

# THE IMPORTANCE OF SOCIAL SERVICES IN THE PROTECTION OF A CHILD IN VULNERABLE SITUATIONS

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**Abstract.** The issues that the children in vulnerable situations deal with are complex and their ulterior development as adults depends on the way they are supported in order to deal with these situations. There are many situations in which the care cannot be rendered within their family or the family itself needs help in order to overcome the crisis situations and, thus, an important role is held by the institutions and specialists in social services as complementary solutions, substitutable solutions respectively. Locally, the General Department of Social Welfare and Child Protection and the public services of social welfare within the City Halls are responsible for this area and they hold the most relevant information about the needs and possibilities of intervention and usage of resources individually as well as the community one that are accompanied by the non-governmental organizations acting in this area. Public services of social welfare within the City Halls can decide the opportunity, the spread of the assigned resources, as well as the relation between the performance and the social welfare services – their efficiency. At the same time, through these, the protection measures are applied in accordance with the legislation in force that targets the effecting of the greater/ higher interest of the child. The present research shows in a first stage relevant aspects regarding the issues that a part of children in vulnerable situations deal with, afterwards it

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*highlights the main existing protection measures and the services they can benefit from. Moreover, it presents a few of the action way in the area brought under regulation within the national strategy and county strategy in the area.*

**Keywords:** child in vulnerable situations, strategies, measures regarding child protection, social welfare services.

## Introduction

The issue of child abandonment, the rising risk of school abandonment, the ampleness of child abuse phenomenon, the issue of childhood criminality, child and teenage psychotropic drug consumption, the poisonous effects of parents' migration and the problems of the children left home, the issues of monoparental families or poverty constitute only a few of the difficulties that a part of the country's population confronts with, which determines special attention from the part of the decision factors and it implies the configuration of support policies for children and family that would correspond to the real needs identified in personal investigation.

In our country, the reforms in the social system recently targeted decentralization, an important role in implementing the protection measures that account for the local actors. With the help of European Union through technical, financial assistance and expertise, much effort has been made for creating adequate legislative framework in Romania, based on external experiences (UNICEF, 2010). An efficient child protection system should assure primary and direct welfare services for the children in vulnerable situations and should influence social policies in order to improve their lives (Zanca, 2010).

The researches in the field reveal that, according to the protection and promotion of child rights, there have been progresses regarding the palette of specialized services for children in risk situations (Magheru, 2011). In accordance with the legislation in force, in our country there are a series of institutions of social protection that offer social services and performance and institutions with specialized control and inspection duties. These institutions run on different levels of public administration. Thus, at central level, the National Authority for the Child Rights Protection and Adoption, the National Agency for Payment and Social Inspection under the authority of Ministry of Labour, Family, Social Protection and Elderly People represent institutions with duties in protecting and promoting children rights. At country level - the General Departments of Child Social Assistance and Protection (DGASPC), under the authority of the County Council, Local Councils of Bucharest Municipality, and locally – the Public Social Assistance Services, organized at the level of municipalities and cities, or people with social assistance duties/ tasks from within their own communal local councils, are services providers in the area. The public social services providers are accompanied in this matter by the private providers that are mainly representatives of non-governmental organizations, respectively associations and foundations

(Article 37, Law no. 292/2011). The task of organizing, administering and providing social services are the responsibility of local public administration authorities; these tasks could be outsourced to the non-governmental district, religious institutions, other natural and legal people, public or private legal entity, under law provisions.

According to Article 1 and 8 of Law no. 197/2012 regarding the provision of quality in social services area, this constitutes a component of the national system of social assistance and its purpose is supporting the vulnerable people in order to help them overcome difficulties, the prevention and control of the social exclusion risk, the improvement of lifestyle and the encouragement of their social inclusion and the Ministry of Labour, Family, of Social Protection and Elderly People is responsible for organizing, coordinating, implementing the process regarding the provision of quality in the social services area, as well as providing the control in the area. The public providers and private providers respectively can offer social services only if they have an accreditation certificate and the social services can function on the territory of Romania only if they have a business license.

Financing the social services is ensured, according to the regulations in force, by the local budget, by the beneficiary's and/ or family's contribution (as the case may be), the state budget, as well as other sources (Article 39, Law no. 292/2011). The control regarding the social services quality at county level both in the public district and the private one is effected by the County Agency for Payment and Social Control.

This research will present – beside the issues that the children in vulnerable situations confront with – the legislative and institutional frame, the future directions regarding the children rights protection.

### **The main issues the children in vulnerable situations confront with**

It is well known the fact that one of the social groups with a high risk of social exclusion is constituted of children, that – beside the issues connected with poverty, the lack of access to education or health services (Chipea, Oşvat & Marc, 2013) - can be subject to risks like: abandonment from the part of the family, living in the street, suffering diverse forms of abuse etc. The specialists within the public or private social services, mass-media, local community and civil society have signaled over time numerous situations in which children's rights were not respected. For these categories in difficulty, is important to offer solutions for reducing the risk they are exposed to (Cojocaru, 2009).

If we consider the main categories of children in vulnerable situations, we can identify a series of problems they confront with and have a great impact on their ulterior development, respectively their life as adults.

In society, it is expected that family would play the most important role in the welfare of its members, especially the children. What happens when this is not possible? Caring for the child in the original family leads to his well upbringing for the adult life, which does not always happen when the child is raised in a substitute

family or protection institutions (Miftode et al., 2010). The child abandonment within the present society still constitutes an important issue. In the first phase of intervention, the measures taken in this respect are support providing with a view to keep the child in the natural family by offering child and family designated services in order to overcome abandon; it is well known the fact that it is easier to overcome the abandonment situations than comply with its consequences (Brătianu & Roșca, 2005). When this is not possible, the special protection measures to be taken for the child temporarily or permanently deprived of his parents' care are placing the child to a foster person or family, foster parent and placing the child in a permanent child welfare service. For the abused or neglected child, as well as for the child abandoned in the medical care facilities, the measure that has been set up is the emergency pick-up placement (Law no. 272/2004).

The researches reveal the fact that the issue of separating the child from the original family causes a profound trauma with repercussions on his personality development, with the appearance of emotional problems, delays in physical, mental and psychical development, and behaviour disorders (Achiței et al, 2002; Cojocaru, 2002). An important factor in the development of an institutionalised child is creating a relationship between the child and the adult, which is a difficult task because of the lack of staff within the system. These aspects are mentioned also by Mircea Alexiu in his work, "The Protection and Care of Abandoned Children". The author believes that a consequence of institutionalisation is "the biologic and psychic vulnerability", generated by the lack of maternal affection. The issues are emphasised when the child is moved from an institution to another, when staff changes are often, because he is deprived of constant affectionate relationships (Alexiu, 2010, p. 177). In the context of deficient attachment relationships, the children can become interiorised, can feel anxiety, can develop aggressive behaviour, self-control difficulties, non-discriminatory affection etc. (Botezatu, 2011). The youngsters who leave the child protection system is another vulnerable category. For these youngsters, the institutional support should be extended also after leaving the protection system because the characteristic of the majority of them is the lack of perspective on life as adults, the absence of the necessary knowledge and skills for independent life (Oșvat & Marc, 2013).

Another problem is the homeless children. Leaving behind the families or institutions where the adult - child interactions were traumatizing, these children do not have the necessary skills to create connections, they reveal emotional poverty that protects their suffering, becoming deprived of understanding and compassion. The violence, sexuality, chemical drug consumption are just a few of the problems they have to face. The children in these kinds of situations will remain disconnected from social world (Muntean, 2001), their integration being extremely difficult.

The problem of the children under different forms of abuse is in focus for the specialists in this area. In the families where there is domestic violence, the basic needs of the children are not provided; moreover, these children will not be able to know and acquire the necessary skills and attitudes for life and by this we mean

communication skills, tolerance, affective skills etc. (Muntean, 2011). Ecologically, the abuse against the child is considered as a “multicausal phenomenon, in which the factors connected to the child’s development and personality interacts with the factors of their parents’ personalities...” (Roth, 2011, p. 759). Within the dysfunctional families, where the family climate is dominated by violence, the children are those who suffer the most and the psychic trauma they live can affect their mental and somatic health state (Constantin, 2008).

As we can observe in the facts mentioned above, the issues that a part of the children in vulnerable situations confront with are rather complex. The degree in which the children’s needs are satisfied in the original family or in substitute contexts – like protection institutions (emergency residential care or home care institutions), will influence the child personality development and the efficiency of his psychosocial integration. Besides satisfying the basic, physiological needs of the child, the emotional need for love, affiliation, attention, respect, relationship, stability and security, the feeling of their own personality, of affiliation to a group, collectivity is also important (Marcu, 2012).

In this context, an extremely important role is held by the specialty services, through which measures of social protection are applied in the territory: the measures of social protection that are established for the cases of children in vulnerable situations and their families, measures that would meet and fulfill the real identified needs in a holistic and qualified approach. Taking into account the community legislation, in Romania, there have been made efforts for elaborating a legislative frame that would regulate the children’s rights and a frame that would envision specific protection measures for them, having an essential component which is prevention. Usually, the protection measures are applied within specialized services that run at county and city level.

### **The legislative and institutional framework**

Regarding the area of child protection, there are a series of normative documents that stipulate actual protection measures and, at the same time, regulate the performance of specialty services.

Out of these, we will refer below to: Law no. 272/2004, Government Decision no. 1438/2004, Government Decision no. 1007/2005, Order no. 286/2006, Order no. 95/2006, Order no. 288/2006, Order no. 219/2006, Government Decision no. 1007/2010, Government Decision no. 1113/2014, Government Decision no. 867/2015, Government Decision no. 978/2015 etc.

In accordance with Article 5 of Law no. 272/2004 regarding the child’s rights protection and advance, “the children have the right to protection and assistance with a view to fulfill and fully bear their rights...”. The responsibility for raising and educating the child belongs firstly to the parents; they have to respect the higher interest of the child. Subsidiarily, the responsibility belongs also to the local collectivities the child and his family are part of and the local public authorities have the obligation to support the parents in order to help them fulfill their

obligations. In order to respect the child's rights in conformity with the Convention regarding the child's rights, sealed by Romania through Law no. 18/1990, in the Law no. 272/2004, specific measures of special protection for the child in vulnerable situations have been established. Thus, there are measures stipulated for the child that is temporarily or permanently deprived of his parents' care, the child who committed a crime but is not criminally liable, the children who are refugees and the child protection in case of armed conflict, child protection against exploitation, economic exploitation, against drug consumption, child protection against abuse and neglect, against abduct or any form of slavery, against any form of exploitation. Within the law, there are aspects regulated, relevant aspects regarding the institutions and services with tasks connected to child protection, at central level to local level and private organisms, but also connected to system financing.

Specifically, by the Government Decision no. 1438/2004 regarding the adoption of general regulations or organisation and running of services of prevention of child – family separation, as well as services of special protection for the child who is temporarily or permanently deprived of his parents' care, we find the description of three types of services designated to special protection for the children who are temporarily or permanently deprived of their parents' care, that is: emergency residential care services, that have the role of ensuring the protection, upbringing and care of the child in temporary or permanent separation from his parents, as a consequence of establishing – within the law – the placement measure (Article 1, Annex 1); in this category, there are: foster care homes, family style houses, emergency care homes, shelters for homeless children and mothers and the beneficiaries are children separated temporarily or permanently from their parents, children for whom emergency care placement measure had been established, the teenagers who are already 18 and need special protection, the couple parent/ legal representative – child in the situation of abandonment without any fault of the parent/ legal representative, children of refugees or unattended by parents; day care services, whose role is to ensure the maintaining, re-establishing and developing the child's and parents' capacities in order to overcome the situations that could determine the separation of the child from his family (Article 1, Annex 2); in this category, we have: day care centres, counseling and support for parents centres, assistance and support centres for helping the child with psychosocial readjustment, monitoring, assistance and support services for the pregnant woman prone to abandon the child and the beneficiaries are the children and the parents who receive services designated to prevent their separation, the children who benefitted from a special protection measure and were reintegrated in the family, the children who benefit from such a special protection measure, the parents whose children benefit from a special protection measure, the children who are unattended by parents or other legal representative who applies for some form of protection, on the terms of refugees regime; and family care services, that have the role of ensuring – at the residence of a natural person and family – the upbringing and care of the child separately, temporarily or permanently, from his parents (Article 1, Annex 3), and have as beneficiaries the children for whom the

guardianship will be established or they will be trusted to adoptive families, the children temporarily or permanently separated from their parents, as a consequence of enforcing the placement measure, including the emergency placement, the teenagers who are already 18 years old and benefit from special protection.

As well, according to the Government Decision no. 1007/2005 that modifies some article of Government Decision no. 539/2005 stipulating the adoption of the Nomenclature of the social assistance institutions and staff guiding structure, as well as of the Standards of applying the provisions of the Government Ordinance no. 68/2003, regarding the social services for the children separated from parents or those with risk of separation from the parents, the main types of specialized units and social services are the following: foster care centres (centres with departments of family types, family care centres, apartments for the young people who are about to leave the protection system, specialized centers for the children with disabilities, specialized centers for the children who commit crimes and are not criminally liable etc.), emergency care centres (centres for abused, neglected, exploited children, for victims of slavery etc.), shelter for homeless mother and children (centers for mother – child couple with risk of family separation, for children with disabilities, homeless children etc.), assistance and support for readjustment of the child with psychosocial issues centres, counseling and support centres for parents and children (centres for families with child abandonment risk, monoparental families etc.), counseling centres for abused, neglected or exploited child, centres for abuse, neglect and exploit prevention; centres for the child reintegration in the family preparation and support; centres of coordinating and information for homeless children; monitoring, assistance and support for pregnant women prone to abandon the child centres; centres offering services to develop independent life skills; centres offering services regarding adoption, centres offering family type services.

In 2006, by the Ordinance no. 286/2006, it is ratified the Methodological Standards regarding the elaboration of Services Plan and the Methodological Standards regarding the elaboration of the Individualised Protection Plan with a view to overcoming the separation of the child from the parents in the following situations: for the children with risk of abandonment from the part of the parents, for the children who are reintegrated in the family after the end of the protection measure and in any situation imposing the service in order to comply with the child rights. By the Ordinance no. 95/2006, it was adopted the Work Methodology regarding the collaboration between the general departments of social assistance and child protection and public assistance services/ individuals with social assistance duties in the field of child rights protection, and by the Ordinance no. 288/2006 were ratified the Minimum Necessary Standards regarding the case management in the field of child rights protection. In the same year, Ordinance no. 219/2006 appeared, regarding the activities of identification, intervention and monitoring of the child deprived of both parents' care in the situation when they left abroad for work, when the family is monoparental, as well as when the child is

deprived of parents' care who – by judge's decision – have the obligation to raise and educate the child (article 2).

In conformity with Article 3 of the Government Decision no. 867/2015 for the ratification of the Nomenclature of social services, as well as of the general regulations of organisation and performance of social services, the public and private providers of social services have the obligation to elaborate, for every type of social service in administration, own rules governing the functioning and organization which it adopts by decision of an executive stipulated by the law, these being standardized.

The Government Decision no. 978/2015 regarding the approval of the minimum cost standards for social services and the monthly income level per family member on the basis of which the monthly caretaking contribution owed by the legal supporters of the elderly in the residential centres stipulates the minimum cost standards, which represents the minimum cost incidental to the annual expenses necessary for the provision of social services, calculated nationally for a beneficiary/ type of social service, according to the minimum quality standards in force for that social service (Article 2). In order to fall within the minimum cost standards, in the organisation and establishment of social services, the public providers of social services will take into account the most convenient ratio cost/benefit in choosing the capacity of that service (Article 5).

## Conclusions and future approaches

By the Government Decision no. 1051/2014 for the modification of the Government Decision no. 1007/2010 regarding the ratification of the nationally important programs in the field of family and child rights protection for the period 2010-2015, the nationally important programs were: "Closing the old type institutions and establishing recovery centres, family or/ and apartment homes" and the Program "Intervention in situations of family violence"/ both of the programs intended to raise the quality of social services for the child and family. The first program planned the increase of the number of family and apartment homes and reducing the number of old type institutions, and the second program planned to strengthen the general departments' capacity of social assistance and child protection (DGASPC) of intervention in situations of family violence.

As we can notice, the role of the general departments of social assistance and child protection was and still is extremely important in this context.

Within the *County Strategy of development of social services in the field of social assistance and child protection 2012-2016*, elaborated by the Bihor General Department of Social Assistance and Child Protection, the following foreground needs in the field of child protection: a) the need to maintain the children in the original family by overcoming the child abandonment and institutionalisation; b) the need to offer complex services for the children with disabilities; c) the need to offer specialized services to the abused/ neglected children and children with psychosocial problems; d) the need for vocational training for the staff in the field of protection



and promoting the child rights; e) the need to offer support to the young people who came from protection system with a view to the socio-professional integration, prevention measures against social exclusion. Starting with the identified needs in Bihor County, within the strategy there were established a series of objectives that would lead to the development of social services. Thus, the first strategic objective points to ensuring the provision of social services in a diversified and equitable way for all the categories of beneficiaries in the county. As for the category of children as beneficiaries, this objective will be met by extending the centre care homes type social services net, improving the social services quality addressed to the victims of family violence, victims of slavery, improving the support services in order to employ people with or without disability who come from the child protection system as well as other people with disabilities looking for a job and the support/ assistance services at their work place, helping the awareness in the local public administration authorities for the social problems regarding the child rights according to the identified needs in that community, implementing the Methodological standards regarding the fulfillment of the obligations in the prevention and resolution of abandoned children cases in specialized sanitary units of gynecology and other sanitary units offering medical services for children, the contribution by participating to the process of substantiation of certain regulatory documents by presenting to the central regulatory authorities of existing situations that are dealt by the local authorities regarding the children who commit crimes and are not criminally liable, the development of supporting programs (offering accommodation) and social services in order to support the young people that are about to leave the child protection system, by developing the abilities for an independent life, improving the adoption and post-adoption services by raising the children number, in national adoption, who come from the public and private protection system (The County Strategy of Development of social services in the field of social assistance and child protection, DGASPC Bihor – 2012-2016).

This first objective established at county level as primary is in accordance with the objectives established nationally, within the National Strategy for the child rights protection and promotion for the period 2014-2020 and the Operational Plan for implementing the National Strategy the child rights protection and promotion for the period 2014-2016 (Government Decision no. 1113/2014). As specific objectives, we have the following: raising the number of local services and, automatically, raising the quality of the services provided to the children.

As a consequence, the development of the community services of social assistance is of primary importance because these contribute to the “improvement and resolutions of social problems that invariably appear in any type of society” (Buzducea, 2009, p. 129).

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- \*\*\*Ordinul nr. 219/2006 privind activitățile de identificare, intervenție și monitorizare a copiilor care sunt lipsiți de îngrijirea părinților pe perioada în care aceștia se află la muncă în străinătate, publicat în Monitorul Oficial nr. 544 din 23 iunie 2006 (Ordinance no. 219/2006 regarding the activities of identification, intervention and monitoring the children deprived of parents' care over the period in which they are working abroad, published in the Official Gazette no. 544 of 23rd June, 2006).
- \*\*\*Hotărârea Guvernului nr. 1051/2014 pentru modificarea Hotărârii Guvernului nr. 1007/2010 privind aprobarea programelor de interes național în domeniul protecției familiei și a drepturilor copilului pentru perioada 2010-2015, publicată în Monitorul Oficial, Partea I, nr. 878 din 3 decembrie 2014 (Government Decision no. 1051/2014 for the modification of the Government Decision no. 1007/2010 regarding the ratification of the nationally important programs in the field of family protection and child protection over the period 2010-2015, published in the Official Gazette, Part I, no. 878 of 3rd December, 2014).
- \*\*\*Hotărâre nr. 1113/2014 privind aprobarea Strategiei naționale pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2020 și a Planului operațional pentru implementarea Strategiei naționale pentru protecția și promovarea drepturilor copilului 2014-2016, publicată în Monitorul Oficial nr. 33 din 15.01.2015 (Government Decision no. 1113/2014 regarding the ratification of the National strategy for the protection and promotion of the child rights over the period 2014-2020 and the Operational Plan for the implementation of the National Strategy for the child rights protection and promotion 2014-2016).
- \*\*\*Hotărârea Guvernului nr. 867/2015, pentru aprobarea Nomenclatorului serviciilor sociale, precum și a regulamentelor-cadru de organizare și funcționare a serviciilor sociale, publicată în Monitorul oficial nr. 834 din 09 noiembrie 2015 (Government Decision no. 867/2015, for the ratification of The Nomenclature of the social assistance as well as the general departments of organization and functioning of social services, published in the Official Gazette no. 834 of 9th November, 2015).
- \*\*\*Hotărârea Guvernului nr. 978/2015, privind aprobarea standardelor minime de cost pentru serviciile sociale și a nivelului venitului lunar pe membru de familie în baza căruia se stabilește contribuția lunară de întreținere datorată de către susținătorii legali ai persoanelor vârstnice din centrele rezidențiale, publicată în Monitorul Oficial nr. Monitorul Oficial nr. 959 din 24

decembrie 2015 (Government Decision no. 978/2015, regarding the ratification of the minimum cost standards for the social services and the monthly income level per family member on the basis of which it is established the monthly contribution of caretaking owed by the legal caretakers of the elderly in the residential centres, published in the Official Gazette no. 959 of 24th December, 2015).