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Updating Perspectives on the Child Protection System of Cluj County, Romania

Flavia Alison Inceu

Adviser: Professor Daina Eglitis

Department of Sociology, The George Washington University

Introduction

Romania's child protection system has been an area of focus for Romanians and international observers for decades, most notably since 1990. With the violent execution of dictator Nicolae Ceausescu, the fall of communism, and the flooding of Romania by foreigners and Western journalists, the country came under severe scrutiny as the living conditions of children living in state-run institutions were publicly displayed. Faced with images of great numbers of children living in large, cold institutions with little clothing, food, or medical attention, Romanians and international citizens urgently called for reform to the Romanian child protection system.

The Romanian child protection system has evolved beyond images of "mammoth" institutions (as the traditional, communist-era institutions are referred to in Romania) since 1990, and undergone numerous reforms and changes to provide for the advancement and success of its children. In this paper, I will aim to answer several questions about the Cluj county child protection system, a building block of the overarching Romanian child protection system, with the hopes of updating our knowledge on Romania and its child welfare efforts, as well as the direction in which it may be headed. This study may also serve individuals with a stake in the child protection systems of other Eastern European countries, whose child welfare experiences have arguably been parallel to Romania's in recent years. Utilizing the insight of county-level directors and administrators, I will particularly venture to answer the following questions: how has the Romanian child protection system evolved since the turning point year of 1997, and how does it appear today? What challenges are currently being posed to the system, or is the system likely to face in the coming years? Who have been the international, national, and local social actors to exercise economic, cultural, and symbolic capital in this context, and consequently give shape to the system as it appeared to the local administrators and directors I interviewed?

The conclusion of my paper will then offer several suggestions and possible directions for the Cluj county child protection system, as it aims to continue bettering the lives of the children coming under its care. It will also identify marginalized actors in the local discourse and formation of the Cluj child protection system.

Methodology

The opinions and views on the child protection system of Cluj county, represented throughout my paper, were collected through a series of interviews and questionnaires conducted in July 2014. I utilized a snowball sample, and ten interviews in total were conducted with directors and administrators of the service areas offered by the Direcția Generală de Asistență Socială și Protecție a Copilului Cluj (DGASPC)¹. I first gained access to the child protection system of the county with the aid of professor Eugen Baican, of the Department of Sociology and Social Work, at the Babes-Bolyai University in Cluj-Napoca. Professor Baican first established contact with the DGASPC on my behalf. Four questionnaires were also conducted with foster parents. The questionnaires I collected were gained through a relative that I knew to be in regular contact with foster parents through her role as a primary school teacher. In this way, I gained questionnaires addressing the challenge of being a foster parent, the perceived effects of deinstitutionalization², and possible changes to the child protection system. During both the research and writing process, I utilized secondary literature to understand the background and context of child protection in Romania. No children were interviewed or were at any point part of my study.

¹ Translates as the General Directorate for Social Work and Child Protection Cluj. The DGASPC is the county-level authority on child protection, as well as the manager and engineer of the local child protection system. The directorate is based in Cluj-Napoca, Romania and is ultimately subordinated to the authority of the county council.

² Deinstitutionalization is defined here as the replacement of mammoth institutions with small, family-style homes, and the encouragement of alternative methods of childcare, such as family reintegration, foster care, and adoption.

Background

Nicolae Ceausescu, the Communist dictator of Romania from 1965 to 1989, imposed a series of pronatalist policies throughout his time as the country's president.ⁱ Driven by a vision of transforming Romania from an agricultural to an industrialized society, he aimed to increase the country's population and consequently create a larger national workforce. To achieve his objective, Ceausescu outlawed abortions in 1966ⁱⁱ, placed heavy economic and time restrictions on divorce obtainmentⁱⁱⁱ, and provided cash incentives to couples that produced children^{iv}, while taxing those that did not^v. He further created an image of the ideal woman as that which bore at least three children^{vi}. From the late 1960's to the late 1980's, while Ceausescu's pronatalist policies were enacted, the population of Romania grew significantly^{vii}. Because Ceausescu did not match his pronatalist policies with social policies accounting for the additional children a typical family would now have to care for, many families simply could not cope. General economic decline, as well as food and energy shortages further exacerbated the deprivation of families^{viii}. Declaring the state the "'father' of all the nation's children," Ceausescu and his Communist regime encouraged families to place the children they could not adequately care for in state-run institutions^{ix}, and many did.

Ceausescu's pronatalist policies directly lead to what many observers who entered Romania in 1990 or shortly thereafter referred to as the "warehouses" of starving, dirty, and ill children^x. In response to this national crisis, the Romanian government enacted several waves of reform that will be categorized by time frame and year as 1991 to 1997, 1997, and 1997 to the present day^{xi}. The categorization of the legislation during these years is first established by Fern Greenwell in her dissertation entitled, "The Effects of Child Welfare Reform on Levels of Child Abandonment and Deinstitutionalization in Romania, 1987-2000."

The 1991 to 1997 time frame of reform is characterized by the opening of international adoptions, the moratorium placed on international adoptions a year later, and laws no. 47/1993 and no. 84/1994. The Law on Approval of Adoptions, which opened adoptions and was passed in 1990, legalized the international adoption of Romanian children for the first time since 1966. The law was part of an effort on the part of the Romanian government to align its child welfare policy to the norms established in the UN Convention on the Rights of Child. However, due to gaps in the legislation, its poor implementation and, simply, the large demand for adoptable children internationally, the law was virtually valueless, and the opening of international adoptions led to the growth of an active black market for children. By the end of 1990, most children to be adopted were not obtained through established, state-verified modes, but directly from families in exchange for money.

The Romanian government placed a moratorium on international adoptions in 1991 through Law no. 48/1991 in order to end black market adoptions and regain control over the adoption process. Law no. 48/1991 effectively closed international adoptions by stipulating that specific (and very strict) criteria must be set for adopting families. The law also established the Romanian Adoption Agency as a government agency with the authority to accredit international adoption agencies and to screen all international adoptions and adopting couples. As a result of the moratorium on international adoptions, adoption rates dropped and institutionalization rates increased significantly in subsequent years.

In 1993 and 1994, two new laws began to push the reform of the child protection system in the direction of deinstitutionalization. Law no. 47/1993 provided the definition for "abandoned,"^{xii} and thus provided for more children who had little to no contact with their parents to become eligible for adoption or foster care. Law no. 84/1994 built upon the foundations of Law no. 47/1993 and further regulated the adoption process^{xiii}. It also established engagement in black market adoptions a criminal felony.^{xiv}

The year 1997 was a turning point in Romanian child welfare policy as deinstitutionalization was promoted as a comprehensive reform strategy for the first time. The goals of the 1997 reforms, of which there are several but which are known as a collective, were: the prevention of institutionalization, family re-integration or foster care, support of struggling families, the recruitment of foster families, and the creation of networks of "foster carers."^{xv} The reform strategy further aimed to decentralize child care, assert domestic adoption over inter-country adoption, and to promote foster care over institutional care.

The legislation addressing the Romanian child protection system from 1997 forward has served to further the objectives of the 1997 reforms, to define the structure of the national child protection system, and to address the circumstances newly placing Romanian children at risk of coming under the care of the system. The moratorium on international adoptions of 2001, laws no. 272/2004, no. 273/2004, 274/2004, and 552/2012 have further defined and streamlined the process for internal and international adoptions. Law no. 273/2004 reiterates many of the terms for internal adoption previously established in Law no. 47/1993, and most importantly establishes the strict conditions that must be fulfilled in order for an international adoption to take place. These conditions make it impossible to adopt internationally unless several strict conditions are fulfilled: the adopting parent is a relative up to the fourth degree, married to a Romanian citizen, or married to the child's biological parent. Law no. 274/2004 establishes the new Romanian Office for Adoptions as the new government agency in charge of monitoring adoptions, and Law no. 552/2012 establishes the profile of the ideal adoptive parent, along with the documents that must be completed and collected during the adoption process. International adoptions were reopened in 2010, at least in part due to the European Union's ever-changing position on international adoptions. A discussion on this topic will follow later in the paper.

Decision 539/2005, Law no. 47/2006, and Decision 1385/2009 have all specifically contributed to defining the structure of the child protection system. Decision 539/2005 establishes the names of the institutions and the personnel to be included in the system, and Law no. 47/2006 establishes the entire structure of the social welfare system, of which the child protection system is made part. Finally, and most importantly, Decision 1385/2009 establishes the National Authority for the Protection of the Rights of Child as the national body responsible for the welfare of Romania's children. This decision places the Authority under the Ministry of Work, Family, and Equality, and details the current decentralized, county-based child protection system we observe in Romania today.

The Evolution of the Cluj County Child Protection System, 1997 - present

Although most of the individuals I interviewed began working in the Cluj county child protection system between the years 2000 and 2003, and only a few experienced the reforms of 1997 first-handedly, nearly all of my interviewees understood these reforms to be part of the evolution of the system they experienced throughout the 2000s. They perceived the system to largely have been determined by these reforms, and the legislation of 1997 reforms was repeatedly invoked when discussing the major and repeated themes of discussion – foster care and family reintegration, the closing of “mammoth” institutions, and adoption. This section will also address the evolution of the Cluj county child protection system in terms of the availability of EU pre-accession funds, and the increasing awareness of social work and child protection in Cluj county and local culture.

Before 1997, the only effective alternative to institutionalization was adoption. However, since the fall of communism in 1990 and the recognized need to majorly overhaul the child protection system, foster care and family reintegration were conceived as being future solutions to deinstitutionalization. In Cluj, foster care was so pursued much earlier than

in the rest of the country, and approximately three years before the legislation would account for it. In 1994, foster care was introduced in Cluj as a pilot program. This program became a standing service offered by the county council by the following year, and was then taken over by the DGASPC in 1997 when the national legislature made foster care a formal part of the Romanian child protection system. The legislation that formally made foster care a part of the child protection system were Ordinances 25 and 26. These ordinances were later on amended and streamlined through Laws 679/2003 and 272/2004. The presence of the pilot program and its integration by the county council was seen by those I interviewed as a significant part of the evolution of the child protection system throughout the 2000s, and as one of the primary reasons why the foster care program of Cluj was identified as being more robust and stable than those of other counties. Family integration was seen as running hand in hand with foster care, and of having been introduced in Cluj county around the same time in 1994, in an analogous manner.

The closing of “mammoth institutions” was seen as having evolved and been established in its present form by the 1997 reforms. One of the achievements and evolutions of the system identified was having closed the major institutions Romania had become known for in 1990. It was conveyed to me that the majority of all “mammoth-style” institutions were closed throughout the 2000s. The last of these “mammoth-style” institutions to close were those of Gherla, Campia Turzii, and Gilau (three small towns in Cluj county). I was fortunate to visit three institutions of the “new style,” during the process of my research.

Another major theme of discussion with my respondents and identified area of evolution that was impacted by legislation was international adoption. The evolution of the international adoption process between 1997 and 2014 was described as instable at best, with most favor being granted to the process as it existed between the years 1996 and 2000. It was expressed to me that the legislation during this time allowed adoption to be flexible and

regulated. It was further expressed that international adoptions allowed children that had few chances of being adopted domestically (often for being older, with disabilities, and/or Roma), to find homes internationally. International adoption was completely closed in 2000, following the lobbying of intense anti-ICA (inter-country adoption) groups, and the personal lobbying of European Parliament member Baroness Emma Nicholson. These groups and Emma Nicholson spoke out against the corruption they perceived in the international adoption process, and the likeness they found of it to “human trafficking.”^{xvi} International adoptions were consequently wholly closed from 2000 to 2010, a large portion of the years my study covers, and were only reopened in 2010 (through Law 273: 2010). The adoption process, as it stands today and as was widely criticized by my interviewees is infinitely difficult, I was made to understand. In terms of the evolution of adoptions then, I understood it to be in limbo; somewhere between existing on paper and existing in practice.

A crucial aspect in the evolution and development of the Cluj county child protection system was the availability of European Union, pre-accession funds. Between 1997 and 2007, the year Romania was accepted into the European Union, funds were made nationally available to Romania to reform its child protection system, a condition placed to Romania’s accession to the EU. The staff of DGASPC, I was told, applied for funds extensively during these ten years, especially PHARE funds³; the use of which largely allowed for the closing of “mammoth” institutions and the provision of new services. Two projects made available through European Union funds that were discussed allowed for the creation of a day center in Pata Rat, the Roma-populated slum at the edge of Cluj-Napoca, and the closing of the “mammoth institutions” of Gherla and Campia Turzii, respectively.

Finally, a simple but seemingly crucial point that was made to me, and that allowed me to further conceptualize the evolution of the Cluj county child protection system, was that

³Poland and Hungary: Assistance for Restructuring Their Economies

of the increasing awareness of social work and child protection within Romanian culture. A particular story that seemed to illustrate this change in culture was of a respondent who told me that when she was a student working as a social worker-in-training, individuals she encountered often confused her title of “social assistant” (as social worker translates directly from Romanian), for medical assistant. My respondent further related to me that even professors at the University of Babes Bolyai were at times confused about the profession she was studying (despite the university even having a Department of Sociology and Social Work). Today, I was told that she no longer has such stories to relate and that the population at large is increasingly more aware of the work of social workers and, most importantly, of the very notion of child protection.

Exemplifying this change in culture for many of my interviewees was the trend of dropping institutionalization rates, paired with the simultaneous rise in cases brought to the attention of the DGASPC. One particular individual told me that the amount of cases that were previously brought to the attention of the DGASPC in one year, is now brought to the attention of the institution in three months. My interviewees repeatedly invoked an increased awareness of child protection among Romanians as the primary reason for this change. As it was explained to me, while before a typical Romanian hearing his neighbor beating his child might have viewed this action as discipline as little as ten years ago, today he is likely to see this action as child abuse and contact the Directie after several such occurrences.

The Current Objectives, Functioning, and State of the Cluj County Child Protection System

Before moving forward to a conversation about the challenges my respondents associated with child protection in Cluj county, I will carry forth a more concrete discussion of how my interviewees communicated the objectives of the child protection system, and the everyday functioning and their perception of the main areas of service previously discussed: foster care, family reintegration, institutionalization and deinstitutionalization, and

international adoption. I will also touch upon ways in which the Cluj county child protection system is seen to be atypical in the context of the child protection systems of the other counties of Romania.

The Cluj county child protection system, administered by the DGASPC at the county level under the political leadership of the county council, provides service in eight areas. These areas address foster care, family reintegration, institutionalization, domestic and international adoption, the prevention of child abandonment, street children, domestic child abuse, child trafficking, and therapy and rehabilitation for children with disabilities. As I was informed by my respondents, the primary objective of the system is to keep children within the system for as little time as possible and, whenever possible, to reintegrate the child into the family. As one child psychologist explained, “Even if the family is poor, if there is no abuse, it is better for the child to be poor but in the family than in the system.” Family reintegration is always the first solution attempted by those who work within the child protection system. When it is not possible, placement is attempted with a family member up to the fourth degree. If this second option is not possible either, it is opted for the child to be placed into foster care or adoption.

Institutionalization is seen as a last-case-scenario solution to helping a child that can no longer live within his or her family structure. If a child is institutionalized, social workers aim to place a child in apartment-style residences with as few other children and as few times as possible. A child growing up in the system is considered largely emancipated at the age of eighteen, when the child is mandated to leave his institutional placement. Between the ages of eighteen and twenty six, the goal of the system was articulated by my respondents as integrating the child into society. Individuals between these ages receive funds and aid from the child protection system to pay for their university, vocational training, and rent, and further receive career counseling, among other services from which they benefit.

When a child enters the Cluj child protection system, his case is assigned to a social worker responsible for finding a sustainable solution to whatever circumstances brought the child under the care of the system. The first step is to determine whether these circumstances make it possible for the child to return home after a given period of time, and whether the child can be placed with another family member until the return is made possible. For example, if a child's living situation is deemed instable because the child's mother has three other children, no current source of income, the father is unknown or does not recognize the child, but yet the mother shows an interest in keeping the child, it may be deemed that a child should be placed in the care of the grandmother until the mother's financial situation changes. After this resolution would be carried out, the child's case would be monitored for six months. If at the end of those six months the reevaluation of the case would show that the mother is newly in a financial position to care for her child, he or she would be returned to the family, and the case would be closed. Placement of the child with a family member or relative would be attempted up to the fourth degree of relation, as previously mentioned. If these options were exhausted, the child would enter the foster care system.

The Cluj county foster care system is made up of approximately one hundred and thirty foster parents, each caring for one or two children on average. Foster parents are usually above fifty years old and have adult children that no longer live with them. They are paid a monthly salary based on the structure of the eight hour work day. Potential foster parents apply for the role through the DGASPC, who evaluates the candidate psychologically, provides him with training over several months, and begins to support the foster-parent-to-be through a support group. Individuals have the opportunity to become foster parents with their spouses, moving into DGASPC-funded homes, and carrying for a larger number of children on a full-time basis.

Foster parents often care for a child for long periods of time; ideally, from the time the child enters the system to the time he partially exists it at eighteen years old. It at times occurs that a foster parent cares for a child until adolescence, but then gives up his role as typical coming-of-age problems appear, which are often complicated by the child's troubled childhood. Being "given up" in this way is frequently an event which causes great turbulence for the child in question. A child being cared for through the foster care system is also eligible for adoption, given that family reintegration is entirely ruled out. Ideally, this is hoped to be the final solution to a child's case.

International adoption as it stands past its opening in 2010 is a process that can be pursued either by a couple formed by two Romanians with residence abroad, or by a Romanian that has maintained his or her citizenship and resides abroad, and a foreigner. The process is carried out within the jurisdiction of the DGASPC by an adoption team formed by two social workers, one psychologist, and one jurist. In basic terms, the process is made up of five steps: evaluation of the adopting couple, the making of a formal statement of the intention to adopt by the couple, the carrying out of a trial period in which the child lives with the adopting couple, and the formalization of the adoption. The basic process of adoption was not disputed by any of the individuals I interviewed. However, international adoption as it stands through the legislature was unanimously criticized by all of my respondents. This criticism will be discussed in the following section of my paper.

If family reintegration, foster care, or adoption is not possible for a particular child, a social worker will resort to placing the child in an institution. Institutionalization is always viewed by a social worker as the last case scenario for any child. A child can be placed in one of nearly thirty institutions in Cluj county, the largest of which can house fifty residents and each of which is specialized for the population it serves. Institutions in various arrangements, such as small houses and apartments. The three institutions I visited all pertained to the small

house style and served children with mild, medium, and severe mental and physical disabilities. Two of the three institutions housed less than sixteen children, and one institution, made up of several conjoined small houses known collectively among staff of the DGASPC as “the little homes,” housed thirty. The institutions I visited were clean, well-furnished and visibly taken care of. Pinocchio, the institution serving children with severe disabilities, had recently been remodeled with the help of European Union funds for interregional development. 6

Finally, the Cluj county child protection system was viewed as atypical in the context of the systems of other Romanian counties by nearly all of my respondents, due to the European Union, reform-intended funds the county received from 1997 to 2004 (with accession occurring in 2007), and due to the presence of more social workers as a result of the University of Babes Bolyai housing the Department of Sociology and Social Work. The reform funds obtained through the European Union by the DGASPC were applied for nationally by county directorates. As I understood, they were obtained by counties disproportionately based on the agency, knowledge, and willingness of its staff to apply, and the support the directorates received from county councils. DGASPC was more than willing to apply and the funds consequently obtained allowed it to deinstitutionalize and create new services, in ways that other counties could not afford. The DGASPC was also proactive in the awareness and advocacy campaigns it undertook in the city of Cluj-Napoca, establishing a Day of Adoption in 2008 while such a day was nationally established only this year. The DGASPC also regularly collaborates on an advocacy campaign with the bus and tram company Ratuc, placing posters that promote the adoption of older and Roma children in buses and the trams. The Cluj county child protection system was also considered atypical by my respondents due to the presence of the University of Babes Bolyai, which houses the Department of Sociology and Social Work. The presence of the university and the department

ensures that the system receives a consistent influx of newly-trained, motivated social workers, I was told. Considering that the university is one of the best in Romania, and further that many counties do not have a university or major city such as Cluj-Napoca at all, it is not difficult to consider that this factor could make the Cluj child protection system atypical, and perhaps a model, to those in the rest of the country.

The Current and Anticipated Challenges Posed to the Cluj County Child Protection System

The ways in which the Cluj county child protection system has evolved since the wave of 1997 reforms and the way it functions and appears today, provided me with invaluable context for further understanding the challenges viewed by my respondents as being posed to the system as it aims to offer the most appropriate services for its children. The challenges invoked were repeated throughout the conversations I had with my interviewees, and can be thematically organized around the workforce of the system, the lack of involvement and responsibility being taken by town and village councils in the area of child protection, the lack of local prevention programs, the rise of a culture which condones taking advantage of the welfare state, and gaps in the legislation that adequately address the responsibilities of parents. Further themes that emerged during conversations concerned foster care, deinstitutionalization, and adoption, and the services available to children with disabilities.

The Cluj child protection system was repeatedly described to me by its staff as overwhelmed, in the sense of the number of cases it deals with, and the number of social workers and adequate personnel it has to manage these cases. Its designation of “overwhelmed” was also attributed to the effects the austerity measures imposed by the national government following the 2008 economic crisis had on limiting the staff of the DGASPC. One social worker is, on average, responsible for somewhere between sixty and

seventy cases. A normal caseload was communicated to me as being between fourteen and fifteen cases. During several conversations with one social worker, I received verification of the heavy workload of social workers. This social worker managed children's cases in two separate institutions, spending half of the week in one institution and the other half in the second institution. The social worker conveyed to me that she easily had enough work to keep her occupied full-time at one institution, but that there are simply not enough social workers employed and too many cases for her to work at only institution. Although trained social workers are available due to the presence of the university, the DGASPC does not have the possibility or the financial means to employ them. I was told that as a result of the 2008 financial crisis and the austerity measures the national government took to respond to the crisis, new hiring was entirely blocked at the county level in 2009 and 2010. No new staff was hired until 2013, currently leading to a tight number of staff working on an ever increasing number of child protection cases. Moreover, this limitation on the number of social workers hired by the DGASPC signifies that few social workers are available to monitor cases or conduct visits to rural areas of the county, where widespread poverty is most likely to place children at risk of entering the system.

The lack of responsibility being taken by local town and village councils in the area of child protection, as well as the lack of prevention programs at the local level, was repeatedly cited to me as two areas of deficiency in the Cluj child protection system. In a case of viewing the state as the father, and considering that the DGASPC also "needs something to do," it was described to me that local town and village councils consistently let cases of child abuse or neglect go unaddressed, until the child's situation becomes critically dire and the child needs to be removed from his immediate environment. It may be common knowledge in a village that a particular father regularly spends his evenings getting drunk at the village pub, and that he often becomes violent and beats his child. Instead of locally intervening to discuss

the case with the father or perhaps with a child's teacher, however, local leaders will remain uninvolved until the child is beaten unconscious.

Many respondents also identified a lack of adequate support and preventive programs at the local level as being one of the challenges currently facing the system. No social workers were identified as residing in villages or small towns to offer support in cases of child protection, and visits by social workers to rural areas for monitoring purposes were identified as being rare. Nearly all of my respondents also identified as problematic the lack of day care and after school programs to keep children occupied and safe from circumstances which could place them at risk. They also looked unfavorably on the lack of preventative programs that would teach poor families about fertility and hygiene.

When identifying the challenges they viewed as facing the Cluj child protection system today and in the future, many of my interviewees also identified the taking advantage of the child protection system and the welfare system as a whole by poor or disfavored families. There are cases, I was told, in which a woman already has several children in the system (five, in one particular case I was spoken in detail about), yet she continues to have children, upon giving birth expecting that the DGASPC will collect the child and take care of it. Such women will most often have at least some basic knowledge of fertility and family planning, and will often have a long-standing history of receiving social assistance from the child protection system and other social assistance structures. Facing poverty, low levels of education and basic skills, large families, and positive discrimination programs, many families and individuals have come to rely on the child protection system as the primary caretaker of their children, and to disregard any form of agency they may have. For example, I was told, even though a family may live in a rural area and have the possibility of growing basic sustenance vegetables, as many Romanians still do, upon visiting social workers will

note that not even this readily available option at self reliance will be taken by certain families.

My respondents also repeatedly cited the federal legislature concerning child protection as deficient, especially as it concerns parents' rights and responsibilities and rights in practice. As I was made to understand by one interviewee in particular, according to the legislature a parent has the right to raise his own child, a right that will not be easily taken away by a judge, since once lost this right is difficult to regain. This right will, and is, re-enforced by the first-attempted solution of the child protection system to reintegrate the child into his family. Yet while the law emphasizes the right of the parent to his child, my interviewee conveyed, it does not emphasize any responsibility on his part, leading to many problematic child protection cases. For example, if a young girl enters the child protection system because she was engaging in prostitution with the knowledge and perhaps even the assistance of her mother, yet upon family reintegration the girl's mother facilitates her prostitution again, no sanction will effectively be placed on the mother since the law so adamantly supports the parent's right to raising her child. Thus, the law was seen as deficient by many of my interviewees for granting the parent the right to raise her child, but not in sanctioning her sufficiently when she does not adequately do so. My interviewees conveyed to me that although the legislature concerning child protection is well-intended, it often fails to consider how law functions in practice.

Several challenges related to foster care, deinstitutionalization as a holistic approach to providing solutions to children within the system, and adoption, were voiced throughout the interviews and questionnaires I conducted. Challenges identified by administrators working within the foster care system, and by foster parents themselves, were low salaries and a lack of outside support. Foster parents are paid the wage minimum compared to the wage they would otherwise earn if they were employed according to their educational and

professional level. They are also salaried through the legislation based on an eight-hour work day. Many foster parents identified their earnings as insufficient for providing adequate care for their foster children and themselves. An administrator working within foster care further identified providing a salary to foster parents based on the eight-hour work day as problematic, since foster parents are parents on a full-time basis. Parents further conveyed, through the questionnaires I collected, the challenge they faced raising their children without adequate support from the child protection system in the form of child psychologists, speech therapists, and other specialists to address the needs of their children.

The preferred childcare solutions of family reintegration, foster care, and adoption were rather unexpectedly seen as a challenge being posed to the child protection system, by several of the individuals I interviewed. Deinstitutionalization was expressed to me as being as trend in child protection, one that has functioned to improve the lives of many children, but one that is not necessarily the best solution for all. For children with severe emotional disturbances and physical or mental disabilities, for example, the institution is often the best option of care. My respondents conveyed to me that it is often only here that they can receive the type of assistance and services they need, especially considering that foster parents are not yet adequately trained to address more serious cases such as these.v

In the case of international adoptions, my respondents considered the legislation making adoption difficult and cumbersome as an overall challenge to the ability of the Cluj child protection system being able to offer adequate services to its children. The general opinion expressed was that international adoption as it stands is detrimental to the children part of the system, because it makes it nearly impossible for them to be adopted. The legislation has limited the individuals that can adopt and has made the steps within the five previously described so cumbersome to carry out that they are nearly impossible to. The legislation has, finally, so prolonged the process of identifying an abandoned child and

formally placing him in the care of the system that a baby becomes eligible for adoption, at earliest, when he is eleven months old. Considering that adopting couples generally aim to adopt infants as young as possible, the fact that the babies of the county only become eligible for adoption at nearly one year old severely limits the chances that they will ever have a home. As for children that already have low chances of being adopted for being in their late childhood, disabled, or Roma, so limiting those that can adopt from Romania and making the process difficult, almost entirely squanders the children's chances for homes.

Perhaps the area of service offered by the DGASPC that was identified as facing the most challenges was care and rehabilitation for children with disabilities. Firstly, due to a lack of social workers trained, supported, and provided with the logistical means to care for children with a range of mental and physical disabilities, these children very rarely have the opportunity to be deinstitutionalized. Secondly, the social protection system is not yet sufficiently developed to absorb the children with disabilities that grow into adults and so, I was told, many "children" remain in institutions past the age of eighteen. This lack of transition from the child protection system to the overarching adult social protection system has the effect of overcrowding institutions and hampering the development of the individual. Finally, on a macro scale, administrators working in this area of service identified as a challenge to the care provided by the child protection system, the lack of integrated school programs and adopted curriculum available to children with disabilities. Considering the best interest of the child, one administrator also voiced the need for vocational programs which would develop skills that speak to the qualities she often sees in children with disabilities, namely empathy and an ability to interact with animals, and the capacity for tactile work.

The Role of International, National, and Local Actors in Determining the Evolution and Current State of the Cluj County Child Protection System

The conjunction of the perceived evolution and current objectives and functioning of the Cluj child protection system of the DGASPC administrators I interviewed, portrays a child protection system that appears significantly different from the local and the national Romanian child protection systems portrayed in the media and in academia throughout the early 1990s. To what social actors, be they international, national, and/or local, is the evolution of the Cluj child protection system owed? How did the impact and the use of economic, social, cultural, and symbolic capital by these actors intersect to create the system as it was perceived by my interviewees? This section will aim to answer these questions in regard to the thematic areas addressed throughout the paper, namely, family integration and foster care, international adoptions, institutionalization, the increasing awareness of social work and child protection perceived in Cluj county, and the perception of Cluj as an atypical Romanian child protection system. This section will also aim to identify marginalized actors; the voices of the groups and individuals that have not been included as the Cluj child protection system as it has taken its current form.

For the purposes of my analysis I will again group family reintegration and foster care, since both services were implemented in Cluj county in 1994 in a parallel manner, and were largely affected by the same international, national, and local actors. In both the case of family reintegration and foster care, the push for implementation was first felt from international actors, namely the international signatories to the UN Convention on the Rights of Child (CRC) and the European Union, which interprets the CRC within the context of the European Convention on Human Rights (ECHR)^{xvii}. Although Romania signed the CRC in 1990, few of the provisions of the Convention were reflected in the national legislature, leading to child reform and the inclusion of these provisions becoming loudly called for among signatories of the CRC and an EU accession conditionality for Romania.^{xviii} In response to the EU conditionality and the pressures placed on Romania by the European

Union, Romania changed its national legislation concerning child protection to reflect the provisions of the CRC, the ECHR, and The Hague Convention on International Adoption, which further regulates inter-country adoption (ICA).^{xix} New legislation, such as *The Rights of the Child Act*, passed in 2004, reflected the spirit of these international law instruments by reflecting the focus on family reintegration and foster care as the primary childcare options pursued by the Romanian child care system.^{xx} In the article “Reforming the Romanian Child Welfare System: 1990-2010” by Adrian V. Rus, et al, the authors further describe how the Romanian government’s national strategy between 2001 and 2004 became one of changing the institutional system into a family system, and moreover cite that 53% of institutionalized children between 2001 and 2005 were reintegrated into their families.^{xxi}

While the push for family reintegration and foster care was thus largely enacted by international law signatories, the EU, and the Romanian government, NGOs and the county council were, respectively, exercising their power and capital as international and local actors as early as 1994. Following the exposure of the poor conditions of Romanian orphanages in the wake of the fall of communism, NGOs flooded Romania in an attempt to offer immediate aid and assistance, close the country’s infamous mammoth institutions, and offer alternative modes of childcare. John Triseliotis speaks to his experience and of other foreign NGO workers of setting up foster care programs with the Romanian Orphanage Trust in Romania in 1994 in the article “Setting Up Foster Care Programs in Romania: Background, Possibilities and Limitations.”^{xxii} Local actors such as the Cluj county council took advantage of the expertise and assistance of such NGOs, and with their assistance family reintegration and foster care programs were introduced in Cluj approximately three years before the national legislation accounted for it.

In a pattern that will soon come to be familiar, the complicated and convoluted evolution of the international adoption process and the way it appears today in Cluj county

was determined by the intersection of the influences of the European Union and the Romanian national government. The uncertain, unregulated, and often, highly-corrupt international adoption environment of the 1990s created the same unease among signatories of the CRC and within the European Union that lead to family reintegration and foster care being pursued as the main modes of alternative childcare by the Romanian government. A moratorium on ICA, advocated for extensively by Emma Nicholson, one of the British representatives to the European Parliament at the time, was made part of the EU accession conditionality concerning child protection for Romania.^{xxiii} Romania's desire to become part of the elite, members-only club of the European Union, to enjoy the benefits of such membership, and the effects of the subsequent symbolic capital exercised by the EU, lead the Romanian government to again adopt new legislation conforming to EU accession conditionalities concerning child reform. The Romanian government, as a national actor, officially placed a moratorium on international adoptions in 2001.^{xxiv} This moratorium was supported by Laws 272/2004 and 273/2004, which designated international adoptions as permissible by law only in extreme cases and as exceptions to the norm.^{xxv}

International adoptions were reopened in Romania in 2000 and currently entail a difficult and cumbersome process that was intensely criticized and spoken out against by my interview respondents. Upon looking at the literature this is not surprising, since Romania has come to occupy a very vague position on ICA; one that reflects the changing position of the European Union on the issue, and the power the EU has to affect the Romanian government and its legislation. Due to what has been identified as a reinterpretation of the European Union's role in promoting children's rights reinterpretation on the part of the European Union, and of The Hague Convention on International Adoption, the EU switched its anti-ICA position to a pro-ICA position after 2007.^{xxvi}

Attributed to the force of pro-ICA lobbies in swaying European Parliament members from one side to the other, subsequent changes in the Romanian legislation reflected the power of the European Union in forming a national and local, in our case, child protection system. Romania reopened ICA in 2010 through national legislation, as previously discussed, but the process of international adoption is difficult to somewhat impossible to achieve. This midway position reflects the indecision of the European Union on the issue, the responsiveness of Romania to EU demands, and the exclusion in the discourse on ICA of the actors most involved and affected by the status of ICA - DGASPC directors and administrators. Quite obviously, the discourse also marginalizes the children whose futures depend on whether ICA is available from Romania, and the international families who may wish to adopt from Romania. The evolution and current state of ICA in Romania demonstrates an asymmetrical exercise of power - the top actors (international signatories, the EU, and the Romanian government) determine the local, Cluj child protection system, while the voices of the local administrators and directors, children, and families are marginalized.

The closing of mammoth institutions in Cluj county can be attributed to a fairly even distribution of power and capital exercised by international, national, and local actors. Following the 1990 media “reveal” of the poor conditions of Romanian orphanages, foreign governments and their citizens rallied for the Romanian government to close its institutions.^{xxvii} These international actors were often heard through NGOs, many of which entered Romania after 1990 to facilitate the closing of its institutions. The EU, acting as an additional social actor in this context, further made deinstitutionalization (defined, again, in the strict sense of closing institutions), part of the child reform accession conditionality of Romania.^{xxviii} The EU also utilized its economic capital through the PHARE program (Poland and Hungary: Assistance for Restructuring their Economies), which allowed for the

establishment of small and apartment-style homes (the type I previously described visiting in Cluj).^{xxix}

The national government, as a national actor, notably first reacted to these international pressures after 1997. Wehrmann describes the impact of HG 205/1997 in the devolution of authority on child protection from national ministries to local directorates, and, most importantly, he describes the effect the legislation had of encouraging the creation of group homes to replace mammoth institutions.^{xxx} Local actors, such as the DGASPC directors and administrators I interviewed applied for PHARE funds and consequently obtained the economic capital to close down mammoth institutions such as the ones in Gherla and Campia Turzii (addressed earlier in this paper). Through the directors' specific use of knowledge that was not available to other county directors, these individuals exercised cultural capital. They further benefitted from the exercise of cultural capital by the county council, who understood the benefits of applying for EU accession funds arguably better than other county councils. Cluj DGASPC directors may have been better able to exercise their cultural capital than child protection system directors in other counties, moreover, due to their possession of social capital – a few individuals identified themselves as contributors to the creation of national child protection legislation. The social connections these individuals had may have lead them to have disproportionate knowledge regarding EU accession funds, as compared to directors and administrators in other counties.

In these circumstances, although the Romanian government and local actors such as the DGASPC were involved in the push for deinstitutionalization and the creation of family-type institutions, several voices can be identified as marginalized in this discourse. National actors, apart from the national government, were noticeably not included. National non-profit organizations and religious organizations working in the area of child welfare, regularly collecting donations throughout Romanian urban centers, were not provided with a venue to

voice their views on how mammoth institutions should be closed, and what the alternative forms of institutionalization should exist. The voices of the children part of the system were again not included.

The evolution and perception of an increasing awareness of social work and child protection in Cluj county, that was discussed by several of my interview respondents, can be attributed to the intersection of several international, national, and local actors. Most power in this case, however, appears to be wielded by national and local actors. Significantly, social work was established as a profession in 1990 by the Romanian government, and was thus brought to the forefront of Romanians' sphere of awareness.^{xxxix} Wehrmann cites Dickens' discussion on the topic in her article "An Exploratory Study on Child Welfare Reform in Post-Revolutionary Romania," where he is cited to state that after twenty-five years of the absence of social work in Romania, the profession was re-established.^{xxxix} The Romanian government utilized its symbolic capital to confer prestige to the profession, and then consequently gave rise to an increasing awareness of social work and child protection in Romania, as described by my respondents. DGASPC directors and administrators arguably served as significant local actors in increasing the awareness of social work and child protection in Cluj county, through the organization of the type of events previously described, such as a county-wide adoption day and a media campaign with the bus company Ratur.

Finally, in evaluating how, perhaps, the Cluj county child protection system may have come to be viewed by my interview respondents as an atypical case, when compared to the child protection systems of other counties, it appears that the social actors most at play were international and local. As a result of EU accession funds made available to Romania (of which PHARE are one kind), but for which Cluj county directors and administrators disproportionately applied for through their exercise of cultural and likely social capital, the Cluj county child protection system developed more quickly and intensely than the systems

of other counties. This intersection of international and local influences molding the current Cluj child protection system, is strengthened by the cultural capital available to the system through the social workers graduating from Babes Bolyai University. It is furthermore strengthened by the local actions of DGASPC directors and administrators to establish child protection advocacy campaigns, which render the inhabitants of Cluj county more aware and responsive to the circumstances of vulnerable children in their county.

Future Directions and Concluding Thoughts

An analysis of the international, national, and local social actors functioning to determine the Cluj county child protection system reveals the overwhelming influence of the European Union, as an international actor, to elicit a response from Romania and, consequently, mold local social realities and perceptions. Although national and local actors have exerted their own influence, it can broadly be generalized that local county child protection systems are determined by a top-down exercise of power that marginalizes and limits several actors with a stake and role in the system. In the discourse on family reintegration, foster care, international adoption, deinstitutionalization, and the other aspects of child welfare and protection, the voices of national groups and non-profit organizations are consistently missing, as well as of the Roma, whose children are disproportionately found in the Cluj child protection system.^{xxxiii} Families affected by the shape and form of the child protection, especially families that would internationally adopt from Romania, are consistently excluded in conversations concerning child welfare that are pertinent to them. Finally, the voices of the children who, at the end of the day, are most affected by any decisions made concerning the system, are always excluded. Taking into consideration the exclusion of these social actors and the challenges previously identified as facing the system, I will conclude with several general suggestions as to how the Romanian federal government

and local child protection directorates can take action to be more inclusive and to successfully counter these challenges.

Considering that nearly all of my respondents expressed feeling their views and expertise excluded from the national conversation on child protection, and that my analysis clearly shows an asymmetric exercise of power by the European Union and the Romanian government, the federal governments should make efforts to more greatly include the voices of local directorates and national organizations and charities. The federal government could achieve this involvement simply, by organizing national symposiums that bring directorates, charities, and lawmakers together to voice views on legislation, the budget allocated nationally to the child protection system, and cross issues, such as education and children with disabilities, for example. In this way, perhaps greater consensus could be reached in regard to international adoption and its availability from Romania, the responsibilities parents should have towards their children and how those responsibilities should be codified through legislation, and the national budget allocation that would allow local directorates to hire more staff and provide greater support for foster parents. Moreover, such nationally and locally inclusive conversations would allow for conversations concerning issues that reach somewhat beyond child protection, such as the reform of the educational system and the development of adapted curriculums for children with disabilities.

To be more inclusive of the marginalized voices of Roma, families, and children, with greater funding, local directorates should consider greater contact with the field. Through an increased number of field visits to underserved, at-risk, and Roma communities, as well as the employment of greater ethnographic and surveying methods, DGASPC staff could ascertain the views and opinions on child protection and alternative methods of childcare of Roma individuals. To be more inclusive of the voices of children, the directorate's child psychologists could also more deeply address and study the thoughts and feelings of children

on family reintegration (do most children typically wish to return to their families, despite being forced to leave it, for example?) By collecting these views and opinions, the true complexity of child care would be revealed. This complexity could then be funneled into the national discourse, to consequently create the child protection legislation that reflects the complexity of the issue.

Overall, it is apparent that the Cluj child protection system, and the Romanian child protection system, if we may extrapolate, has undergone an impressive evolution since 1997 and since the fall of communism in 1989. Reform has been achieved and, quite clearly, the major building blocks of a stable child protection system have been placed. However, in the future it is crucial that local and national actors continue to make efforts to address the deeper, root causes that bring children under the care of a child protection system, and the vulnerable population of this very vulnerable group. The federal government and the local directorates must develop ways to better connect and support with rural communities, the source of most of the system's children. Prevention programs aimed at providing awareness of child protection and children's issues, as well as programs that provide locally-pertinent information on fertility, hygiene, and education, could greatly serve to more deeply engage at risk populations. This very local engagement could perhaps also serve to counter the remnant, socialist concept of the state being the father that provides, and create a greater sense of responsibility among rural town and village councils in regard to the protection of their children. Understanding disabled children as the vulnerable population of the vulnerable group, it is also crucial that greater focus is placed on developing alternative modes of childcare for these children, through the training of foster parents, for example, and through the development of adapted curriculums and alternative technical or vocational programs that best serve their talents and interests.

Endnotes:

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- ⁱ Jenny Leon. "The Shift Toward Family Reunification in Romanian Child Welfare Policy: An Analysis of Changing Forms of Governmental Intervention in Romania." *Children and Society* 25, (2011): 229.
- ⁱⁱ Fern Greenwell. "The Effects of Child Welfare Reform on Levels of Child Abandonment and Deinstitutionalization in Romania, 1987-2000." PhD diss., University of Texas at Austin, 2003: 21.
- ⁱⁱⁱ *Ibid*, 27.
- ^{iv} Lynn Morrison. "Ceausescu's Legacy: Family Struggles and Institutionalization of Children in Romania." *Journal of Family History* 29, no. 168 (2004): 170.
- ^v *Ibid*
- ^{vi} *Ibid*
- ^{vii} *Ibid*
- ^{viii} Fern Greenwell. "The Effects of Child Welfare Reform on Levels of Child Abandonment and Deinstitutionalization in Romania, 1987-2000." PhD diss., University of Texas at Austin, 2003: 32.
- ^{ix} Jenny Leon. "The Shift Toward Family Reunification in Romanian Child Welfare Policy: An Analysis of Changing Forms of Governmental Intervention in Romania." *Children and Society* 25, (2011): 229.
- ^x Fern Greenwell. "The Effects of Child Welfare Reform on Levels of Child Abandonment and Deinstitutionalization in Romania, 1987-2000." PhD diss., University of Texas at Austin, 2003: 81.
- ^{xi} *Ibid*, 82.
- ^{xii} Fern Greenwell. "The Effects of Child Welfare Reform on Levels of Child Abandonment and Deinstitutionalization in Romania, 1987-2000." PhD diss., University of Texas at Austin, 2003: 79.
- ^{xiii} *Ibid*
- ^{xiv} Fern Greenwell. "The Effects of Child Welfare Reform on Levels of Child Abandonment and Deinstitutionalization in Romania, 1987-2000." PhD diss., University of Texas at Austin, 2003: 80.
- ^{xv} Dickens, Jonathan and Catalin Serghi. "Attitudes to Child Care Reform in Romania: findings from a survey of Romanian social workers." *European Journal of Social Work* 3 (2000): 248.
- ^{xvi} Ingi Iusmen, "The EU and International Adoption from Romania," *International Journal of Law, Policy and the Family* 27, no. 1 (2013): 8.
- ^{xvii} *Ibid*, 6.
- ^{xviii} *Ibid*, 8.
- ^{xix} *Ibid*, 6.
- ^{xx} Jenny Leon, "The Shift Toward Family Reunification in Romanian Child Welfare Policy: An Analysis of Changing Forms of Governmental Intervention in Romania," *Children and Society* 25, (2011): 229.
- ^{xxi} Adrian V. Rus, et al, "Reforming the Romanian Child Welfare System: 1990-2010," *Review of Research and Social Intervention*, ISSN: 1583-3410: 63.
- ^{xxii} John Triseliotis, "Setting Up Foster Care Programs in Romania: Background, Possibilities and Limitations," *International Journal of Family Care* 6, no. 1 (1994): 75.
- ^{xxiii} Ingi Iusmen, "The EU and International Adoption from Romania," *International Journal of Law, Policy and the Family* 27, no. 1 (2013): 8.
- ^{xxiv} Adrian V. Rus, et al, "Reforming the Romanian Child Welfare System: 1990-2010," *Review of Research and Social Intervention*, ISSN: 1583-3410: 63.
- ^{xxv} *Ibid*
- ^{xxvi} Ingi Iusmen, "The EU and International Adoption from Romania," *International Journal of Law, Policy and the Family* 27, no. 1 (2013): 10-11.
- ^{xxvii} James C. Rosapepe, "Half Way Home: Romania's Abandoned Children Ten Years After the Revolution," (U.S. Embassy, Bucharest, Romania), February 2001, 7-8.
- ^{xxviii} Ingi Iusmen, "The EU and International Adoption from Romania," *International Journal of Law, Policy and the Family* 27, no. 1 (2013): 9.
- ^{xxix} *Ibid*, 9.
- ^{xxx} Kathryn Conley Wehrmann, "An Exploratory Study on Child Welfare Reform in Post-Revolutionary Romania," *Journal of Social Work Research and Evaluation* 6.1, (2005): 101.
- ^{xxxi} *Ibid*, 89.
- ^{xxxii} *Ibid*, 89.
- ^{xxxiii} Camelia Manuela Lataianu, "Social Protection of Children in Public Care in Romania from the Perspective of EU Integration" *International Journal of Law, Policy and the Family* 17, (2003), 101.