according to Opening Doors for Europe’s Children campaign, there were [58,529 children](#) benefitting from state and private prevention services.

### Gatekeeping mechanisms and family reintegration

**Family reintegration:** Parents are eligible for State legal assistance and must receive specialised assistance from the GDSACP to increase parenting capacity, with a view to reintegration (art. 58 Law no.272/2004). The GDSACP has the obligation to take the necessary steps to identify and contact the natural parents, to inform them periodically on the place where the child is, on the concrete ways in which they can maintain personal relations with them, as well as on the steps the natural parents they take for the reintegration of the child in the family (art. 28 para. 3 on the Law 272/2004).

However, while most children in residential care in Romania know at least one member of their birth family and maintain some form of contact, it seems that [family reintegration is rarely seen as an option](#), mainly due to the fact that families may have poorer living conditions compared to the conditions in residential institutions (at 57).

Under the legal framework the families/child’s situation must be reviewed quarterly, and restoration sought if positive change occurs (arts. 42-43 and 72-74 Law no.272/2004). In practice, the way through which assessments are made

<sup>2</sup> Law N° 272/2004, arts.5, 39, 40; See also [NACPRA](#) information on Local Institutions.



(face to face or by phone) depends on each worker.

**Termination of parental rights**<sup>3</sup>: Removal and extended deprivation of parental rights must be court sanctioned, or via parental agreement. All intervention actions are known as 'special protection measures' (SPM). Individualised care plans are required, as are placements that keep siblings together, promote family ties and respect a child's cultural, ethnic, religious, and linguistic background. SPM's include the provision of services and assistance. Any child on an SPM is entitled to assistance until they reach the age of capacity, or throughout tertiary studies (up to 26). However, leaving care support is often insufficient (see Leaving care section).

**Abandonment**: The [number of parents who abandon their children](#) continues to be numerous. As per official statistics, [almost 10,000 children](#) end up in public care every year.

## Alternative care options

Most of the children in State care are so-called "[social orphans](#)", as their mother is alive and known for over 90% of children and 48% of children also have fathers. Some 5,000 children enter the childcare system every year.

Poverty (often combined with other risk factors) is the [primary reason for removal](#)(~ 41% of cases), followed by neglect and abuse (~ 28% of cases), lack of accommodation, parenting skills or material support. [Work migration](#) is also considered as a factor contributing to the high number of children entering the child protection system (at 1). In general, Roma children, children with disabilities and children from economically disadvantaged backgrounds are overrepresented in the child protection system.<sup>4</sup>

The law provides for **several options** (art. 59 Law no.272/2004): a placement (arts. 62-67), an emergency placement (arts. 68-70) and a specialized supervision (art. 71- for children committing a criminal act and not being criminally liable).

The following types of services are organized (art. 110 Law no.272/2004):

- daytime services (art. 120): services which provide the maintenance, re-establishment and development of the capacities of the child and of his or her parents, in order to overcome situations which may determine the child's separation from his or her family;
- family services (art. 121): those services which, at the residence of a natural person or a family, provide the upbringing and care of the child who has been separated, either temporarily or definitively, from his or her parents, as a result of enforcing the placement measure, in accordance with the present law;
- residential services (art. 123).

**Statistics** (at 1): 47,029 children were separated from their families as of mid-2021: 17,549 children with professional caregivers, 15,976 in care of relatives and other families/persons and 13,504 in residential care institutions (28.71 per cent). [3000](#) of these children are adoptable.

## Informal care or kinship care

The primary placement option is with extended family members up to the fourth degree and is explicitly a separate category of care to foster care.<sup>5</sup> Families have access to available support services, according to the law.

These placements are monitored by the *Child Monitoring and Case Management Service in a Placement for a Person or Family and Placement in Residential Social Services*. The specialists in this service are social workers and psychologists.

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<sup>3</sup> Law No. 272, arts. 17-19 (maintaining family ties); 32 (cultural issues); 38-41, 43-45, 57-60, 65 (judicial authority/special protection measures), 62, 64 (placement), 54, 55, 120-123 (assistance/services), 57 (individualized care plan); Committee on the Rights of the Child, Concluding Observations: Romania (2017) at 28(e)

<sup>4</sup> Committee on the Rights of the Child, Concluding Observations: Romania (2017) at 28

<sup>5</sup> Law No. 272, arts. 4, 64(3)



This type of care is highly encouraged, and currently, the monthly placement allowance for such placements is around 630 RON.

### Foster care/family type-solutions

**Legal framework:** Law no.272/2004 and Decision 539/2011.

Placement of a child in foster care can be done with a person/family or with a maternal assistant. It is considered as a [temporary type of placement](#) but fostered children may benefit from the same protection received by children in residential care beyond age 18. Placements in foster care are not limited in time.

**Process:** Romanian legislation on professional foster care has (by Government Decision 625/2000 – see [motivations](#) at 6) made [compulsory an initial evaluation](#) of potential foster carers (at 2). Foster parents are trained, recruited, [paid](#) (at 3), and monitored by the state (at 48).

[Bucharest Early Intervention Project](#)<sup>6</sup>: study of foster care as an alternative to institutional care.

### Institutional care

**DI Strategy:** [Romania's de-institutionalisation plan](#) aims to close all centres by [2026](#), but gaps remain in transitioning children out of these placements. Largely due to inadequate resourcing, but also through contrary practices, for example, some local authorities continue to fund renovation/refurbishment.<sup>7</sup> Further, [critics](#) have pointed cases of insufficiently prepared deinstitutionalisation or forced reintegration in birth families to whom children were not attached (at 40).

**Legal framework:** There are Minimum Standards of Care (MSCs) for residential care<sup>8</sup>, which among others determine the number of staff members in relation to the number depending on their age. Law no.272/2004 also set some basis to this type of structures such as their authorisation.

**Type:** Residential Care is provided as a last resort measure either in residential institutions that [host between about 30 to about 200 children](#) (at 48), or in small group homes that host up to 12 children. Irrespective of their size, the institutions have staff that work in shifts.

[Small family-type group homes](#) (SGHs) – which fall under the legislative definition of residential care - have seen a considerable increase in the last 10 years being perceived as a feasible alternative to institutional care for children. [In 2018](#), there were 696 SGHs accommodating 7,290 children without parental care.

**Profile of children:** Children under 2 years, cannot be placed in residential care, unless a specific type of care is required (i.e for a severe disability).<sup>9</sup>

**Monitoring:** These structures are monitored at county level by the General Directorates of Social Assistance and Child Protection under which they are subordinated. At the national level, they are monitored by the National reports. Authority for the Rights of Persons with Disabilities, Children and Adoptions, through annual monitoring.

<sup>6</sup> See: Fox, N. A. (e.a.).(2017). [The effects of Psychosocial Deprivation on Attachment: Lessons from the Bucharest Early Intervention Project](#)

<sup>7</sup> Committee on the Rights of the Child, Romania: Replies to the list of Issues (29 March 2017), at 16(c); Committee on the Rights of the Child, Concluding Observations: Romania (2017) at 28; Opening Doors for Europe's Children, Country Fact Sheet: Romania; World Bank/UNICEF/ NACRPA, 'Romania: Children in Public Care (2014), at 7

<sup>8</sup> Order no. 25/2019 on the approval of minimum quality standards for residential social services for children in the special protection system (available in Romanian at the ISS/IRC).

<sup>9</sup> Law No. 272, arts. 58(6), 62(1)(c), 64, 123(2)





## Leaving care

In the National County Strategies on Social Inclusion and Poverty Reduction, measures are taken to [support leaving careers](#) by providing housing and jobs (at 277). Further, art. 55 of the Law no. 272/2004 provides care until age 26, however, [insufficient resources](#) lead to [poor enforcement](#) of it (at 56).

According to a local contact, in the absence of concrete support, these young people may face difficulties in employment, be exposed to vagrancy and delinquency, and as a result are often victims of crime, drug use, or sexual exploitation. There are programs and projects carried out both by governmental institutions, and by non-governmental institutions to support young people in their socio-professional reintegration, but their success rate is still unknown.

## Specific groups of children

**Children with Disabilities:** Among other pieces of legislation, the Law no. 272/2004 acknowledges the need for CWD to be afforded special care within their family. It does not specifically target placements for CWD who have been removed from their parent's care, although special placements exist. It is to be noted that CWD are overrepresented in the system, particularly in institutional care, where they have limited access to health care, their careers are often not specially trained, and they often lack appropriate leaving care support.<sup>10</sup>

**Children on the Move:** Unaccompanied asylum-seeking children can access the services of the GDSACP in the directorate where they are located and may be placed in a residential service under a SPM and placement pending their asylum application. In 2017 the Committee on the Rights of the child noted that the legislation/administrative framework required clarification, and regular reviews should be mandated for asylum seeking children in alternative care.<sup>11</sup>

## ISS/IRC' Comments

### Progress

ISS/IRC praises Romania on the efforts made to turn the child protection system around, and the great strides and continue efforts to reach goal of closing institutions.

### Remaining challenges to address

However, a global lack of resources appears to undermine the efficacy of the current system. It is highly concerning that poverty is the major entry factor into the care system. While poverty can create further risks such as a lack of access to services, or education, it should never be the sole reason for family separation. In addition, the low level of education due to the increase of school dropouts, the impossibility to occupy a job due to insufficient professional training and the lack of jobs, deepens poverty. The high risk of family separation for children from poor families, Roma children and CWD as well as the trend of babies being abandoned need to be addressed through targeted services and/or community education on the needs and rights of these children.

Further, continuous efforts must be undertaken to increase the number of foster carers and kinship placement, with adequate access to support services, to [adequately support the closure of institutions](#). Legally speaking, these types of placements would benefit from a strengthened legal framework, addressing more concretely its functioning and criteria of recourse to.

Finally, particular attention should also be given to young person's leaving the care system, ensuring their successful transition to autonomy.

<sup>10</sup> Law No. 272 at 31, 49, 50; Committee on the Rights of the Child, Concluding Observations: Romania (2017) at 28(a)(c), 31(a)(c).

<sup>11</sup> Law No. 272, arts. 76-79; Committee on the Rights of the Child, Concluding Observations: Romania (2017) at 40.



## Adoption

**Neither private nor independent adoptions are permitted.**

If the adopter(s) is habitually residing in a State which is not a State Party to the 1993 Hague Convention, the adoption application shall not be registered unless a memorandum of understanding with the authority holding inter-country adoption responsibilities in the receiving State has been concluded (art. 86 Detailed Rules on the Implementation of Law No. 273/2004 on adoption proceedings, Decision no. 579/2016).

### CENTRAL AUTHORITY

The **NACRPA** acts as the Central adoption authority (CA - see the [2022 Hague Country Profile](#) for its responsibilities) while day to day case management is carried out by the **GDSCAP** in the directorate where the child resides.

**Name of office:** National Authority for the Protection of Child's Rights and Adoption (NACRPA)

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*Sources:* [2022 HCCH Country Profile](#); [Romanian Central Adoption Authority Website](#); [HCCH News Update](#).

### FULL/SIMPLE ADOPTION

**Only a full adoption order** can be made.

*Sources:* [2022 HCCH Country Profile](#); [Romanian Central Adoption Authority Website](#); Civil Code. Art. 470.

### SUBSIDIARITY PRINCIPLE

Before a child can be declared adoptable, steps must first be taken to reintegrate the child with their parent(s) or extended family over a period of at least one year.

A court declares a child eligible for adoption by making a final and irrevocable order for initiation of the adoption proceeding. If, after a year from that declaration an adoptive parent residing in Romania or a relative up to the fourth degree of the child who would like to adopt the child was not found, the child will become eligible for an intercountry adoption.

By way of exception, the intercountry adoption of a child domiciled in Romania is allowed before the expiry of the 1-year period, if his/her adoption is sought by a relative within four degrees inclusive or if the adopter is the spouse of the child's biological parent and if the child has reached 14 years old. This applies similarly to siblings who cannot be adopted separately if one of them has reached the age of 14.

*Sources:* [2022 Hague Country Profile](#); [Romanian Central Adoption Authority Website](#); Law No. 273/2004 on adoption proceedings, arts. 28 (1)(a)-(e), 32(a)(b), 39 paras 2-3, 60(1),(2) (Law No.273/2004); Detailed Rules on the Implementation of Law No. 273/2004 on adoption proceedings, Decision no. 579/2016 (Decision no. 579/2016) at arts. 28-35; Art. 28 para. 3 of the Law 272/2004.

### PROSPECTIVE ADOPTIVE PARENTS (PAPs)

**ICA is only available** to PAP(s) who are:

- An extended family member (to the fourth degree);
- A Romanian citizen, or a couple where one spouse is a Romanian citizen; or
- A spouse of one of the child's natural parents.



For both **ICA and domestic adoption** married heterosexual couples or sole persons may adopt. Two persons of the same sex are expressly prohibited from adopting jointly, and stepparent adoptions are limited to heterosexual relationships. Siblings may not adopt their siblings. For a child born outside of marriage the father's spouse may adopt the child only after paternity is established.

There is **no minimum or maximum age requirement**, however the prospective adoptive parent(s) must be at least 18 years older than the child (or no more than 16 years in special circumstances).

A person who meets the below criteria is **ineligible to adopt**:

- Has not reached full legal capacity, or has a mental illness or disability;
- Has been finally convicted of an intentional offence against the person/family, child pornography, or drug trafficking;
- Has had a special protection measure made regarding their child/child within the family, or has had their parental rights terminated; or
- In case of a single adopter, their spouse is subject to one of the above criteria.

PAPs applying for intercountry adoption must meet the eligibility criteria for adoption and be suitable to adopt according to the laws of the receiving State. They must demonstrate the moral guarantees and material conditions required to raise and educate a child and to ensure his/her well balanced development. This is certified via assessment by the PAP(s) local GDSACP/an authorised private body. The certificate is valid for a period of two years. Save for stepparent adoptions, no PAP(s) can adopt without a certificate of suitability.<sup>12</sup>

There is no limit on the number of intercountry adoption applications which can be received by the CA.

Sources: [Romanian Central Adoption Authority Website; Useful Information about Intercountry Adoption Procedure](#) (Romanian Central Adoption Authority); Arts. 457-461 Civil Code of 2011; Law No. 273/2004, Arts. 2 (h), 6-7, 13, 18(5)-(9), 19, 20(2) 26, 60, 65, 457, 459, 460, 462; Decision no. 579/2016 at Arts. 28-35; [2022 Hague Country Profile](#).

## CHILD ADOPTABILITY

If the child was born of unknown parents, the adoption as outcome of the care plan is established within a maximum period of 30 days from the issuance of his/her birth certificate. Within these timeframes, the local GDSACP must take steps to identify, contact and attempt reintegration with the child's parents/extended family members.

Further, a child subject to a special protection measure may only be declared adoptable if:

- Restoration/reintegration efforts (to the parents/extended family) have been unsuccessful one year from the date of the order; or
- Six months from the date of the order, the child's parents/extended have: not cooperated with the authorities on reintegration; have been unreachable; or
- The child's parents/extended family have provided a written, unrevoked statement (within 30 days), that they do not wish to raise the child.

The proposal for declaring adoptability, based on the description of the existing relationships from the child's natural family, on how the natural parents and the relatives imply in the child's reintegration demarches and on their ability to give the child the proper care, is made by the social services (GDSACP) and submitted to the Court. The latter shall summon the parents and request them to express their consent to adoption whenever child adoptability is declared (except for children whose parents are deceased/unknown - *see section on Consents*).

The validity of the adoptable child statute, granted following the Court final judgment, is valid until the adoption of the concerned child is approved or until he/she turns 14 years.

Any child under 18 years/not of full legal capacity may be adopted. However, children 14 and older should not be targeted for adoption, unless with siblings or if the adopter is an already approved extended family members. Siblings

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<sup>12</sup> For further information on extension/revocation of the certificate, or requirements for providing further information during the period of validity. See, arts. 20-25 for appeal procedures of an unsuccessful assessment or withdrawn certificate





should be adopted together, unless contrary to their best interests. Any child whose parents have not yet reached the age of 14 years is ineligible for adoption.

**Child's file:** The [report](#) comprising information regarding the child is prepared by the GDSACP in whose jurisdiction the child has his or her residence and enclosed to the petition for initiation of the adoption proceeding. In cases where one or both natural parents could not be reached, the directorate shall make a report on all the steps taken to find the natural parents. The report is prepared based on a template approved and applied according to NAPCRA President Decision no.1430/05/08/2021.

**Profile of children:** Children eligible for intercountry adoptions are generally [older than two years old, but mostly over five years old](#) and may be children who present with developmental delays/other disabilities. Further, it seems that there is currently an [overrepresentation of boys eligible for intercountry adoptions](#), mainly from [ethnic minorities](#).

Many eligible children for intercountry adoption may be classified in the category of children "difficult to adopt" which is in practice a public section in the National Register for Adoptions, aimed to give a chance to these children to be adopted as soon as possible. According to the Adoption Assistance and Support Center a child is called "difficult to adopt" under adoption law when:

- 6 months have passed since the declaration of adoptability and it has not been possible to identify a suitable family for him or her;
- 6 months have passed since the declaration of adoptability, a family has been identified but the adoption has not been completed;
- has inseparable siblings, adoptable together;
- has certain health peculiarities;
- is older;
- has obvious features of a certain ethnicity;
- has an increased need for stimulation.

These public profiles can be accessed, throughout the country, by persons/families certified to adopt in Romania, by traveling, with a previous appointment to the headquarters of the GDSACP from his/her domicile. Information which can be accessed about these children are the following: one or more current photos (even short presentation video); the child's first name; the child's age and whether the chronological age is different from the age of development; the county where it is located; the environment in which he/she is cared for (at a professional foster carer, in the center, at a foster family, at the guardian); a brief description of his/her personality traits (what he/she likes to do, talents, skills, etc.); a brief description of important information about his/her medical condition; a brief description of important information about educational and emotional needs. According to the [2022 HCCH Profile](#), this simplified procedure for the adoption of children with a "public profile" can only be applied in the case of domestic adoption and not in case of intercountry adoption.

**Preparation of the child:** Throughout the entire adoption proceeding, the competent directorate shall provide the child with clear and comprehensive information and explanations appropriate to his or her age and maturity, regarding the adoption stages, duration, and effects, as well as the adopter or the adoptive family and their relatives. The preparation of the child is carried out by the GDSACP and performed after the selection of the PAPs in view of their relationship with the child during the actual matching stage.

Sources: [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 2(d)(e), 4-5, 10-11, 28 (1)(a)-(e), 29, 30, 32(1)(a)(b), 60(2); Decision no. 579/2016 at Arts. 3, 28-35 and 54-57; [Quebec Central Adoption Authority Website](#).

## REGISTER

The **NACRPA** maintains a register of children and Romanian/foreign PAP(s): the 'National Adoption Register' (NAR). It includes among others information on children for whom adoption proceedings have been commenced, are subject to a pre-adoptive placement or final adoption order, or who have had their adoption order dissolved or nullified. The



NAR includes any information required for matching, information on matching activities, and post adoption monitoring.

See the following form: [Intercountry adoption application to be recorded in the National adoption registry](#). For the [French](#) version.

Sources: Law No. 273/2004, Arts. 60, 93-94; Decision no. 579/2016, Arts. 34-35,105-109.

## CONSENTS

The **child's natural parents and/or legal guardian** must give their free and unconditional consent, regardless of whether they have lost their parental rights, after having been properly informed by the GDSACP that adoption will finally terminate the familial relationship. If one parent is unknown or deceased, the consent of the other is sufficient. If both are dead, no consent is required. If a previously unknown father's filiation is proved after the child has been declared adoptable, the adoption procedure will be suspended pending his/her consent. The child whose biological parents are not 14 years old cannot be adopted and any parent aged between 14 and 18 years, shall be assisted by their legal guardian in giving consent.

The consent to adoption by natural parents' or guardian may only be given **after 60 days from the child's birth** and may be **revoked** within 30 days from registration.

Consent is given verbally to the court when the application to declare the child adoptable is heard. If consent is refused, the court may nonetheless grant the application, if it expressly finds the refusal abusive and that an adoption would be in the child's interests (considering the opinion of any child older than 10 years). Consent will be considered unreasonably withheld if the parents fail to appear at court on two consecutive dates set for their consent. The court can, where there is a valid excuse, allow consent to be given to a delegated judge in the parents' home.<sup>13</sup>

**Consent must be obtained for children aged 10 years or over<sup>14</sup>.** For children under 10, the child's views and wishes from the reports will be considered dependent on the child's level of maturity. Consent/ the opinion of the child is given before the court, at the moment of declaring the child's adoptability. The child's GDSACP office is to ensure that the child has been informed and advised (in a child friendly manner) of: the consequences of the consent/adoption; the adoption procedure (including time frames and stages); and prepare a report to this effect. When deciding contrary to the child's opinion, the court shall explain the reasons for doing so.

Sources: [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 5, 8-12, 14-16; Decision no. 579/2016 at arts. 2(1), 3, 92; Civil Code of 2011, Arts. 463-466; [Legal Procedure to be followed by an individual/family for the purpose of intercountry adoption](#) (Romanian Central Adoption Authority).

## PROCEDURE

### Domestic adoption:

See Arts. 18-60 Law no.273/2004 and Arts 4-78 of the Detailed Rules on the Implementation of Law No. 273/2004 on adoption proceedings, Decision no. 579/2016.

### Intercountry adoption:

#### 1. Submission of intercountry adoption application

The intercountry adoption of a child habitually residing in Romania by an individual/family habitually residing abroad can be granted only for children registered in NAPRCA records and only in the circumstances detailed in the above *Section prospective adoptive parents*.

#### 2. Registration of the ICA application in the National Adoption Registry

In order for the intercountry adoption application ([standard form](#)) to be recorded in NAR, it should be accompanied by [specific documents](#) (page 2) submitted as originals, or where applicable, as certified copies, and accompanied by certified translations into Romanian.

<sup>13</sup> See also art. 58 for circumstances where the court may request a confirmation of consent from the parents on a second occasion before the court.

<sup>14</sup> See also [Pini and others v. Romania](#), nos. 78028/01 and 78030/01, 22 June 2004, European Court of Human Rights.



Where the application is not accompanied by all the documents, NAPCRA shall notify the competent foreign authority or the accredited foreign organisation within 10 days of registration. If the requested documents are not sent within 4 months of registration of the application, NAPCRA shall inform the central authority or the accredited foreign organisation about the impossibility to settle the application and shall return the documentation annexed thereto.

The adopter(s) shall be registered only if the competent authority from the receiving State confirms that:

- The adopter(s) meet(s) the eligibility criteria for adoption and is suitable to adopt according to the applicable laws of the receiving State;
- The adopter(s) has/have benefited from adoption-related counselling in the receiving State;
- The child's post-adoption progress will be monitored for at least two years;
- Post-adoption services are available for the child and the family in the receiving State;
- The adoptee will benefit in the foreign State from the legal status of the adopter's biological child.

3. *Initial matching (see matching section)*

4. *Notice concerning selection following initial matching (see matching section)*

5. *Practical matching (see matching section)*

6. *ICA approval*

Following receipt of the matching report and registration of adoption approval application, NAPCRA shall immediately submit the adoption approval application to the court with jurisdiction over the area where the child domiciles. At the time of approval, the adopter(s) shall give their consent to the child's adoption before the Court. At least one of the PAP(s) must be present in court for the making of this order. Appeal against the decision approving adoption can be submitted for 10 days.

7. *Issuance of the [certificate attesting compliance](#) of the ICA to provisions of the 1993 Hague Convention*

Based on the final adoption approval judgment, NAPCRA issues, at the adopter/adoptive family's request, within 5 working days of registration of the application submitted with an authenticated copy of the final and irrevocable adoption order, the certificate which attests that the adoption complies with the provisions of the Hague Convention.

The Civil Status Service issues the new birth certificate and the Passports General directorate/The county public community service for ordinary passports issues the child's passport.

8. *Travel of the child from Romania to the receiving State*

The adoptee can travel from Romania to the State where the adopter/adoptive family habitually reside only when the adoption approval judgment is final (10 days after the ruling) and the child's amended documents can be obtained (birth certificate, passport, etc.) The adoptee shall travel only if she/he is accompanied by the adopter or at least one of the spouses of the adoptive family.

Sources: [Legal Procedure to be followed by an individual/family for the purpose of intercountry adoption](#) (Romanian Central Adoption Authority); Law No. 273/2004, Arts. 64 and following, 84-90; Decision no. 579/2016 at Arts. 79 and following, 82 (2) (3), 98-104; [Quebec Central Adoption Authority Website](#); [2022 Hague Country Profile](#).



## MATCHING

The waiting period before receiving a proposal for matching can [last several years](#). This period could be reduced if the adoption project concerns a child aged over 6 years old, from any ethnicity or a child with special needs.

### Initial matching

The initial matching process is carried out at local level by the child's case manager from the competent GDSACP and entails the identification and selection from NAR of the adopter/adoptive family habitually residing abroad, recorded in NAR, which theoretically meet the needs of the child.

The adopters/adoptive families are included in the list, based on the extent to which they meet the following initial matching criteria: a) adoption of a child's sibling; b) adoption of another child from Romania; c) the child's age; d) the number of children for which the family is certified; e) the child's gender for which the family is certified; f) the child's health status and developmental level g) Adoption of a child with whom they lived, for whom they were directly involved in his/her care and education, and the child developed attachment relationships with them.

The criteria under (c)-(f) are meant to rule out unsuitable adopters whereas those under (a) and (b) are meant to rank adopters and shall be used if several adopters/adoptive families are selected following ruling out criteria. The child's wishes regarding the adoption are recorded and included within the matching criteria. If, after applying the criteria several adopters/adoptive families are selected, priority shall be given to the applicant whose application has been registered with NAR the longest. Note that for inseparable siblings, a single list is generated.

In accordance with art. 39 of the Law 273/2004 (paras. 2 and 3), the matching is made by giving priority, among others, to the child's relatives from the extended family, other persons with whom the child has enjoyed family life<sup>15</sup> for a period of at least 6 months, as well as families/persons who have adopted siblings of the child or who is in the process of being adopted with one of his/her siblings, insofar as this is not contrary to his/her best interests.

### Notice concerning selection following initial matching

If, after the initial matching procedure, it is assessed that the adopter/adoptive family habitually residing abroad meets the needs of the child, and the practical matching can be initiated, NAPRCA informs thereof the central authority/accredited foreign organization and transmits the Child Study Report, accompanied by the certified translation into an international language and 3 recent photos of the child.

Along with the notification of selection following initial matching and the submission of the Child Study Report, NAPRCA requires within 45 days: consent of the adopter/adoptive family as regards the selection following initial matching; consent of the competent foreign authority to continue the adoption procedure; the document demonstrating that there are guarantees that the adoptee can enter and live permanently in the receiving state.

No sanctions are mentioned if the PAPs refuse the match, but they must motivate their refusal in writing.

### Practical matching

After fulfilling the prerequisite requirements for practical matching, the selected individual/family is required to travel to and live effectively in Romania for at least 30 consecutive days, with a view to carrying out the practical matching with the child. They have 60 days to come to Romania from the agreement registration date.

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<sup>15</sup> The persons with whom the child enjoyed the family life are: the guardian, the professional foster parent, the person / family of placement or, as the case may be, other persons who have been directly and directly involved in his / her care and education that the child has developed attachment relationship.



The NACRPA will notify the local GDSACP to prepare the child, in collaboration with the reference person of the child, to meet the adoptive family in accordance with his/her age and maturity. At this stage, the child shall receive generic information about the family.

The PAP(s) have an initial meeting with the child's case aide, without the child present, where they are given additional information about the child. The actual bonding between the child and the adoptive family shall be carried out in the district/county where the child domiciles, through visits and encounters at the child's home, recreation, and playgrounds, as well as in other locations agreed with the child's case manager, which would enable settling-in and interaction between them. There should be at least 8 encounters between the child and the adopters, 4 of which shall be carried out in the presence of the case manager and/or the psychologist. In practice, it seems that the encounters are carried out on numerous occasions, often daily. Within five days of the end of the period set for the practical matching, the child's case manager delivers to NAPRCA a [report](#) on the evolution of the relationship between the child and the PAP(s) (matching report).

According to the [2022 HCCH Profile](#), it is legally possible, prior to the adoption approval by the court, and thus within or after the practical matching, for the child to be hosted by the PAP(s) at his/her/their request. The location is established by mutual agreement between the PAP(s) and the case responsible person of the child.

In duly justified cases, on the reasoned proposal of the case manager, the 30-day period required for carrying out the practical matching can be extended by 15 days.

In case the adopter or one of the spouses of the adoptive family is a child's relative within fourth degree inclusive, the 30-day period for practical matching is applied only if there has not been a direct contact with the child for at least 15 days, in the last year preceding registration of the adoption application in NAR.

Sources: [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 67-71; Decision no. 579/2016 at Arts. 67 and following, 87, 90-95, 96-97(3) (5); [AFA Website](#).

## PROBATIONARY PERIOD

The legislation provides only for the 30 days of practical matching (*see section matching*) which is a period of consecutive encounters between the child and the PAPs.

Sources: [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 43-54; Decision no. 579/2016 at Arts. 58-71.

## ADOPTION DECISION AND REGISTRATION

Adoption is a judicial decision (*see section procedure*). After the application has been filed with the Court, it takes about [two weeks](#) before the judgment. The court may only make an adoption order if it can make an evidence-based finding that it would be in the child's best interests. The rights and obligations of the adopter(s) start as soon as the adoption decision has been pronounced. Appeal against the adoption decision can be submitted within 10 days.

Sources: Law No.273/2004, Arts. 55, 59, 84; Civil Code of 2011, art. 454; [AFA Website](#); [2022 Hague Country Profile](#); Decision no. 579/2016 at Arts. 102, 104; [Quebec Central Adoption Authority Website](#).

## ADOPTION EFFECTS

**Adoption creates filiation** between the child and their adoptive parent(s)/extended family members and terminates any kinship/filiation with their natural parents/extended family member (Save for the adoption of a stepchild, where only the relationships with the parent/relatives not married to the adopter will be terminated). The child's surname is changed to that of the adopters. A new birth certificate is issued for the child in which the adopters are recorded under the parents heading.

For intercountry adoption, if requested by the adopter, the child will lose their **Romanian citizenship** in favour of that of the receiving State. A child aged 14 or older must consent to this change/forfeiture of citizenship. Motivated by the fact that Romanian law allows dual citizenship, the child who has Romanian citizenship and who is intercountry



adopted by a Romanian citizen/a person with dual citizenship or by a family in which one spouse has Romanian citizenship / dual citizenship, can keep Romanian citizenship even he/she acquires a new citizenship, to the extent that the foreign legislation allows it.

The adoption order is irrevocable. However, the law foresees situations in which the adoption can be dissolved, annulled, or declared void.

Sources: Civil code Arts. 469-482; [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 9, 62, 73.

## POST-ADOPTION FOLLOW-UP

For intercountry adoption the Central adoption authority or accredited adoption body in the receiving State is to prepare **quarterly reports for two years** following the adoption. In the case of intercountry adoption, the legal provisions on post-adoption monitoring shall not apply if the adopter is the spouse of the child's natural or adoptive parent.

The [postadoption monitoring reports](#) must comprise all information mentioned in the [Report](#) on the evolution of the relationships between the child and the adopter/adoptive family and shall be submitted to NAPRCA as originals and accompanied by certified translations into Romanian. They shall be accompanied by photos of the child. NAPRCA requires that these reports be drawn up by qualified staff (social workers/psychologists.- as far as possible [the same](#) during the whole monitoring period) and, furthermore, recommends that the monitoring meetings take place at the family's home, so that the child could be seen in his daily environment.

Sources: [Romanian Central Adoption Authority Website](#); [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 95-100; Decision no. 579/2016 at Art. 103; [AFA Website](#).

## ADOPTION BREAKDOWN

According to our local contact, once the foreign adoptive parent has completed the adoption procedure, he/she assumes the role of parent and is responsible as a parent for his/her child. If the parent wishes to give up the child, he/she must apply to the courts of the country of residence and follow the procedure of the country of residence. To date, there have been no known cases in which foreign adoptive parents have given up adoption.

Sources: Law No. 273/2004, Arts. 99-100; Civil Code, Art. 472.

## SEARCH FOR ORIGINS

*Please see the dedicated Annex.*

## ADOPTION ACCREDITED BODIES (AABs)

The adoption procedure can either go through the CA of the receiving State or be undertaken via an AAB.

AAB's authorised by the NACRPA may carry out adoption activities. The Romanian Central Adoption Authority has made a [document available](#) for further information on authorisation criteria. Authorisation is for two years, and renewal requires satisfying the requirements above and submitting an activity report covering the prior period(s) of authorisation. Authorisation may be withdrawn/suspended if the AAB no longer meets the requirements for authorisation or fails to comply with legal norms (including the provisions of the 1993-HC).

While there are no Romanian private bodies authorised to act as AABs, there are no legislative limits on the number of foreign AAB's permitted to operate in Romania. As of May 2022, Romania had authorised **15 foreign AABs**.

See the [2022 Hague Country Profile](#) for more details on the role of the AABs.

Sources: [2022 Hague Country Profile](#); Government Decision no. 1441/2004 regarding the authorization of foreign private bodies to carry out activities in the field of intercountry adoption, Arts. 4(h), 6(1), 7, 8.





## SANCTIONS

Romanian Law prohibits illegitimate profits being earned through the adoption process or the offering of sponsorship, donations, other material benefits to influence adoption decisions. Non-compliance with several procedures within the adoption law (e.g. those regarding consent, declaring the child adoptable) are punishable by fine.

Sources: [2022 Hague Country Profile](#); Law No. 273/2004, Arts. 101-107 (see 105 for details of fineable offences).

## COSTS

A detailed frame of the costs associated with issuing of intercountry adoption related documents can be found on the following [link](#).

Sources: [Useful Information about Intercountry Adoption Procedure](#) (Romanian Central Adoption Authority); [2019 Hague Country Profile](#).

## STATISTICS

	2014	2015	2016	2017	2018	2019	2020
<i>Austria</i>			2				
<i>Belgium</i>					2	2	
<i>Canada</i>	3	5	2	4	8	6	3
<i>Chile</i>				1			
<i>Cyprus</i>					1		
<i>France</i>		1	3	1	5		3
<i>Germany</i>	2	2		2	3		1
<i>Italy</i>	4	7	10	12	9	7	15
<i>Norway</i>		1					
<i>Portugal</i>							
<i>Spain</i>	1	1		2	6	3	7
<i>Sweden</i>				2	7		
<i>Switzerland</i>						1	
<i>The Netherlands</i>			1				
<i>USA</i>	4	6	1	5		5	4
<b>Total</b>	<b>14</b>	<b>23</b>	<b>19</b>	<b>29</b>	<b>41</b>	<b>24</b>	<b>33</b>
<b>Domestic Adoption</b>	<b>1057</b>	<b>1067</b>	<b>750</b>	<b>1251</b>	<b>1222</b>	<b>1264</b>	<b>N/A</b>

Sources: [Intercountry adoption statistics](#) provided by the State to the HCCH for the years 2014-2018. The statistics from 2019-2020 have been taken from the annual compilation of statistics of the ISS/IRC.

## ISS/IRC' Comments

### Progress:

Romania's adoption legal framework is compliant with international principles and standards, and clearly outlines requirements and stages of the process. It is welcomed that the legal framework gives domestic adoption priority, creates a national register to both facilitate and monitor adoption, provides for a supervised matching, and a proper monitoring and authorisations process to monitor AABs' activities in Romania. Further, a particular focus has recently been put on the availability of information regarding search for origins processes (see below). Such initiative enables a clear comprehension of the steps to be undertaken, as well as the rights of the different persons at stake, and the responsibilities of the actors.

### Challenges:

Despite the category of "difficult to adopt children", the legislation does not include measures which specifically promote the adoption of children with special needs from the moment they are declared adoptable. Additionally, procedural requirements, coupled with a lack of adequate resourcing greatly inflates the time children may wait for adoption. The [Committee on the rights of the Child](#) (at 30) has expressed concern that a lack of sufficient human and



financial resources has the effect of increasing time frames for declaring adoptability, against the best of interests of the children. The Committee further expressed a need to address the rights of children with special needs

## LEGISLATION

### International instruments

<a href="#">United Nations Convention on the Rights of the Child (1989)</a>	26/01/1990 (S) 28/09/1990 (R)
<a href="#">Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)</a>	06/09/2000 (S) 18/10/2001 (R)
<a href="#">Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)</a>	29/05/1993 (S) 28/12/1994 (R) 01/05/1995 (F)
<a href="#">Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996)</a>	15/11/2006 (S) 08/09/2010 (R) 01/01/2011 (F)

### Regional instruments

<a href="#">Convention for the Protection of Human Rights and Fundamental Freedoms,</a>	07/10/1993 (S) 20/06/1994 (R and F)
<a href="#">European Convention on the Adoption of Children (Revised)</a>	02/01/2012 (R) 01/05/2012 (F)

### Domestic legislation/regulation

<a href="#">Civil Code</a> of 2011 (Chapter III Adoption)	In English
<a href="#">Law N° 272/2004 on the Protection and Promotion of the Rights of Children</a> , as amended (2014)	In Romanian
<a href="#">Law N° 273/2004 on adoption proceedings</a> , as amended (2016)	In English
<a href="#">Detailed Rules on the Implementation of Law No. 273/2004 on adoption proceedings</a> , Decision no. 579/2016	In English
NACRPA President Decision no. 661/08.08.2016 on the approval of the model and content of application forms, tools and documents used in the procedure of adoption	Available in Romanian at the ISS/IRC
Government Decision no. 1441/2004 regarding the authorization of foreign private bodies to carry out activities in the field of intercountry adoption, as subsequently amended	Available in Romanian at the ISS/IRC
<a href="#">Decision no.448/2017</a> on the approval of methodology regarding the contact of natural parents or biological relatives, the access of the adoptee to information about his/her own origins and past, as well as the access of natural parents or biological relatives of the adopted persons to information about the adopted person.	In English



<a href="#">Decision no. 350/2012</a> on the approval of detailed rules for the implementation of Law no. 273/2004 concerning the legal status of adoption and of the organisation and operating rules for the Steering Committee attached to the Romanian Adoption Office.	In English
Decision 539/2001	Available in Romanian at the ISS/IRC
Order no.25/2019	Available in Romanian at the ISS/IRC
<a href="#">National De-Institutionalisation Action Plan, 2014-2020.</a>	In Romanian
Methodological Norms of applying Law no. 273/2004 on the adoption procedure, approved by Government Decision no.798/2021, entry into force on August 05, 2021;	
NAPCRA President Decision no.1430/05.08.2021 on the approval of the model of the document certifying the capacity for adoption of a person/family, as well as of the model and content of some forms, tools and documents used in the adoption procedure	

Relevant legislation (in Romanian and some in English), as well as explanatory information, is available at the following [link](#).

## PARTICULARLY RELEVANT SOURCES OF INFORMATION

### Periodic review by the [CRC Committee](#)

#### Convention on the Rights of the Child

- Latest State Party's Report: Romania, CRC/C/ROU/5, 12 September 2016
- Latest Concluding Observations of the Committee on the Rights of the Child: Romania, CRC/C/ROU/CO/5, 13 July 2017

### Relevant reports and source of information

- [UNICEF 2021 country report](#)
- Better Care Network: [Romania](#)
- M. Neagu (2017). [Young adults' perspectives on their experiences of different types of placement in Romania.](#)

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