

Universitatea „Al. I. Cuza”, Iași
Departamentul de Sociologie
și Asistență Socială

Holt România
Programul pentru Promovarea
Asistenței Sociale

Revista de cercetare și intervenție socială

Volumul 21

iunie 2008

**Review of
Research and
Social
Intervention**

**Revue de
Recherche et
Intervention
Sociale**



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Ștefan COJOCARU

Domestic adoption of children
currently in the protection
system

*Secțiunea: Prezentări la conferințe
naționale și internaționale*

Editura Lumen, 2008

Revista de cercetare și intervenție socială

acreditată CNCSIS, cod 657

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ISSN: **1583-3410** (*varianta tipărită*);

ISSN: **1584-5397** (*varianta online*)

Editura Lumen, Iași

Adresa redacției: Holt România FCSSCF Filiala Iași,

Iași, str. Bistrița, nr. 7, Bl. B13, parter, ap.3,

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Revista de cercetare și intervenție socială

Realitatea pe masa de disecție

- Fetele orașului. Studiu de sociologie urbană în municipiul Roman*
Otilia Alina LUPU 7
- Asistența socială: structură, istorie și dezbateri recente*
Doru BUZDUCEA 15
- Rolul sindicatelor în cadrul pieței forței de muncă din România*
Cristian BLEANDĂ 34
- Comportamentul de vot între rațional și simbolic*
Claudiu COMAN 47

Teorii despre...

- Rolul și locul comunicării în activitatea managerială*
Petronela Livită PRACSIU 58

Prezentări la conferințe naționale și internaționale

- Domestic adoption of children currently in the protection system*
Ștefan COJOCARU 73

Vers des standards européens dans la protection de l'enfant
Cristina NEAMȚU 79

Foster care and the professionalisation of parenting
Daniela COJOCARU 91

Prezentări organizaționale

Centrul Virtual de Resurse în Asistența Socială 102

Expert Projects 104



Domestic adoption of children currently in the protection system

Presented at the International Conference „Social work in European context – SWEC”, organized by University from Pitești, România, Pitești, 2008, April, 18-19

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Abstract

The article proposes an analysis of the evolution of domestic adoption of children in the context of new legislation concerning the promotion of children's rights. The data presented is the result of a national study that aimed to identify the way the goals of individualised protection plans are pursued. The picture resulting from the analysis of data shows the development of certain practices in the field of domestic adoption that have led to a decrease of the number of adopted children and to an evasion of the protection system. The development of the practice of placing in adopting families children who have been abandoned in the maternity ward and the reduction in the number of children cared for in the child protection system point to a new social reality as far as the Romanian domestic adoption system is concerned, and the article discusses precisely this new reality.

Keywords

domestic adoption, individualised protection plans, the goals of individualized protection plans, case management, placement

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Introduction

The article is an excerpt from the results of a countrywide study concerning the pursuit of the goals of individualised protection plans within the General Directorates for Social Assistance and Child Protection (DGASPC), in order to identify the problems and the changes that have occurred when implementing the standards concerning case management, while achieving a realistic and effective organisation of activities in these institutions. The study was carried out in the interval May - October 2006, as part of the project „*Monitoring the process of developing and implementing the individualised protection plan*” funded by the USAID and implemented by the national Authority for the Protection of Children’s Rights and the World Learning organisation, as part of the ChildNet programme. The study is based on case management in child protection (Cojocaru, 2007, pp. 7-18) and the results are weighed against the goals of the individualised protection plans; at the same time, the study aimed to bring some needed clarifications for the use of case management method in child protection in order to orient the intervention meant to significantly reduce the time spent by children in a particular form of protection (placement centres, family-type units or foster care). In terms of research, data analysis was performed taking into consideration the goals of individualised protection plans and the current situation of the child protection system in Romania. The entire report was published in 2008 by Polirom Publishing.

Evolution of domestic adoption in Romania

Country-level statistics show that in the past two years the number of domestic adoptions has decreased; in 2005 the number of permanent adoptions dropped by 21.22 % compared to 2004, and in 2006 the decrease was stronger, the number of permanent adoptions dropping by 57.90 % also compared to 2004 (see chart 1). We must note the fact that, on the one hand, changes in legislation and implicitly in legal procedures for adoption valid from 1 January 2005 have had a negative effect on adoption, especially since the number of children in the protection system has stayed high, and in some cases – foster care – it has risen (Cojocaru and Cojocaru, 2008, pp. 77-89). On the other hand, this social service aimed at children in difficulty was also affected by the difficulties in the inter-institutional collaboration with the legal system.

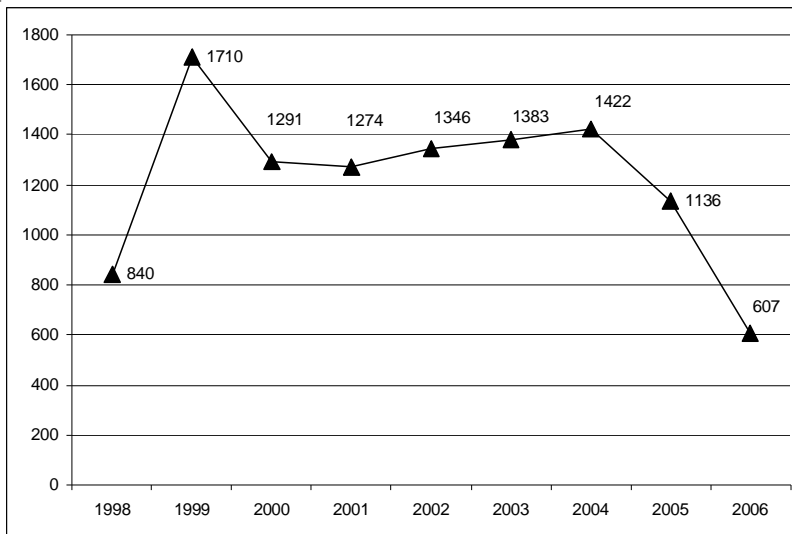


Chart 1. *Evolution of domestic permanent adoptions in the interval 1998-2006 (source: Romanian Adoption Office)*

When asked to identify the main challenge in the adoption process, most of those interviewed individually or as part of focus groups have pointed to the inflexibility of legislation and the complexity involved by opening the adoption procedure, especially in terms of difficulties in fulfilling the mandatory requirement of identifying the child's relatives up to the fourth degree. At the same time, the procedure of identifying the child's relatives is time-consuming and presupposes complex networking activities, oftentimes the information needed in order to assemble the file being impossible to find. Moreover, Romania's integration in the European Community will augment these difficulties, because freedom of movement will cause keeping a clear record of individuals outside the country to become impossible.

Children adopted from the protection system

The data made available by the DGASPC-s show that, in 2005, 211 children from the foster care system, from placement centres and family-type units were placed in adopting families, most of these children coming from the foster care system (91 % of the total number of children leaving the protection system). One possible explanation is that, as a rule, Romanian adopting families prefer adopting young children (up to the age of three), and the children aged 0 to three for whom a protection measure is taken no longer end up in the residential system, being instead placed in foster care.

The migration of children from placement centres or family-type living units towards adoption seems to be even less successful. Thus, countrywide in 2005, only 15 children from placement centres and five children from family-type units were fortunate enough to find an adopting family. Here it must be noted that 11 of the children were adopted from institutions located in a single district of Bucharest (sector 4), whereas in the rest of the country it seemed that adoption from placement centres was no longer possible (the natural exceptions being the counties of Bistriţa Năsăud, Călăraşi and Teleorman, which, as of 1 January 2005 no longer had any children in placement centres).

The constant increase of the number of children in foster care is accompanied by a small number of adoptions from this form of protection. In 2005 a number of 191 were adopted from the foster care system countrywide. An analysis of the data collected shows that in the country there are 13 DGASPC that through out the year 2005 did not manage to carry out any adoptions for children in foster care (Arad, Bistriţa Năsăud, Brăila, Bucureşti – Sector 1, Bucharest – Sector 6, Caraş Severin, Gorj, Hunedoara, Maramureş, Mehedinţi, Neamţ, Sibiu and Tulcea). This inertia in the foster care system could be explained by the fact that the development of foster care has been animated by the notion that foster care is a better solution than institutionalisation for children at risk. From our point of view, this interpretation of foster care must be left behind, bearing in mind the general changes in the child protection system. Thus, we notice a certain relaxed attitude as far as the reassessment of the situation of children in foster care and their families is concerned when pursuing in the goals of the individualised protection plan, and this attitude results in the transformation of foster care into a permanent solution.

Simple placements in the adopting family

If we consider the number of adoptions made in 2006 countrywide in terms of reaching the goals for adoptable children from the foster and the residential system, the figure is very low by comparison with the children placed with the purpose of being adopted. This means that approximately 60 % of the domestic adoptions in 2006 concern children who came neither from institutions, not from the foster care system. One explanation would be that a particular practice has been developed, that of placing the children directly in adopting families, without having them placed in charge with the purpose of adoption first. Thus, the fact that children are being placed in the adopting family without being included in a form of organised protection (foster or residential care) results in an ineffectiveness of case management, in the lack of a personalised protection plan monitored by the adoption service. The practice of simple placements in the adopting family is seen as a solution for the child, but it creates many dysfunctions as far

as the image of adoption, its roles and the encouragement of domestic adoption are concerned. Lately, the media has identified this issue in connection with the long wait of adopting families and with the increase in the number of children in the protection system. Our study concerning the evaluation of prevention practices and services (Cojocaru and Cojocaru, 2008, pp. 201-219) shows a growing trend in 2006 in the number of children in the protection system and the pressure on DGASPC-s from the requests for taking protection measures. For example, seven children between the age of 0 and three have entered the system every day of the year in 2006.

Moreover, the practice of simple placements in the adopting family is clearly a conflict of interests as far as professional practice is concerned; by working on behalf of the adopting family, the social worker will no longer be interested to carry out counselling sessions with the mother and will no longer work towards re-establishing the ties between the child and its biological parents. Simple placements in adopting families place the specialists of the DGASPC in the situation of not being able to work according to the minimum mandatory standards developed for the adoption service. One possible explanation for the development of this practice is connected to the fact that the adoption procedure has become more complicated, the number of applications from would-be adopting families has increased, the waiting lists for adoption are still very long, and at the same time the children's legal situation is not being clarified and therefore they cannot be adopted; therefore, the adopting families seek the simplest solutions, especially outside the child protection system. Oftentimes they resort to asking the medical facilities (maternity wards or paediatrics units) for help with the adoption. When an adopting family finds an abandoned child, usually in the maternity hospital, the intervention of the social worker for making the situation legal is just a formality. In these circumstances we can no longer speak about case management, but instead about an abuse on professional ethics and about a decreased chance for the child to be reintegrated in the biological family.

Solutions for discouraging emergency placements in adopting families

Despite the fact that at first these placements in adopting families encourage adoption, the results in the field show that, on the contrary, they create a negative image of the adoption process. The existence of a clear procedure to limit these types of placements results in an increase of the number of adoptions; the case of the county of Dolj confirms this assertion, placements in the adopting family being considered as being against the child's best interest, as well as a discouragement for the other families who wish to adopt and who remain on standby on long waiting lists.

The presence of a flexible foster care system for emergency situations means the professionalisation of foster parents, and definitely not increasing their number; it means the development of an effective system for pursuing the goals of the individualised protection plan, beginning with the re-evaluation of the children cared for by foster parents. At the same time, the number of simple placements in adopting families can also be reduced by restricting the opportunities for placement in families of children who are not related to that particular family to the fourth degree. Another argument on favour of restricting simple placements in adopting families is the drastic decrease of the chances biological parents have to exercise their rights, due to the conflict of interests in the practice of social work between the adopting family and the biological one. In the case of placements in the adopting family, the biological or extended family no longer receives counselling or support services, because the social worker's attention is focused mainly towards the environment where the children lives, that is towards the adopting family.

An important role in the adoption process is played by the training given to people who wish to adopt. Every DGASPC runs this training process depending on the available resources, on the staff involved and on the manner in which it identifies the family's needs. The orientation towards interactive education is preferred both by the specialists and by the adopting families. The topics raised by focus group participants deal with legislation, child development stages, motivation, discipline etc. Training adoptive families and restricting simple placements could lead to the discouragement of simple placements and to a greater awareness about the risks involved in this procedure.

In order to have quality standards in the adoption service – as well as in any other social service – it is necessary to have a continuous training of DGASPC staff, as well as of the other professionals coming into contact with the adopting families or with children at risk. Therefore we believe that it is essential to train the medical personnel in maternity wards and hospitals in order to improve the quality of the adoption service and to reduce the effects of the practice of simple placements in the adopting families.

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