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THE CHAMBER OF DEPUTIES

THE SENATE

LAW CONCERNING THE NATIONAL SOCIAL ASSISTANCE SYSTEM  
(Law no.705/2001)

CHAPTER I - GENERAL PROVISIONS

**Art. 1** - The present law regulates the organisation, operation and funding of the National Social Assistance System in Romania.

**Art. 2** - Social assistance is the part of the national social protection system whereby the state and civil society jointly act to prevent, limit or remove the temporary or permanent consequences of the personal conditions likely to drive one to marginal positions in society, or cause social rejection.

**Art. 3** - Social assistance focuses on protecting the people who are unable to provide for their basic necessities of life, or develop personal skills and abilities to sustain their social integration, because of economic, physical, psychological or social constraints.

**Art. 4** - (1) Social need is a set of personal necessities essential to secure life standards adjusted to one's progress towards social integration.

(2) The evaluation of the social needs is carried out in accordance with the regulations of the normative acts.

**Art. 5** - (1) Public specialised institutions of the state, as well as the accredited civil society organisations are held responsible for social assistance actions.

(2) In terms of the present law, social assistance includes the set of benefits granted in money or in kind, as well as the social services.

**Art. 6** - The basic concepts of the national social assistance system are:

- a) **respect for human dignity** - as recognition of basic human values, one's personality is guaranteed free and full accomplishment;
- b) **universality** - one is entitled to social assistance, according to legal stipulations;
- c) **social solidarity** - communities jointly support the people who are unable to provide for their basic necessities of life, in order to maintain and sustain social cohesion;
- d) **partnership** - public institutions and the civil society organisations co-operate to organise and improve social services;
- e) **subsidiary character** - the state steps in, through legal provisions, to address one's basic necessities on a partial or full basis, if local or community initiatives failed to do so.

**Art. 7** - The State assumes the task of carrying out social assistance measures by means of specific laws, and transfers its attributions local public authorities, decentralised public authorities, and the civil society.

**Art. 8** – MLSS defines the priority guidelines within the national social assistance plan, is the authority, which initiates laws in the field of social assistance and monitors their implementation at central and local level.

**Art. 9** - To implement social assistance measures, MLSS co-operate with governmental institutions, county and local councils, as well as civil society representatives.

## CHAPTER II - SOCIAL ASSISTANCE ELIGIBILITY

**Art. 10** - (1) The social assistance eligibility is legally guaranteed for all resident Romanian citizens, regardless of age, education level, sex, religious belief, opinion, political affiliation, income or social origin.

(2) Foreign citizens, stateless persons and refugees with permanent or temporary residence in Romania are eligible for social assistance benefits in terms of the Romanian legislation and according to the agreements Romania ratified with other states.

(3) Social assistance eligibility is granted at request or ex officio, according to the law.

(4) All citizens are entitled to be informed about the substance and granting terms of social assistance programmes.

**Art. 11** - Social assistance rights shall be established in accordance with the special laws that regulate them.

**Art. 12** - Official records of social assistance benefits shall be registered by means of the personal numerical code, in full confidentiality of the personal data.

## CHAPTER III - SOCIAL BENEFITS AND SERVICES

### SECTION 1 - SOCIAL BENEFITS

**Art. 13** - The social benefits granted in money or in kind are sustained through financial redistribution measures and include the family allowance, compensation payment, social aid and special allowances to families or persons, according to their needs and earnings.

**Art. 14** - Family allowances are granted to families with children, mainly for childbirth, education and support.

**Art. 15** - Social aid is the benefit granted in money and in kind to persons or families whose incomes are insufficient to address their needs.

**Art. 16** - The persons with physical, sensorial, psychic or mental disabilities are eligible for special allowances to support their social integration.

**Art 17** - The persons eligible for social assistance benefits are also entitled to certain facilities that specific laws regulate.

## SECTION 2 - SOCIAL SERVICES

**Art. 18** - In terms of the present law, social services are aimed at maintaining, rehabilitating and developing individual abilities that help people to overcome chronic or contingency situations of need, as long as the person or family alone are unable to address that situation.

**Art. 19** - The State organises and provides financial and technical means as support to the social services, encouraging partnership relations with communities and other civil society organisations.

**Art. 20** - Social services are provided at the assisted person's home, in specialised day-care or residential institutions.

**Art. 21** - The social services include social-medical and social assistance services.

**Art 22** - (1) Social-medical services are granted to people who are unable to have a normal life owing to temporary or permanent physical, psychic, mental, and sensorial deficiencies, as well as to persons in the terminal phase of an incurable disease.  
(2) The social-medical services are provided by specialised personnel.

**Art. 23** - (1) Social assistance services focus on rehabilitating and developing individual and group skills that could help one overcome difficulties by their own efforts.  
(2) Social assistance services are professional services performed by qualified staff.  
(3) Social assistance services are performed by means of specific approaches and techniques that identify the need for assistance and social intervention, and consist in providing information, counselling, individual and group therapy, occupational therapy.

**Art. 24** - (1) Social assistance services can be classified as community-based social assistance services, and specialised social assistance services.  
(2) Community-based social assistance services have a general and basic character, and are provided at the assisted person's home, in family and community.  
(3) The specialised services of social assistance are being provided for special needs at the assisted person's home, and in specialised or other categories of institutions (schools, hospitals, penitentiaries, production units, etc).

**Art. 25** - (1) The Ministry of Labour and Social Solidarity (MLSS) sets up the national priorities in social assistance activities, by means of mandatory regulations.  
(2) County councils set the local priorities according to local community needs, complying with the national social assistance strategy.  
(3) The organisation of the service system and the way in which these services are delivered are approved by Governmental decision.

**Art. 26** - Public and private institutions and units, as well as the associations and foundations that provide social services shall meet quality standards and comply with methodological norms that were set by the law.

#### CHAPTER IV - SOCIAL ASSISTANCE INSTITUTIONS

**Art. 27** - (1) Social assistance institutions are set up and organised as public or private specialised units.

(2) Social assistance institutions provide protection, shelter, care-taking, social rehabilitation and reinsertion activities to the children, disabled, elderly, and other social categories, according to their specific needs.

**Art 28** - (1) Shelter in social assistance institutions will be provided when home-care is no longer possible, and will be decided following the dependent person's 'social and social-medical evaluation, with that person's agreement for it.

(2) If the dependent person's or child's health condition impedes upon obtaining the mentioned agreement, admission to a social assistance institution will be granted on authorisation by the dependent person's or, if necessary, of the guardian authority.

**Art. 29** - Social assistance institutions are authorised to carry out and provide social services also at the dependent person's home, according to that person's specific needs.

**Art. 30** - The list of social assistance institutions, and the procedures and norms for accrediting public and private social assistance institutions shall be set up through Government decision, following the proposal made by MLSS.

**Art. 31** - (1) Accredited social assistance institutions should meet quality standard requirements for the services they provide. The construction and rehabilitation designs for social assistance buildings should correspond to their beneficiaries' needs.

(2) The social assistance institutions that were mentioned in par. (1) shall comply with the minimum organisational and functioning criteria, which are approved through Government decision.

**Art. 32** - (1) Social assistance institutions operating on partial or total state budget funding, or county or local budget funding will be set up through Government decision, respectively the county or local council decision.

(2) The public social assistance institutions are run by a director, whose activity is supported by a consultative board composed of representatives of the beneficiaries and social partners.

(3) The organisation and functioning of the public institutions for social assistance are set up by the governing bodies that establish those institutions.

**Art. 33** – The local council, together with the managerial team in public social assistance institutions has the obligation to address the social contingencies in the administrative-territorial area where the institution is located.

## CHAPTER V – THE ORGANISATION AND OPERATION OF THE NATIONAL SOCIAL ASSISTANCE SYSTEM

### SECTION 1 – AT THE CENTRAL LEVEL

**Art. 34 - (1)** Within the central public administration, MLSS is the authority that draws up the social assistance policy, sets up the development social assistance strategies for development in this field and promotes the rights of family, child, single persons, the elderly, the disabled, and other persons in need. In setting up the development strategy in this field, the MLSS will consult the main representatives of civil society.

**(2)** The Ministry of Health and Family, the Ministry of Education and Research, the Ministry of Public Administration, the Ministry of Justice, the National Authority for child Protection, as well as other governmental institutions and bodies set up, in their respective fields of competence, social assistance policies and programmes.

**Art.35 – (1)** For the co-ordination of the national social assistance system, there will be established an Interministerial Commission, which will be co-ordinated by the Minister of Labour and Social Solidarity.

**(2)** The main tasks of the Interministerial Commission for social assistance are the following:

- a) set up coherent policies in the field of social assistance;
- b) co-ordinates, at national level, the social assistance activities;
- c) sanctions social assistance policies and measures set up by the ministries and institutions mentioned in art.34, para.(2).

**(3)** The membership, organisation and tasks of the Interministerial Commission on social assistance are approved by Governmental Decision.

**Art. 36 - MLSS** main social assistance attributions are to:

- a) co-ordinates and controls the functioning of the national of social assistance system (NSAS);
- b) draws up draft laws, methodological norms, and regulations regarding NSAS operation;
- c) draws up the national plan that sets imperative guidelines in the field, according to the actual needs and resources;
- d) sets up quality standards for social services in co-operation with academic and research institutions, professional organisations activating in the field, with social assistance and health-care system specialists;
- e) sets up, implements and evaluates the national social assistance programmes;
- f) guides and monitors the activity of the public and private social assistance institutions in relation with the application of social assistance measures;
- g) draws up training and retraining programmes for social assistance staff in co-operation with the Ministry of National Education and Research, with the Ministry of Health and Family, professional associations and academic institutions;
- h) organises the accreditation process, draw up the methodology for accrediting public and private social assistance institutions, as well as of the NGOs acting in this field;
- i) guides and controls the activity of associations and foundations, ensuring that they respect the social rights of the people in need;

- j) develops collaborative and co-operation relations with international bodies, conclude co-operation agreements with these bodies for external funding programmes;
- k) finances the national social assistance programmes;
- l) administers and manages the funds allocated, in accordance with the law, for social assistance.

**Art. 37 - (1)** MLSS is authorised to set up advisory bodies to support the social assistance strategy development, prepare social assistance standards, assess social assistance services quality.

**(2)** MLSS is authorised to establish subordinate executive bodies centred on specific local social issues, or aimed to implement specific social programmes.

## SECTION 2 – AT TERRITORIAL LEVEL

### 1. AT THE LEVEL OF COUNTY LABOUR AND SOCIAL SOLIDARITY DIRECTORATES AND OF THE GENERAL DIRECTORATE FOR LABOUR AND SOCIAL SOLIDARITY OF THE BUCHAREST MUNICIPALITY

**Art. 38 - (1)** MLSS sets up specialised departments (called hereafter *public services for social assistance*) within the county labour and social solidarity directorates and in the General Directorate for Labour and Social Solidarity of the City of Bucharest.

**(2)** The county labour and social solidarity directorates and in the General Directorate for Labour and Social Solidarity of the City of Bucharest are authorised to set up offices in those townships where the number and the structure of the beneficiaries, as well as the complexity of the activity call for such measures.

**Art. 39 – (1)** The county labour and social solidarity directorates and respectively the General Directorate for Labour and Social Solidarity of the City of Bucharest have the following attribution in the field of social assistance:

- a) ensure, at local level, the registration of the beneficiaries and social assistance expenses;
- b) accredit the specialised personnel which is going to provide home social services, according to the current legislation;
- c) collect social assistance data, and evaluate the impact of social policies on their beneficiaries;
- d) carry out social assistance studies and analyses;
- e) co-operate in drafting the county and Bucharest Municipality plans for local intervention strategies that support the people in need;
- f) control the implementation of social assistance legislation, and enforce sanctions when law violations are found;
- g) control the activity of public social assistance institutions and territorial social assistance bodies involved in the management and financial administration of social benefits and services, and also of the NGOs activating in the field;
- h) offer methodological support and guidance for setting up and implementation of local social assistance programmes;
- i) administer and manage the fund allocated, in accordance with the law, for social assistance;

- j) put forth proposals for social assistance fund allocations and send them to the MLSS.

(2) The establishment, in accordance with the law, of social assistance rights and their payment, as well as the provision of other rights granted by the law are carried out by the director of the county directorate for labour and social solidarity or by the director general of the General Directorate for Labour and Social Solidarity of Bucharest Municipality, respectively.

## **2. AT THE LEVEL OF COUNTY COUNCILS AND OF THE GENERAL COUNCIL OF THE BUCHAREST MUNICIPALITY, RESPECTIVELY**

**Art. 40** – (1) The county councils and the General Council of the Bucharest Municipality organise within their own structure, a *social assistance department*, which ensures the implementation at the territorial level of the social assistance policies in the field of the family, child, single persons, elderly, disabled, and any other category of persons in need.

(2) The framework organisational and functioning regulations of the public service are approved by Governmental decision, following the proposal of MLSS and the Ministry of Public Administration, within 30 day from the publication of this law in Romanian Official Monitor.

**Art. 41** – The county councils and the General Council of the Bucharest Municipality have the following attributes in the field of social assistance:

- a) approve the county social assistance plan for developing local strategies to intervene in support of the persons in need;
- b) establish prevention measures against social marginalisation and rejection and ensure the capacities necessary to cope with social contingencies;
- c) evaluate the activity of NGOs that operate in programmes which are subsidised by the budget of the county councils or, according to circumstances, of the General Council of the Bucharest Municipality;
- d) approve the creation, financing or, according to circumstances, co-funding of public social assistance institutions, and evaluate their activities;
- e) co-operate with the MLSS territorial *social assistance public services* to implement social assistance strategies;
- f) conclude partnership agreements with civil society representatives involved in social assistance programmes.

## **3. AT THE LEVEL OF LOCAL COUNCILS**

**Art. 42** – (1) Local councils in municipal cities, towns and the sectors of the Bucharest Municipality shall set up as a public service, according to the provisions of art.40, para.(2), social assistance departments.

(2) The local communal councils will include in their staff persons responsible for social assistance.

(3) Local councils in towns and communes may organise *territorial services for social assistance*.

(4) The local councils in municipal cities, towns, communes and the sectors of the Bucharest Municipality have the following main attributions in the field of social assistance:

- a) they ensure the identification of social issues and address them in terms of the law;



- b) administer and manage the funds allocated for the social assistance;
- c) organise and sustain financially the social assistance service system;
- d) develop and administer social services, according to local needs;
- e) cover the subsidies approved by the legally certified Romanian associations and foundations engaged in social service programmes;
- f) make proposals for the allocation of funds for social assistance and send them to the general directorates for public finances and state financial control at the county and Bucharest Municipality levels, respectively;
- g) initiate co-operation programmes with NGO-s, cult institutions recognised in Romania, and other civil society representatives, according to the national and county social assistance plans;
- h) draw up, in accordance with the law, agreements for the provision of social services;
- i) offer premises, financial and logistical means for carrying out the social assistance activities;
- j) grant social housing, in accordance with the law;
- k) finance and, when applicable, co-finance public institutions for social assistance of local interest, and social assistance service programmes;
- l) inform, on a monthly basis, the county labour and social solidarity directorate or the General Directorate for Labour and Social Solidarity, respectively, about the number of social assistance beneficiaries and the sums spent in this respect.

(5) The establishment, in accordance with the law, of the rights to social assistance benefits and the payment for these services, as well as the granting of the special benefits stipulated by the law are authorised by the mayor.

## **CHAPTER VI – THE SOCIAL ASSISTANCE SYSTEM STAFF**

**Art. 43** – The staff engaged in social assistance activities works both permanently and on a voluntary basis.

**Art. 44** – The social assistance services specified in Art. 23 are carried out by personnel specialised in social assistance.

**Art. 45** - (1) The specialised social assistance staff shall be trained in academic institutions, colleges or other training forms, according to legal stipulations.

(2) The specialised staff has the obligation to fulfil the attributions and responsibilities stipulated in the professional statute, approved by law at the proposal of professional associations, formed according to the law and accredited by the MLSS.

**Art. 46** - The young who chose an alternative military service may provide community-care services.

**Art. 47** - The social assistance staff and volunteers active in the social assistance shall:

- a) guarantee the confidential character of information acquired during work;
- b) respect the assisted person's privacy and freedom of choice;
- c) be faithful to professional ethics.

**Art. 48** – Failure to respect the obligations stated in Art. 46 involves, in accordance with the law, disciplinary, civil, and where appropriate penal responsibility

**Art. 49** - Social assistance institutions shall provide the staff structure that was stipulated in norms issued by Government decisions.

**Art.50** - (1) In terms of the statute mentioned in Art. 44 (2), a disciplinary commission shall be established in each professional association. This commission will have its own organisational and functioning set of regulation.

(2) Any infringement of professional ethics and deontology by the staff specified in art.45 while performing their profession will be sanctioned by the disciplinary commission.

(3) The decision taken by the discipline commission can be attacked in court, within 30 day from the date when they were made announced.

**Art. 51** - The persons convicted definitively for infractions related to social assistance work are banned to work within social assistance system.

**Art. 52** - Social assistance activities can be evaluated by the public social assistance services, which can hire for this purpose the services of independent experts.

## CHAPTER VII - SOCIAL ASSISTANCE FUNDING

**Art. 53** - (1) Social assistance shall be funded from the local budgets as well as the state budget.

(2) Social assistance shall also be funded from extra-budgetary funds, donations, sponsorship actions, or other contributions from domestic or foreign natural persons or legal entities, as well as the contribution of social services beneficiaries, in accordance with the provisions of the law.

**Art. 54** – The financing of social assistance, as stated in Art. 52, is established through the special laws that regulate the distribution of social benefits and services.

**Art. 55** – (1) Public social assistance institutions may organise self-financed activities.

(2) The revenues obtained as stated in par. 1 are used to cover the expenses for the respective activities, as well as for improving the services administered by that public social assistance institution.

**Art. 56** – (1) The contributions of the persons benefiting from social assistance measures are supported from the monthly revenues of those persons and, if necessary, with the participation of other persons responsible for the former, in accordance with the methodological norms approved by Governmental decision.

(2) The contributions mentioned in par. 1 cannot be higher than the level of the average monthly costs approved by the order of the Labour and Social Solidarity Minister for different types of institutions.

**Art. 57** – The county councils, the General Council of the Bucharest Municipality, as well as the local councils can commission social services, in accordance with the law, to suppliers of such services.

**Art. 58** – Public social assistance institutions are exempted from taxes on the lands and the buildings they use for social assistance activities.

**Art. 59** – The remaining sums at the end of the year which come from extra-budgetary activities can be reallocated to the same activities in the next year.

## CHAPTER VIII – THE SOCIAL ASSISTANCE JURISDICTION

**Art.60** – The request for receiving social assistance benefits must be registered with the town hall in the area of residence of the applicant, following which a period of up to 30 days is necessary for the mayor’s decision to be formulated and communicated to the applicant.

**Art. 61** – The mayor’s decision can be attacked in accordance with Law 29/1990 regarding administrative conflicts.

**Art.62** – The requests addressed to the court in connection with solving conflict relating to social assistance rights are exempted from the judiciary tax.

## CHAPTER IX - SOCIAL MEDIATION COMMISSION

**Art. 63** – (1) A Social Mediation Commission shall be established in every county and sector of the Bucharest Municipality.

(2) The Social Mediation Commission clarifies, by way of dialogue, the dissension points existing between the persons soliciting social assistance, the beneficiaries of social assistance rights and the representatives of the institutions which provide these rights.

(3) The organisation and functioning of the social mediation commission are approved by Government decision, at the suggestion of the MLSS and the Ministry of Public Administration.

## CHAPTER X – FINAL AND TRANSITORY PROVISIONS

**Art. 64** – At the request of the persons involved, the territorial social assistance public services, the county councils and the General Council of the Bucharest Municipality, as well as the local councils provide, free of charge, specialised consultancy in the field of social assistance.

**Art. 65** – The requests addressed to judicial courts in connection with conflicts related to social assistance benefits are exempted from the judicial tax.

**Art. 66** – The county and local councils, the NGOs and other institutions involved in carrying out social assistance programmes have the obligation to report on a monthly basis, to *social assistance services*, the data and information regarding their activity in this field.

**Art. 67** – The National Institute for Statistics, together with the MLSS organise and ensure the processing of the date related to social assistance, in order to sustain the development of

strategies in this field, and publish annually, in the Statistical Yearbook of Romania, the social assistance indicators.

**Art. 68** – (1) The present law comes into force on the 1<sup>st</sup> of January 2002.

(2) The social assistance measures regulated by the present law shall be applicable at the dates stipulated in special laws.