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Hearing children in family proceedings: Romania

1. General Obligation to hear children

- Romania has implemented a general statutory provision to fulfill the right of the child to be heard (FRA, 2015b, p. 5).
- Children's rights to be heard is guaranteed by the Law on Rights of the Child, and by the Civil Code (Art. 264), major legal acts that expressly state that children have the right to be heard in all matters affecting them (Ballesteros et al., 2013).

2. Minimum age

Hearing children from 10 years onwards is mandatory (FRA, 2015a, p. 42; Country Profile, 2011; Iosa, 2016; Law 369/2004 - art. 11 (4, 5)). Hearing younger children tends to be avoided (FRA, 2015a, p. 49) and happens only when the court considers it necessary (Country Profile, 2011; Iosa, 2016; Law 369/2004 - art. 11 (4, 5)). The extent to which the Court considers the views of the child depends on the child's age and maturity (European Parliament Study, 2013, p. 341)

3. Who hears the child?

- Children are interviewed directly by the judge (Country Profile, 2011), in chambers (CRIN, 2014, p. 8).
- The hearing of the child will be attended by a psychologist of the Directorate General of social work and child protection at the sector-level of Bucharest. The psychologist will draw up, at the request of the Court, a psychological report (Law 369/2004 - art. 11 (4, 5); Iosa, 2016). The presence of a psychologist is necessary in cases of child abuse and neglect (Law 272/2004, Art. 100(3)).
- If on the basis of the facts the court considers it necessary or beneficial that the parties to the dispute are not present, the child can be heard alone (CRIN, 2014, p. 8).

4. Specific rules for hearing children in child abduction cases?

When the child has no legal representative, a guardian ad litem may be appointed (Country Profile, 2011).

5. Cross-border element (i.e. hearing a child who is abroad in second-chance procedure Brussels IIbis?)



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No information available.

6. Other relevant matters

The right to be heard includes the right to be informed of any decision that relates to him or her. Also, the child is to be informed of the consequences of being heard (i.e. what consequences arise when the opinion of the child is being followed) (Iosa, 2016).

7. Legal sources on hearing the child

- Law 272/2004 on the Rights of the Child, Art. 100(3)
- Civil Code Art. 264
- Civil Procedure Code Art. 226
- Law 369/2004 on the implementation of the Hague Convention on the civil aspects of international child abduction, Art. 11 (4,5).

8. Sources in literature

- [Ballesteros et al.](#), 2013, pp. 181-192
- [CRIN](#), 2014
- [European Parliament Study](#), 2013
- [FRA](#), 2015a
- [FRA](#), 2015b
- [Hague Convention Country Profile](#) section 10.4 (last updated April 2011)
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