

TRENDS AND RESULTS IN ROMANIAN SOCIAL POLICY – THE CASE OF CHILD PROTECTION SYSTEM

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Abstract

The following paper is proposed to be a case study which show the main developments of Romanian social services system, including through a deeper analyse of the child protection systems evolution in the last 25 years. In the first part of the study the author make a short overview of the European and Romanian historical evolutions in field of social services, ending with the main problems faced by Romania at the start of the new democratic construction. Evolutions of the last two decades and the present situation show an important effort for reforming the residential care system, and despite official social policy declaration and legislation a much weaker development of basic communitarian social services. The study try to find also if economic arguments, or efficiency arguments had or not a role in the design of the reformed child protection system.

Key words: social policy, child protection, social services

Introduction

Social protection is one of the most important attribution of the modern state. Development of social protection institutions is strongly linked to the development of secular modern administration. Is also an evidence that we can find different forms of social solidarity during the whole history of mankind, but the intensity and manifestation forms of this solidarity varying very much from period to period and society to society. The most important change in this history seems to be the modernization of society, a process which affect directly the traditional forms of communitarian cooperation and implicitly the traditional community rules and “institutions” of social protection. Technological revolution and industrialization created everywhere in Europe, a fast urbanization and an explosion of number of people living together in urban areas without real communitarian feeling. Destroying the communitarian roots of people took so many persons and families in a severe deprivation and hopeless situation that became an evidence that these people can't be controlled anymore, and if the state want to keep control and assure social order, must act in the sense of taking an more important role in assuring a minimal welfare for the majority of its citizens. The situation showed also the strong link which exist between economy and social situation of population. Even if at a first sight this link could be seen as a one direction relationship (in a strong and growing economy are less social problems, and in critical economic situation are more) the reality is much more complicated, social situation of majority of the population has strong influence on the economic situation (internal consumption market, presence of qualified and educated labour force etc.) A first movement in the direction of solving social problems appeared as a consequence of industrialization was realized as normal in the first industrialized country – England where “The Poor Relief Act” passed 1601 by Queen Elizabeth I, was one of the most important answer. The Poor Relief Act even if was in fact a continuation of the older poor laws of England contained many elements which are subjects of debate in actual social policies too. An important dilemma is around the role and responsibility of the person in his own situation. From this point of view the Elizabethan Act deal with 4 categories of poor:

- The **impotent poor** who are not able to look after himself or go to work (ill, infirm, elderly, and children)

- The **able-bodied poor** who are able to work but they don't find work (today's unemployed people)
- The **idle poor** able but unwilling to work.
- **Vagrants or beggars**

For all these categories the law established different measures and modalities to help from residential care (indoor reliefs) to social benefits (outdoor reliefs) or in some cases stated that there is no need to help (idle poor). In common speak, public debates, but also in social policy debates we have nowadays the same themes. Do social excluded people worth the help of society or they are totally responsible for the situation in which they are? Does these services and benefits really help them or just keep them in a passive way of life? Another important choice made by this Act was the level of intervention in solving the social problem. Subsidiarity was the key element already from this historical period of England's administration, and the system was built on today almost everywhere accepted principle of local and communitarian responsibility and competence in social assistance. Even if the question of more appropriate level for decision making in fields of regulating, financing and controlling of the social assistance system is still actual, almost every social professional agree that the best efficiency of social intervention have the family and community level approach.

Materials and methods

The research work made for the elaboration of this study had two main lines. On the first instance I try to find descriptions from historical, ethnographical and social policy studies, books, of what social assistance meant in the past and which were the main evolutions in European and Romanian contexts. I found important information in social policy history studies about the first steps of the European social services and benefits. Ethnographical literature but also, some officially unedited studies about customs and social conventions showed me that social assistance in an unofficial way was present in traditional rural communities too. I found also many references in bibliography about the evolution of Romanian social assistance system between the two world wars and during the communist period. This theoretical bases is completed by analysing and highlighting the main legislative and strategy documents of the Romanian social assistance system. The second direction in my study is the finding and analysing the main statistical data. Depending on data type I make a national, but also NUT II regional or NUT III county level analyse. The main input data were obtained from the National Child Protection and Adoption Authority (a specialized authority of the Romanian Ministry of Labour and Social Protection) which publish detailed report in every three months. For this study I used the actual data for 30 of June 2016. To obtain comparable data about how the poverty (and implicitly the need for child protection services) influence or not the number of children beneficiaries of special protection I used county level data of a World Bank study on poverty, but also data on population of counties as a result of the last census made in 2011. Even if there is a difference between time of Child protection authority data and census, I consider more relevant to use the census data than the recent statistical reports on population. The last years report shows that there are important differences between data of periodical statistical report on population and census data, the first one is around 10% higher than census data, because calculate only with the official changing of population (birth, death, official migration). In reality between 1.5 million to 3 million Romanian people are living outside the country in the majority of cases without reporting this to the Romanian authorities. This reality was showed by the data obtained by recension in 2011, when based on the first results there were counted 2.5 million persons less in comparison with

annual statistical report. After a second round the data were completed with another 1 million persons but the difference remained still very big at the end. Trying to find if financial efficiency criteria is taken in to consideration in designing and functioning of child protection system, I made different calculations based on county level data of National Child Protection and Adoption Authority. Based on number of assisted children and data on number of employed persons in child protection system I compared rata of assisted children per employer in different counties show the extreme variation of this item.

Historical development of Romanian social assistance system

Romanian history of social assistance is in its major lines similar to the continental European developments. In medieval period the most important role was played by the churches. It was well known the habit of monarchs of Romanian principalities that after victorious wars as a sign of gratitude to God they established monasteries and in many cases poor houses (for elderly, sick or disabled persons) beside them. The Transylvanian monks also has important social activities for poor people. Due to this situation Romanian Principates state authorities considered for long times that social protection is not their responsibility. The first regulations which have also social aspects appeared at the end of 18th century and the first part of 19th century and they referred to the child protection. The real implication of Romanian state in social assistance was produced only in the first part of the 20th century, when in 1920 Labour, Helth and Social affair Ministry, and inside of this Social Assistance Department were created. County level responsibilities were included in the new system, in every county were founded social offices and social councils. The most important development was realized by the Romanian social scientist Dimitrie Gusti, based on the surveys realized by the Social Surveys Institute which was founded by him. In this way he established a real pragmatic relationship between surveys and social intervention. Unfortunately this kind of direct relationship is a rare bird even in today's social policy. If at the start the survey and the intervention was focused on the rural communities, after 1928 the Institute pay more and more attention to the new urban trends, disintegration of traditional communities an social problems caused by this process. As result of this work, a modern European level health and social assistance law was adopted 1930, and through this was created a social assistants network which covered all the Romanian territory. In the same time social activities of churches were developed and NGO sector took an important part in social assistance too. About the role of local communities in traditionally rural areas we can find many oral history sources, because some of the established customs and social convention or mark of these are still existing in the rural communities. Even if a traditional rural community couldn't find very good solution for every social problem, in majority of cases poor families or people with special needs had no any other possibilities to get help from outside. In this situation it was commonly accepted that the community is responsible for their "fools", "crippled", elderlies, orphans, and poor. In the Hungarian communities of Romania we found many customs with a strong social component, which probably has their roots in the wider European culture, took here through the Christian churches. This development was broken by the new communist government starting from the early fifties of the 20th century, when social assistance universities were transformed in lower level school and social worker profession was totally eliminated from educational and from professional system too. The communist regime even if declared that they want to create equality, social justice and a fair social wealth for everybody, in fact destroyed many of functional parts of the social assistance system and as a specific social policy, they try to hide some of the social problems in the idea that what is not visible is not exist anymore. As local

communities and churches were seen as potential enemies and reactionary social entities, the communist state had a systematic ambition to eliminate all the civil sector from the social assistance system. Social assistance services of NGOs, churches were closed or nationalized, religious orders were dissolved and prohibited. The communist ideology tried to suggest to the people that the state is the only one responsible for the wellbeing and happiness of the persons and families, they can trust the social system erected by the state and they have no any role from now in helping their fellows. Hiding of social problems took various form during this period. One method was to declare that the problem is not exist anymore. A good example for this attempt was the question of unemployment. Concept of unemployment did not exist in the legislation and social policy of communist period. The concept of employment for everybody took in some cases even the form of forced labour in work camps, or in many cases people were hired in the state owned companies without any efficiency considerations, and normally persons were maintained in their jobs even if their activity was unprofitable. This ideology was one of the reasons of the falling of Romanian economy in the last years of the communist period and first years of new democracy. The total employment policy had as normal positive aspects too. Some categories of persons with disabilities (eg. Persons with visual impairments) had access to an organized form of employment, in contrast with today's situation when a very small part of persons with disabilities are active in the labour market. Another method to hide problems was to run big, closed residential care institutions instead of open local social services. These institutions were placed in many cases in isolated rural areas and had no any relationship with the local communities where they were placed or from where their beneficiaries came. Child care institutions for example had their own school inside the institutions, residential centers for elderly or for persons with disabilities functioned as closed, unknown institutions for outside world. Probably this isolation conduct to the situation, when after 1989 western mass media but also Romanian public opinion discovered horrified the extreme life conditions of the Romanian residential social services. So these were the starting conditions of Romanian social services reform process: totally lack of basic communitarian social services, missing of any involvement of local communities, civil organizations and church in social assistance, big closed residential facilities with very bad life conditions underqualified and unmotivated caregivers. The sympathy with Romanian revolution, but also the above mentioned media campaign started a helping wave toward Romanian social services directly to the institutions or through churches and the new born social NGOs. Churches and church related organizations were the most trustful partners for western churches and small local communities, so the first development of social NGO's was in this area. The very first help came in food, second hand clothes and other goods, but year to year more and more new social services were established in Romania with the know-how and money provided by Western European organizations and governments. These social services responded usually to very urgent and real needs of Romanian persons, families, or communities but in the same time were pilots, know-how providers, and good examples for development of the whole Romanian social services sector. Even after 25 years of development of the governmental social services NGO's play a same innovative role and provide social services which are absolutely necessary but missing from the state system. An important new and systematic approach in the Romanian social assistance system was bring by the Social Assistance Law 292/2011 which regulate also the participation of other actors in social service providing. Due to this a wide range of organizations can act as social service providers like: Specialized structures or institutions in subservience of local authorities, or local executive authorities themselves; Central authorities or other

institutions in their subservience; Educational, health care or other public institutions which develop integrated social services; Nongovernmental organizations – associations, foundations; Officially recognized churches; Authorized persons; Local branches of international organizations; Economical entities (firms)

An obligatory condition to be considered as social service provider is to get an accreditation for this status from Ministry of Labour, Family and Social Protection. In the second phase every social service provided has to be licensed by the same Ministry based on conformation to the existing quality standards for the specific services. This licensing process is a two-step procedure again. In the first phase the provider can get an short term license (to maximum 1 year) based on a self-evaluation of fulfilling standards, and during this time is inspected by the Social Inspection and it is proposed or not to get the definitive license.

Developments in child protection system

In the history of Romanian social services development, process of accessing European Union constituted a key moment. Just like in case of many other fields (economy, justice, administration) important changes and development was started as a result of constant pressing of international organizations toward Romania. A first condition erected by European Union for starting negotiations for integration of Romania was to reform the child protection system. This condition put serious pressure on Romanian government and child protection system so became a key priority at the end of nineties', start of 2000. Child protection activity and institutions was took from the education and health systems and was placed on county level. This was one of the very first real decentralized responsibility. According to the Romanian Constitution the Romanian administration is organized in communes, towns and counties. The 41 counties represent the European NUTS III level as well as the special status Bucharest, the national capital. The counties are grouped in 8 development regions (NUTS II) but these regions are more statistical units and used for management of European funds, they have no own administration and institutional network. County child protection departments were created in the subservience of county councils, and several financing programme were started with the help of European Union, targeting closing of the big children homes. As results of these programmes in the first decade of 2000 a professional maternal assistants (fully employed foster parents) network was created and hundreds of family type children homes were opened. These development bring important changes in the daily life and integration chances of many assisted children and youths.

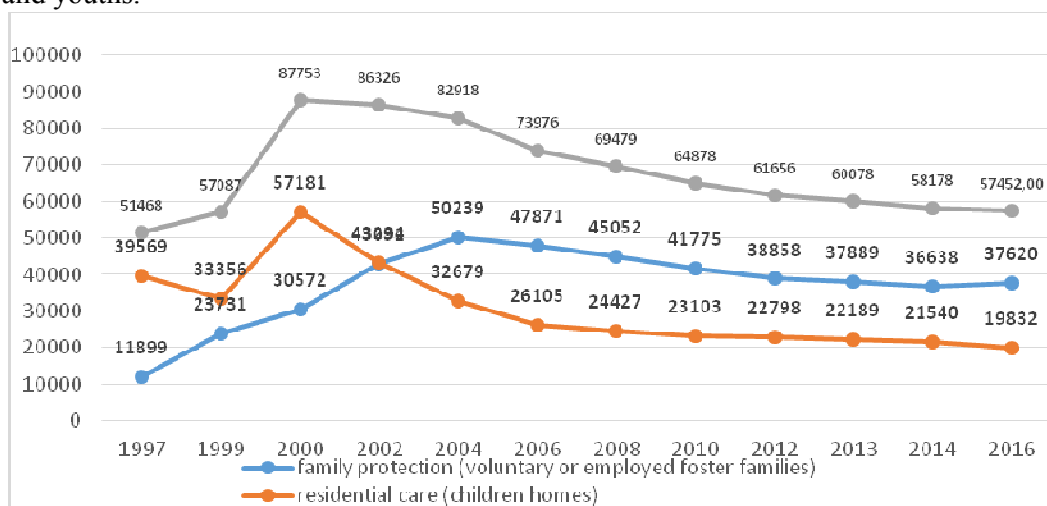


Chart 1. Evolution of number of children assisted in different forms of special protection in Romanian child protection system

Source of data: Romanian Child Protection and Adoption Authority

As we can see on the chart an important growing of assisted children was produced at the late nineties due to the takeover of child protection institutions from the health and education system to the new child protection departments, but after this period a continues degrees of the total assisted children's is visible. Is also visible that the family protection play a more and more important role in the system and less children are growing in children homes. In 2016 only 34,5% of totally assisted children were in residential care, and the percent is continue decreasing. From the absolute number of 57.181 children in institution in 2000, today less than 20.000 are in children

homes. We have to mention also that an important part of these children house are also small family type units.

In generally needs for social services and benefits are strongly linked to poverty in communities. Romania is considered one of the poorest country of European Union with the second highest rate of population at risk of poverty (percentage of population with incomes below 60% of national median income after social transfers). In daily case work of social workers and in several studies is clearly showed that in most of the cases children are placed in foster families or placement centers because of several reasons linked to poverty, even if poverty of a family is not considered itself an enough reason for authorities to take the placement decision. In this logic the counties with highest poverty rate has to have the highest percent of special assisted children. The highest poverty rate regions in Romania are North East and South East regions but these are not uniforms. In both are existing very poor but relatively rich counties too. Due to EU statistics and to the World Bank study the highest rates of population living at risk of poverty are in Calarasi and Teleorman counties (South region), Vaslui, Botosani and Suceava counties (North-East), Vrancea (South East) all of these with rates between 30-42%. The lowest rates have Bucharest, Ilfov, Cluj, Arges, Brasov, Hunedoara. To have a comparable data in field of assisted children at county level, starting from number of assisted children and Romanian census data I calculated the number of assisted children / 100.000 inhabitants in each county. At national level 285 children/100.000 inhabitants are assisted in foster families or placement centers. This number is very high in one of the poorest county -Vaslui (732 children/100.000 inhabitants) but is lower than national average in case of Teleorman county and even lower than Hunedoara and Brasov counties which are among the less affected countries by risk of poverty.

Table 1. Rates of children assisted in special protection system (foster families, placement centers) by group of counties.

High risk of poverty counties	Calarasi	Teleorman	Suceava	Vrancea	Botosani	Vaslui
Assisted children/100.000 inhabitants	354	226	269	349	364	732
Low risk of poverty counties	Bucuresti - Ilfov	Cluj	Arges	Brasov	Hunedoara	
Assisted children/100.000 inhabitants	159	125	178	248	317	

Source: calculated by author based on 2011 national census data and Romanian Child Protection and Adoption Authority data.

As we can see the number of assisted children is not linked directly to the variation of poverty in Romania. It is confirmed by territorial analyse showed above but also by the temporal evolution (we had no a rising number in the years of economic crises when the rate of poverty grove). As a researcher who see the functioning of the system also from an interior point of view I think that generally the evolution of number of the beneficiaries of different social services is linked more to the existing capacities and less to the social needs in a community.

As we mentioned above the majority of the children houses are small, family type units.

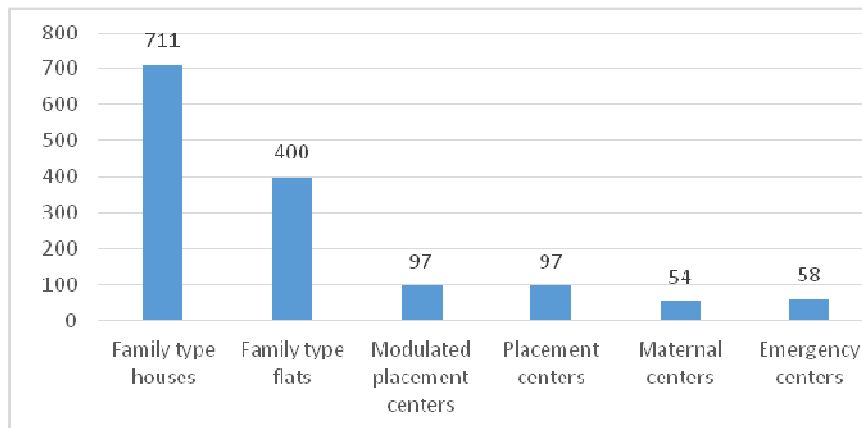


Chart 2. Number of residential child protection services in Romania

Source: Romanian Child Protection and Adoption Authority data)

State participation in this system remained very strong, due to the fact that the reform was initiated and administrated by the state authorities. Even if also in this case many innovative services appeared created by NGO's before or during the state system reform, the majority of the child protection institutions are state owned today. From the total number of 19.832 children in residential care institutions only 3913 (19,73%) are assisted in NGO owned institutions. At June 30, 2016 a total number of 1469 services offered residential care for children. 1127 of these were state owned institutions 342 private accredited organism.

From the total number of 37.620 children in foster families 18.912 were placed in professional foster families (maternal assistants – due to the Romanian specific term), 14.157 in relatives families (up to IV. Grade) and 4551 in other voluntary families. Professional foster care is an important part of the Romanian child protection. The political decision of create this alternative was theoretically based on a longitudinal research made by three American researcher (*Nelson, Charles A.; Fox, Nathan A.; Zeanah, Charles H. (2014). Romania's abandoned children: deprivation, brain development, and the struggle for recovery. Cambridge, MA: Harvard University Press.*) The research showed very clearly that children grown in institutional care in their first years suffer psychological, intellectual, sentimental and even physical damages which can't be recuperated even with the most performant rehabilitation services are used. In this sense the new law of child protection approved in 1997 which started reform of the child protection system, contained also the prohibition of placement of children up to 2 years in institutions. In present this limit was raised to 3 years. As in Romania one of the most frequent reason for taking a child protection measure is child abandon in maternities right after born, a big number of babies entry every year in the system. For them, and at the start of the reform for children living in special institutions for small children (0-3 years), development of the maternal assistants services was absolutely necessary. Because of the necessity of continuity in care for abandoned children usually they are not moved after fulfilling 3 years from maternal assistants. Probably this is one reason why we can observe continues grove of the percent of children living in family care alternatives. Professional foster parenting is an important source of income for many families in Romanian rural areas. Even if this system has relatively high cost there were no any political or social policy attempts to analyse and/or reform this system. In many villages and counties maternal assistants and their families could constitute a good voting group for one political party of for other. Significant differences existing county to county in the average number of assisted children by a maternal assistant. The differences are observable also form the regional

level. The worst cost effective report is in the Bucharest – Ilfov capital region where one maternal assistant take care of an average of 1,17 children. In the opposite in the Central region this average is 1,89 children/maternal assistant. The national level average is 1,57 children/maternal assistant.

Table 2: Children – maternal assistant ratio by development regions of Romania

Region	North-East	South-East	South	South-Vest	Vest	North-Vest	Central	Bucharest	National
Number of children in maternal assistance	5314	2278	2355	1816	2027	2128	1800	746	18.912
Number of maternal assistants employed	3749	1464	1503	1122	1347	1266	951	633	12.035
Children/assistant	1,41	1,55	1,56	1,61	1,50	1,68	1,89	1,17	1,57

Source: calculated by the author based on Romanian Child Protection and Adoption Authority data

The differences are even bigger if we analyse the county level data. As the administration of specialized child protection system (including maternal assistant network) is a county level responsibility these data are more relevant how the system and financial resources are managed on this level. In one of the poorest counties of Romania – Vaslui a maternal assistant is hired to take care for an average of 1,16 children, but this number is very close as we see to the Bucharest situation (1,17) which is the richest region of Romania. Anyway the extreme situation is Caras Severin county where the average is 1,09 children/hired maternal assistant. On the another side of the balance Harghita county is the most “efficient” from this point of view, in average there are placed more the 2 children to a maternal assistant (2,11), Hunedoara county (1,97) and Covasna county (1,92) are near to this. As also Hargita county is considered a relatively weak county from economical point of view (in most of the years had the lowest salary levels in national statistics) we can conclude that there are not existing any correlations between financial power of a county and the cost efficiency of child protection activities. Even if the situation is looks to be a paradox, the explanation is very simple. Due to the strong implication and commitment of Romanian government to reform the child protection system the financial resources are still allocated from national level to counties, and these are allocated by considering also the number of maternal assistants existing in a county, not only the number of children assisted. Starting from here the counties has no any interest to try to push maternal assistants to work with more children and in this way to decrease the number of employees. Anyway if we look to the cost effectiveness of different form of special care we can see that the material and administrative costs of maternal assistants network are lower than in case of family type houses or placement centers. The affirmation is even more correct if we look the the number of employees implied in institutional care. In the 1127 state owned institutions 12.631 employees taking care of 15.919 children which mean an average of 1,26 children/employee. Here also the proportion employees/children variate between wide range, but in some cases is clear that there are some reporting mistakes too. In case of Vaslui and Suceava counties with 10 or 5 children/employee in residential care institutions clearly we have an error. On regional level the proportion is between 0,83 children/employees in the South-Vest region and 1,42 in Central region (excluding North-Vest region containing the two upper mentioned counties which distort the regional average too.

The situation of basic social services in child protection

Even if the social policy debates generally pay more attention to residential social services, in fact the child protection law and generally the social assistance legislation clearly pronounce that basic services organized in communities with the aim of keeping the beneficiaries in family and community and prevent their social exclusion are more desirable than specialized services, which imply changing residency of beneficiaries. All the implied specialists, policy makers, state institutions and NGO's agrees that using basic, communitarian services is a much cheaper, efficient and human way to help persons or families than moving them in residential services. All with these unison the reality of social services look very different. The best example here is case of child protection system. Communitarian, basic services network is strongly underdeveloped in majority of the regions in Romania. If we are looking to the statistics delivered by Romanian Child Protection and Adoption Authority it is easy to see that the total number of children beneficiaries of communitarian services are less than a half of number of children beneficiaries by residential care. Due to the specific of these prevention services (day care and rehabilitation) in the situation of existing a good service network the number of beneficiaries has to be multiple of the number of beneficiaries of residential services. Local authorities which are the first competent institutions to develop, administrate and finance basic social services based on social and child protection legislation, offer this facility only for less than 5000 children. In contrast as a showed above more than 57.000 children are placed in foster families or placement centers. The situation is ameliorated in a way by NGO's and counties Child Protection Departments even if these last institutions are responsible firstly for creation and administration of specialized services with residential component.

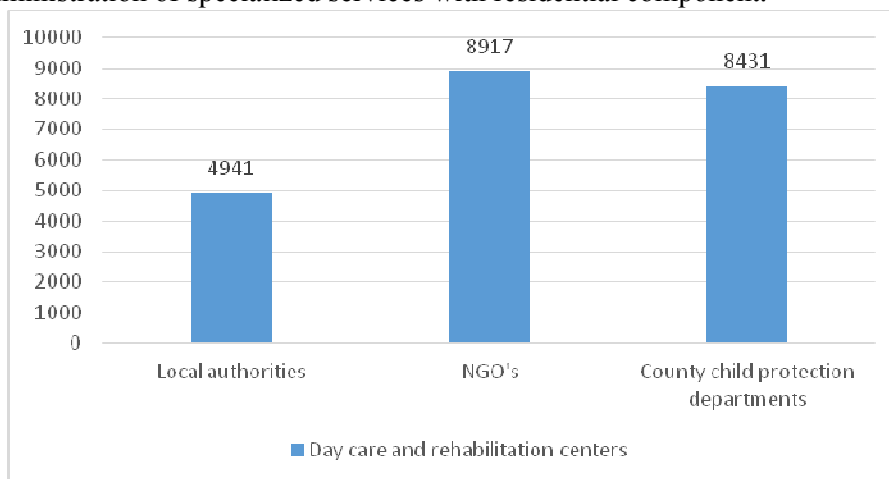


Chart 3: Number of children beneficiaries of communitarian social services by public and private service providers.

Source: Romanian Child Protection and Adoption Authority data)

The underdevelopment of these services is caused beside other motives also by the missing of funding from the central budget to local budgets with this destination. As a showed specialized services of county Child Protection Departments (foster families network, placement centers) are funded through County Councils even in 90% by the central budget allocation from VAT. In contrast local authorities (communes, towns) are called to sustain their social services totally from their own incomes, which in many cases, specifically in case of poor communities are very low. The political pressure of European Union existed in case of reforming the placement centers was stopped on that level, and the reform automatically stopped there too. As a revival of this process in the

new 2014-2020 EU financing programmes there will be no funds for the creation or renovation of big residential centers but only for measures which make possible closing of these. The proposed measures are family reintegration, placement in foster families, or in family type houses all these accompanied by creation and supporting of functioning of day care, rehabilitation and counselling services. Even if in fact the long term funding of these new basic services is not resolved, a two years project financing could constitute a strong enough reason for some local communities to start these developments.

Conclusions

Evolution of social services in Romania is similar with evolution on general European level. An exception could be considered the communist period when development of social services known a regress, but many symptoms of this period were present in other Eastern-European countries too. In the last 25 years the Romanian social services system had an important development in quality, new approaches, innovative services, civil participation and accessibility. If in the case of other fields (elderly care for example) the development were made mostly by the nongovernmental sector, in case of child protection the main reformer was the state authority pushed from back by the European Union. In this process but also today financial efficiency was not key criteria and we can find now very different systems from this point of view county to county. It is also an evidence analysing the data that in many cases not the real social need determine how much children benefit by social services but the capacity of social services. This enounce is truth in case of residential services too but much more evident in case of basic, communitarian services. The underdevelopment of these last type services network create a major dysfunction in the child protection system and even if the social policy state from many years the necessity of basic communitarian services, the development will be much longer and harder than it was in the case of specialized services.

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