

Parenting and legal family formats in Romania

by Constantin Cojocariu ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 3 – Parenting)

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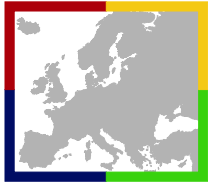
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FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Romania

The answers concerning Romania can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Romania by Iustina Ionescu (Section 1)

Income, troubles and legal family formats in Romania by Constantin Cojocariu (Section 2)

Parenting and legal family formats in Romania by Constantin Cojocariu (Section 3)

Migration and legal family formats in Romania by Iustina Ionescu (Section 4)

Splitting up and legal family formats in Romania by Constantin Cojocariu (Section 5)

Death and legal family formats in Romania by Iustina Ionescu (Section 6)

So this paper is based on **Section 3 (Parenting)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

3.1 Assisted insemination

3.2 IVF

3.3 Surrogacy

3.4 Legal parenthood

3.5 Parental authority

3.6 Parental leave for both parents

3.7 Parental leave for partners

3.8 Grandparents

3.9 Second-parent adoption

3.10 Joint adoption

3.11 Individual adoption

3.12 General background regarding parenting

3.13 Single parenting

3.14 Multiple parenting

In the following pages of this paper, first the answers to questions 3.12, 3.13 and 3.14 are presented, followed by answers to questions 3.1 to 3.11.

3.12 - General background regarding parenting (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding parenting, then please do so here.

3.13 - Single parenting (Open question)

If there are any developments in legal policy and case law regarding the possibilities of an individual person without a partner to have a child through adoption, medically assisted insemination, and/or IVF, you could indicate that here.

3.14 - Multiple parenting (Open question)

If there are any developments in legal policy or case law regarding possibilities for a child to have more than two parents, you could indicate that here.

Article 462 §1 of the Civil Code explicitly bans same-sex couples from adopting a child. This is consistent with the ban of same-sex couples from marriage or registered partnerships in Article 277 of the Civil Code.

Article 447 of the Civil Code requires the adoption of secondary legislation detailing the operation of the provisions on medical assisted reproduction (MAP). There have been several attempts to adopt such regulations, all unsuccessful. In 2005, the Constitutional Court struck down a draft law on reproductive health and MAP. Among others, the Constitutional Court declared unconstitutional the provision of the law regulating the content of the surrogacy contract, which contained clauses regarding “the eventuality of an abortion not deemed medically necessary, as well as the medical supervision of the gestational mother throughout the period of the pregnancy.” This provision was held to be in breach of public morals, considering that the mothers’ and unborn children’s health and physical integrity could not form the object of any transaction. In addition, the Court ruled the law discriminatory and therefore unconstitutional on account of the fact that it restricted the access to MAP to couples, to the detriment of single persons (Constitutional Court, Decision no. 418 of 18 July 2005).

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Jurisdiction: **Romania**

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Section: **3 - Parenting**

Question: **3.01 - Assisted insemination**

Is it legally possible in this type of relationship to become pregnant through medically assisted insemination using sperm of a donor?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Doubt 2011	2015 No 0000
Yes, but 0000				Doubt 0000	
References to legal sources: Art. 441(c) of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.		References to legal sources:		References to legal sources: Art. 441(c) of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The above mentioned provision restricts parenthood resulting from assisted insemination using sperm from a donor to a man and a woman or a single woman. Certain medically assisted reproduction techniques would have been available before the new Civil Code was adopted in 2011, even in the absence of specific regulation.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: The above mentioned provision restricts parenthood resulting from assisted insemination using sperm from a donor to a man and a woman or a single woman. Although this provision does not specifically requires that the couple be married, and in the absence of any meaningful judicial practice, it is doubtful that in practice an unmarried couple would be able to complete the necessary formalities before a notary public. Certain medically assisted reproduction techniques would have been available before the new Civil Code was adopted in 2011, even in the absence of specific regulation, but doubt applies equally for the same reasons.</p>	

Jurisdiction: **Romania**

Source: **C. Cojocariu**, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.02 - IVF**

Is it legally possible in this type of relationship to become pregnant through in vitro fertilisation (IVF) using donated egg or sperm?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Doubt 2011	2015 No 0000
Yes, but 0000				Doubt 0000	
References to legal sources: Art. 441(c) of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.		References to legal sources:		References to legal sources: Art. 441(c) of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The above mentioned provision restricts parenthood resulting from assisted insemination using sperm from a donor to a man and a woman or a single woman. Certain medically assisted reproduction techniques would have been available before the new Civil Code was adopted in 2011, even in the absence of specific regulation.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: The above mentioned provision restricts parenthood resulting from assisted insemination using sperm from a donor to a man and a woman or a single woman. Although this provision does not specifically requires that the couple be married, and in the absence of any meaningful judicial practice, it is doubtful that in practice an unmarried couple would be able to complete the necessary formalities before a notary public. Certain medically assisted reproduction techniques would have been available before the new Civil Code was adopted in 2011, even in the absence of specific regulation, but doubt applies equally for the same reasons.</p>	

Jurisdiction: **Romania**

Source: C. Cojocariu, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

Is it legally possible for both partners in this type of relationship to become the legal parents of a child through the help of a surrogate mother in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Doubt 2011	2015 No 0000
No, but 0000				Doubt 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Articles 443 and 481 §1 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p> <p>Bucharest Court of Appeal, Civil decision 1309 A/2010, unreported, discussed in European Parliament's Committee on Legal Affairs, A comparative study on the regime of surrogacy in EU Member States, 2013, p. 85-88.</p> <p>Timisoara Court of Appeal, Civil decision no. 1196/26 September 2013, discussed in Lidia Barac, Câteva considerații privind implicațiile juridice ale tehnicilor de reproducere umană asistată medical (RUAM), 3 March 2014.</p>		<p>References to legal sources:</p>		<p>References to legal sources: Articles 443 and 481 §1 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Surrogacy is not specifically regulated in Romania. Article 481§1 of the Civil Code provides that the maternal bond is established by the fact of giving birth to a child, in accordance with the principle “mater semper certa est.”</p> <p>Furthermore, Article 443 of the Civil Code includes an absolute prohibition against any challenges to the paternal link “for reasons pertaining to assisted reproduction, including by the child.” However, there are at least two decisions whereby courts set aside the “mater semper certa est” principle in relation to requests by the commissioning/biological parents for the enforcement of surrogacy agreements with the gestational mother and her partner, and the recognition of their parental bonds to the child.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: The decisions cited in the box on marriages concerned married couples. I am not aware of any cases whereby cohabiting different sex couples managed to reverse the traditional legal presumptions on filiation.</p>	

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Section: **3 - Parenting**

Question: **3.04 - Legal parenthood**

When one partner gives birth, will (or can) the other partner then also become legal parent of the child, without having to go through adoption? (For example automatically, or by way of recognition/acknowledgement.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2011	2015 No 0000
Yes 1953				Yes 1953	
References to legal sources: Art. 408 §2 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011. Art. 53 of the Family Code of 1953.		References to legal sources:		References to legal sources: Art. 408 §3 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011. Art. 57 of the Family Code of 1953.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: Art. 408 §3 of the Civil Code provides that the paternity relationship for unmarried fathers may be established through recognition by the father or through a court judgment.	

Jurisdiction: **Romania**

Source: **C. Cojocariu**, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.05 - Parental authority**

Is joint parental authority/responsibility possible for the couple, while only one of the partners is the legal parent of the child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2011	2015 No 2011
No 1953				No 1953	No 1953
References to legal sources: Art. 483 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011. Art. 97 of the Law no. 4/1953 on the Family Code.		References to legal sources:		References to legal sources: Art. 483 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011. Art. 97 of the Law no. 4/1953 on the Family Code.	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Romania**

Source: C. Cojocariu, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.06 - Parental leave for both parents**

When both partners are the legal parents of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2011	2015 N/A 0000
Yes 2005				Yes 2005	
? 0000				? 0000	
References to legal sources: Art. 8 of the Emergency Ordinance no. 111/2010 on the leave and monthly indemnity for raising children. Art. 1 of the Emergency Ordinance no. 148/2005 on supporting the family in raising a child.		References to legal sources:		References to legal sources: Art. 8 of the Emergency Ordinance no. 111/2010 on the leave and monthly indemnity for raising children. Art. 1 of the Emergency Ordinance no. 148/2005 on supporting the family in raising a child.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 8 of the Emergency Ordinance no. 111/2010 does not distinguish between parents, whether married or unmarried, father or mother. The same applies to Art. 1 of Emergency Ordinance no. 148/2005.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Art. 8 of the Emergency Ordinance no. 111/2010 does not distinguish between parents, whether married or unmarried, father or mother. The same applies to Art. 1 of Emergency Ordinance no. 148/2005.</p>	

Jurisdiction: **Romania**

Source: **C. Cojocariu**, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.07 - Parental leave for partners**

When only one partner is the legal parent of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2011	2015 No 0000
No 2005				No 2005	
? 0000				? 0000	
References to legal sources: Emergency Ordinance no. 111/2010 on the leave and monthly indemnity for raising children. Emergency Ordinance no. 148/2005 on supporting the family in raising a child.		References to legal sources:		References to legal sources: Emergency Ordinance no. 111/2010 on the leave and monthly indemnity for raising children. Emergency Ordinance no. 148/2005 on supporting the family in raising a child.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 8 of the Emergency Ordinance no. 111/2010 restricts the right to parental leave to legal parents.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Art. 8 of the Emergency Ordinance no. 111/2010 restricts the right to parental leave to legal parents.</p>	

Jurisdiction: **Romania**

Source: **C. Cojocariu**, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.08 - Grandparents**

Do grandparents have a statutory right to visit the children in this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2011	2015 No 2011
No 1953				No 1953	No 1953
<p>References to legal sources: Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p> <p>Law no. 4/1953 on the Family Code.</p>		<p>References to legal sources:</p>		<p>References to legal sources: Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p> <p>Law no. 4/1953 on the Family Code.</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Romania**

Source: C. Cojocariu, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.09 - Second-parent adoption**

When only one partner is the legal parent of a child, does the other partner then have the possibility of becoming the child's second parent by way of adoption?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2005	2015 No 2011
Yes 1953				No 1997	No 1953
				No 1953	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 462 of Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p> <p>Art. 69 of Law no. 4/1953 on the Family Code.</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 462 of Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p> <p>Article 6 §1(c) of Law no. 273/2004 on the procedure for adoption, which entered into force on 1 January 2005.</p> <p>Law no. 273/2004 replaced Art. 4 of Emergency Ordinance no. 25/1997 on the legal regime of adoption.</p> <p>Art. 69 of Law no. 4/1953 on the Family Code.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 462 of Law no. 287/2009 on the New Civil Code provides that two individuals cannot adopt together, simultaneously or successively, unless they are husband and wife, and that two persons of the same sex cannot adopt together.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Art. 462 of the Law no. 287/2009 on the New Civil Code provides that two individuals cannot adopt together, simultaneously or successively, unless they are husband and wife, and that two persons of the same sex cannot adopt together. For all effects and purposes, this provision excludes unmarried same-sex couples from the benefit of adoption.</p> <p>Article 6§1(c) of Law no. 273/2004 allows the unregistered different sex partner of an unmarried parent to adopt the latter's biological child if they lived together for an uninterrupted period of at least five years. This should be read as an exception to the above mentioned general rule set out in the Civil Code, which has not superseded it.</p> <p>Previously, Emergency Ordinance no. 25/1997 and Law no. 4/1953 did not include the exception referring to second parent adoption in cohabiting different-sex couples.</p>	

Jurisdiction: **Romania**

Source: **C. Cojocariu**, "Parenting and legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-RO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2011	2015 No 2011
Yes 1953				No 1953	No 1953
References to legal sources: Art. 462 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011. Art. 69 of the Law no. 4/1953 on the Family Code.		References to legal sources:		References to legal sources: Art. 462 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011. Art. 69 of the Law no. 4/1953 on the Family Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: Art. 462 of the Law no. 287/2009 on the New Civil Code provides that two individuals cannot adopt together, simultaneously or successively, unless they are husband and wife, and that two persons of the same sex cannot adopt together. For all effects and purposes, this provision excludes unmarried same-sex couples from the benefit of adoption.	

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Section: **3 - Parenting**

Question: **3.11 - Individual adoption**

Can one partner in this type of relationship individually adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2011	2015 Yes, but 2011
Yes 1953				Yes 1953	Yes, but 2001
					No, but 0000
<p>References to legal sources: Art. 462 §1 and 463 §3 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p> <p>Art. 68 of the Law no. 4/1953 on the Family Code.</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 462 §1 of the Law no. 287/2009 on the New Civil Code, which entered into force on 1 October 2011.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: In order to adopt, a single person has to possess the requisite “moral credentials” in order to be able to raise a child (Article 461 of the Civil Code). Considering the latent homophobia prevalent in Romania, allegations of homosexuality may in practice be used to compromise the moral profile of an individual looking to adopt. For instance in one child custody case, allegations of homosexuality were used against the father in order to demonstrate his alleged unsuitability to act as parent. High Court of Cassation and Justice, Decision no. 5738/21 December 2010.</p> <p>Individual adoption by someone in a same-sex relationship was probably unrealistic during the period in which homosexuality was still criminalised, before 2001.</p>	