

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### RECEIVING STATE

**COUNTRY NAME:** ITALY

**PROFILE UPDATED ON:** 28 September 2020

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	COMMISSIONE PER LE ADOZIONI INTERNAZIONALI
Acronyms used:	CAI
Address:	6, via di Villa Ruffo, 00196 Roma, Italy
Telephone:	+39 06 6779 2060
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Website:	www.commissioneadozioni.it
Contact person(s) and direct contact details (please indicate language(s) of communication):	<p>ALESSANDRA BARBERI Head of the Adoptions Service Tel. +39 06 67792189 e-mail a.barberi@governo.it</p> <p>***</p> <p>Joseph MOYERSON Focal point on External relations and International Cooperation Tel. +39 06 6779 2185 e-mail j.moyersoan@governo.it English, French and Spanish</p>

<sup>1</sup> Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.



*If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.*

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CONFÉRENCE DE LA HAYE  
DE DROIT INTERNATIONAL PRIVÉ

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>1<sup>st</sup> May 2000</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Law No. 184 of 4 May 1983 (L.184/1983), updated with the following laws:</p> <ul style="list-style-type: none"> <li>- Law No. 476 of 31 December 1998 (L. 476/1998, the main law containing the ratification of the Convention by which the abovementioned Law No.184 on child adoption has been modified)</li> <li>- Law No. 149 of 28 March 2001 (L.149/2001)</li> <li>- Law No. 173 of 19 October 2015 (L.173/2015)</li> </ul> <p>Decree of the President of the Republic No. 108 of 8 June 2007 (D.P.R. 108/2007);</p> <p>Legislative Decree No. 154 of 28 December 2013 (D.Lgs.154/2013);</p> <p>Decree of the President of the Council of Ministers of 13 March 2015;</p> <p>Decree of the President of the Council of Ministers of 16 February 2018.</p> <p>Any eventual regulation from the Central Authority (as the latter Regulation n.13/2008 on the specific criteria and procedures for AABs to be authorised and accredited).</p> <p>An additional guarantee of the respect of commitments taken at international level by Italy comes from its Constitution: according to Arts. 11 and 117 (1), every national law must respect all agreements concluded at international level by the State: this means that in case of conflict the international agreements must prevail.</p>

<b>3. Other international agreements on intercountry adoption<sup>3</sup></b>	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify): Italy signed bilateral agreements with the following countries of origin:</p>

<sup>3</sup> See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<ul style="list-style-type: none"> <li>- Belarus</li> <li>- Bolivia</li> <li>- Burundi</li> <li>- Cambodia</li> <li>- Chile</li> <li>- Democratic Republic of China</li> <li>- Russian Federation</li> <li>- Peru</li> <li>- Republic of San Marino</li> <li>- Slovakia</li> <li>- Vietnam</li> </ul> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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### PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>As provided by Art. 6 (1), D.P.R. 108/2007:</p> <p>1. CAI shall perform the functions and the tasks attributed to it by the L. 184/1983 (Adoption Law) and by his Regulation, and notably, it shall:</p> <p>(a) co-operate with the Central Authorities (below CAs) for Intercountry Adoption (below ICA) of other States, also by gathering the necessary information to implement international adoption Conventions;</p> <p>(b) propose the conclusion of bilateral agreements on ICA to the Office of the Prime Minister;</p> <p>(c) lay down the criteria for authorising the activities of the bodies pursuant to Art. 39-ter, L. 184/1983; authorise, on the basis of the aforementioned criteria, the activities of these bodies; keep the register and check it at least every three years; oversee the work of the bodies; check that the bodies are accredited in the foreign country for which an authorisation has been granted; restrict, if necessary, the activities of the bodies in relation to special situations of international character; revoke the authorisations already issued in the event of serious non-compliance, inadequacy or infringement of the legislation in force; more specifically, it revokes the authorisation in cases where the results achieved certify the insufficient effectiveness of the body's activity. The same functions shall be performed by CAI in relation to the activities of ICA services under Art. 39-bis, L. 184/1983, according to the procedures agreed by the Joint Conference provided by Art. 8 of Legislative Decree No 281</p>

	<p>of 28 August 1997, as subsequently amended;</p> <p>(d) endeavour to guarantee the even distribution of Accredited Bodies (below AABs) throughout the country and of their representatives abroad, fostering coordination and mergers so as to reduce their total number and improve their effectiveness and quality;</p> <p>(e) keep all the documents and information relating to ICA procedures;</p> <p>(f) foster cooperation among all the stakeholders working in the field of ICA and child welfare;</p> <p>(g) promote training schemes for those working, or intending to work, in adoption;</p> <p>(h) acknowledge the authorisation to enter or permanently stay in Italy issued to foreign adopted children or children to be placed in pre-adoption foster care, issued by the Vice-President;</p> <p>(i) certify that adoption complies with the Convention, as provided by Art. 23 (1) of the Convention;</p> <p>(l) as for information and training activities, it shall co-operate with entities other than those provided by Art. 39-ter, L. 184/1983;</p> <p>(m) examine any reports, claims or complaints relating to ongoing adoption procedures;</p> <p>(n) inform the public on ICA, procedures, bodies in charge of the adoption procedure, countries in which the latter can work, indicating the average costs and time needed to complete the procedures, update the information regularly by breaking it down according to the children's country of origin; develop appropriate instruments for private and public interested parties to access information;</p> <p>(o) consult every six months with the national family associations identified according to the criteria adopted by the Prime Minister or the Minister for Family Policies, pursuant to Art. 4 (1) (m);</p> <p>(p) where necessary require that the bodies perform the activities and produce the documents that are essential for post-adoption follow-up; to this end the services shall also co-operate as decided by the Joint Conference pursuant to Art. 8 of Legislative Decree No. 281 of 28 August 1997, as subsequently amended;</p> <p>(q) decide on the procedures for coordinating co-operation abroad to protect and promote children's rights and provide training to operators as well as to give information, acting also on the basis of the investigations performed by experts jointly with representatives of the Regions and local authorities at the Joint Conference provided by Art. 8 of Legislative Decree No. 281 of 28 August 1997, as subsequently amended.</p>
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## 5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

*See Arts 4, 5, 8, 9, 12, 22, 23 and 30.*

### JUVENILE COURTS

Juvenile Courts (below JCs) are regulated by Royal Decree-Law No. 1404 of 20 July 1934 (R.D.-L.1404/1934) with subsequent amendments. They are set up under each of the twenty-six Appeal Courts and three detached Appeal Courts divisions, thus numbering twenty-nine. There is one in all Regional capitals (except Aosta) and in a number of other particularly relevant cities (Brescia, Bolzano, Lecce, Catanzaro, Salerno, Messina, Catania, Caltanissetta, Sassari, Taranto).

JC is a body specialized in its composition (it decides by a bench made up of two professional judges and two honorary judges, experts in the human sciences) and in civil, criminal and administrative areas. In the civil area its competences have to do with protection of the person of the child in potential situations of prejudice or abandonment, and resulting measures may lead to restrictions on the exercise of parental responsibility. In administrative area it takes measures for rehabilitative purposes in relation to juveniles displaying behavioural irregularities (including juveniles engaging in prostitution). Finally, in the criminal area, it judges children for crimes committed when they were between fourteen and eighteen years old and. For these cases, the competence remains up to the age of 25.

Challenges to rulings by JC are considered by the Juvenile Division of the Appeal Court, by a specialized bench made up of three professional judges and two honorary judges.

### JC AND ICA

By L.476/1998, which amended L.184/1983 on adoption, the tasks of JCs in relation to ICA were considerably reduced. Their role is nonetheless still equally important, and they are one of the necessary protagonists in ICA procedures.

The following tasks are devolved to JCs:

1. Receiving and registering the "declaration of availability" of couples of prospective adoptive parents (below PAPs) aspiring to ICA;
2. Forwarding this declaration within 15 days of receipt to the Social Services (below SSs);
3. Once the report is received from SSs, assessing it and, if appropriate, providing for further investigation;
4. Calling PAPs to a hearing;
5. Declaring by decree – within two months of receipt of SSs report's – the presence or

	<p>absence of the requirements on PAPs aspiring to ICA; the Juvenile Public Prosecutor gives its approval; the decree can be appealed within 10 days from the communication to PAPs. These decrees are not definitive and on case of changes in the situation, JC can be asked to modify the decree in order to reflect the new balance of the family and so to guarantee prospective adopting children's best interests.</p> <p>6. Forwarding the decree to CAI;</p> <p>7. Once PAPs has received a child abroad in adoption or in fostering with a view to adoption, giving effect in Italy to the foreign provision, as definitive adoption or as pre-adoptive fostering; in this context JCs are asked directly by PAPs (no more assisted by AABs for this specific activity) to verify and certify the respect of Art. 4 (principle of subsidiarity) and the respect of the Convention by every single adoption proceeding. Once the respect of the Convention is confirmed by JCs on the basis of documents, they order the inscription of children in the public census register of population at local level, by which the child acquire the Italian nationality and enter formally into the adoptive family (before this stage the status of every foreign adopted child in Italy is temporarily compared to children in foster families)</p> <p>8. After at least one year's fostering, decreeing the adoption of a foreign child in pre-adoptive fostering.</p> <p><b>REGIONS</b></p> <p>L.476/1998 entrusted to the Regions and the autonomous Provinces of Trento and Bolzano major tasks in the sphere of ICA, enlarging their competences. Art. 39a(1) in fact assigns to the Regions the task of organizing a network of services able to perform the duties laid down by L. 476/1998 in their respective local areas. The Regions must further monitor the functioning of the structures and services operating on their territory, verifying that their actions are appropriate and cover the tasks assigned to them. The Regions and the autonomous Provinces of Trento and Bolzano have also to promote the definition of operational protocols and the conclusion of agreements between the various AABs and SSs, and also to arrange for stable forms of connection between these and JCs, again with the aim of securing the full implementation of the law. Art. 39a(2) provides the possibility for the Regions and the autonomous Provinces of Trento and Bolzano to set up ICA services meeting the same requirements and having the same powers as the AABs, and carrying out the same activities for PAPs.</p> <p><b>LOCAL AUTHORITIES</b></p> <p>The new law allots many important tasks to the Social Welfare Services of the local authorities, whose involvement is no longer optional but</p>
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	<p>mandatory.</p> <p>In particular, making use of the local health units and collaborating with the accredited bodies as appropriate, they must:</p> <ul style="list-style-type: none"> <li>- supply information on ICA and the relevant procedures, on the AABs and their functions, and on other forms of solidarity towards children in difficulties (for instance: sponsorship/distance support);</li> <li>- ensure preparation for PAPs, helping them to understand their resources and the deep motivations for the request to adopt, as well as verifying together with them their real willingness to face the responsibilities they are taking on;</li> <li>- gather information on PAPs personal, family and health situation, on their capacity to handle an ICA and on any special features of the juvenile(s) they might be able to take;</li> <li>- collect any other factor that may help JC to assess their suitability for ICA.</li> </ul> <p>The task of the services is thus essentially to help and explain. Assessing suitability is a matter for the judge.</p> <p>After adoption too, the role of the Services may be important, since they are involved to follow the family from a psychologic and social point of view. This role is mandatory as the one of AABs in the first year after the child entered in Italy and or if it is provided in special bilateral agreements. Indeed, particularly initially, it is essential in order to help the new adoptive parents and the child with the little and not-so-little problems that may arise at the familiarization stage: italian law mention a special mandatory focus on the first year since the child entry into Italy. Moreover, most countries of origin require periodic reports, even for more than one year, on the child's condition and acclimatization in the new family. It is therefore essential for the Services to follow the course of the new adoption for that period at least. Nevertheless, under italian law the family is free to chose if being supported by public SSs (whose services are completely free of charge while covered by the Regional Health Public Funds) or by AABs (whose services are private and to be payed by adoptive parents, even if the cost is partially refundable by the CA - CAI) for the redaction of those periodic reports. So it can be that AABs can send to Countries of Origin CAs periodic reports based on written information by SSs. Under italian law there is not a public mandatory power to oblige adoptive parents to get checked by SSs even if an agreement on post adoption mandatory controls is signed by adoptive parents and AABs under provisions by Countries of Origin.</p> <p>SSs and AABs are not in competition with each other; their collaboration is indispensable and is provided for by law. It is for the Regions to</p>
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	<p>encourage the accredited bodies and services to define operational protocols - and agreements where appropriate - among themselves (Art. 39(a)(1), L. 184/1983).</p> <p>In Italy there is no uniform organization of territorial SSs. It is therefore not possible to supply a list here. To locate the closest Service to you, ask for information from the municipality where you reside.</p> <p>Due to specific local/regional agreements among SSs and/or AABs and/or Public Administrations at local level (Regioni and/or Province) and/or JCs, PAPs can also find that every single territory has a different order or prescription or duration before obtaining the decree to adopt and after the conclusion of adoption abroad, since for instance, information and training for PAPs can be requested to be done with AABs before the declaration of availability to JCs.</p>
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## 6. National accredited bodies<sup>4</sup>

<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><b>N.B.</b> the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).<sup>5</sup></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b><u>go to Question 8</u></b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	<p>The number is not limited, actually the number is 50.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>AABs inform, train, support PAPs in ICA procedures and oversee the development abroad of the procedures necessary to achieve adoption; assisting them before with the Foreign Authority and supporting them in the post-adoption process.</p> <p>L. 476/1998 made the intervention of AABs compulsory in all ICA procedures, modifying the previous discipline which allowed, instead, to apply also directly to the Foreign Authorities. Having been published in the Official Gazette of 31 October 2000, the register of AABs, from the 15th day from the date of publication, the new regulations entered into force and consequently those</p>

<sup>4</sup> "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.

	<p>who want to adopt a child abroad must assign the task to one of AABs indicated in the register (Art.29 bis L. 184/1983), within one year from the modification of the aforementioned decree.</p> <p>The tasks of AABs are regulated by Art.31 of L. 184/1983. AAB that received the assignment must first of all inform PAPs on the procedures that will begin and on the concrete prospects of adoption in the Country they have chosen. It must then transmit their declaration of readiness for adoption to the Foreign Authorities, together with the decree of suitability and the report of the social and health services, and wait to receive from those authorities the proposal to meet with a specific child. The Foreign Authority makes the proposal to AAB that communicates it to PAPs, and if they agree to meet the child and, after the meeting, a positive relationship is established, it communicates to the foreign authority its adhesion to the proposal made to PAPs, who for their part have allowed the pairing, and assists the latter in all the activities to be carried out in the Foreign Country: attends the adoption hearing, transmits the sentence of adoption to CAI and asks this last the authorization to enter the child in Italy.</p> <p>Once the authorization to enter has been obtained, AAB supervises the child transfer to Italy, where he/she will arrive in the company of the adoptive parents. Once the child has arrived in Italy, the services of the local authorities assist and help, if requested, the adopters and the child. In any case, they must report to JC on the progress of insertion, reporting any difficulties. AAB remains an important point of reference and is required to carry out post-adoption reports to be sent to the Foreign Authority.</p> <p>In order to be able to carry out their activities, all bodies involved in ICA procedures must have a specific government authorization. This is why they are called AABs. If an association operates in the field of adoptions without the aforementioned authorization, the operating member commits an offense punishable by imprisonment from six months to three years, let alone lawyers or other professionals, who therefore also respond criminally. Even those who turn to unauthorized associations or to a single intermediary, commit a crime (Art. 72 bis, L. 184/1983), even of a lesser severity and, consequently, punished with a lighter penalty.</p> <p>The authorization is issued by CAI after ascertaining that they meet the legal requirements, namely that:</p> <p>are directed by qualified persons and possess</p>
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	<p>suitable moral qualities;</p> <p>have an adequate organizational structure;</p> <p>they are not for profit;</p> <p>do not make ideological or religious discrimination;</p> <p>undertake to participate in activities to promote children's rights in the Countries of origin;</p> <p>have their registered office in Italy.</p> <p>The procedure for issuing the authorization is governed by the regulation implementing the L. 184/1983 (Presidential Decree 108 of 8 June 2007) and by Resolution 13/2008 / SG of 28 October 2008. AABs are subject to supervision and checks by CAI, which may revoke the authorization in the event of serious defaults or limit or suspend its operations in the event of less serious defaults.</p> <p>The supervisory activity is aimed at ascertaining on the one hand the permanence of the requirements present at the time of authorization, on the other the correctness of the methodology, the transparency of the work.</p> <p>In some Foreign Countries, a specific procedure for accreditation is foreseen by the current legislation. The organization must declare that it knows the country well, its tradition and its culture, that it knows the internal regulations on adoptions well and that it uses serious and correct personnel.</p> <p>On October 31, 2000 the first register of AABs was published. The Register comes periodically updated.</p>
<b>6.1 The accreditation procedure (Arts 10-11)</b>	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	CAI
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	<p>APPLICATION FOR ACCREDITATION (Art. 11 D.P.R. 108/2007):</p> <ol style="list-style-type: none"> <li>1. Bodies wishing to request the accreditation referred to in Art. 39-ter, L. 184/1983 shall submit an application to CAI, signed by the legal representative, according to a format prepared by CAI itself, containing, inter alia, the following indications: <ol style="list-style-type: none"> <li>a) possession of the requirements set out in Art. 39-ter, L. 184/1983;</li> <li>b) the list and general information of the people who manage the body and who work within it or collaborate with it, as well as the related professional qualifications, the training received, the specific skills, the experience acquired in the sector, the moral qualities possessed. The moral qualities possessed are declared by the interested person, in accordance with current provisions, with reference to the non-existence of: submission to personal security measures or prevention measures;</li> </ol> </li> </ol>

	<p>convictions, albeit with a non-definitive sentence, for one of the crimes indicated in Arts. 380 and 381 of the criminal procedure code or in Arts. 600-bis, 600-ter, 600-quater, 600-quinquies, 609-quater and 609-quinquies of the criminal code; convictions with an irrevocable sentence of at least one year's imprisonment for intentional crimes. In any case, the effects of rehabilitation are reserved. For the purposes of the declaration provided for in this provision, the application of the penalties at the request of the parties of the criminal proceeding pursuant to Art. 444 of the criminal procedure code is also considered condemnation;</p> <p>c) the list and general information of the professionals in the social, juridical and psychological field with which the body avails itself, with the indication for each of the enrollment in the professional register and the specific skills in the field of assistance to adopters;</p> <p>c) the list and general information of the professionals in the social, juridical and psychological field with which the body avails itself, with the indication for each of the enrollment in the professional register and the specific skills in the field of assistance to adopters;</p> <p>d) the organization of the body on the national territory, the main office and any peripheral offices, as well as the opening days and times;</p> <p>e) the area, national, interregional or regional, in which the body intends to act;</p> <p>f) the Foreign Countries in which the body intends to act and the indication of the personal and organizational structures it intends to use in each of them;</p> <p>g) operating methods and support and accompaniment activities in favor of PAPs, including those agreed with the services through specific agreements or protocols;</p> <p>h) the cost, for each Country where the body act, of the services rendered for the completion of ICA procedures.</p> <p>2. Bodies must also attach to the application for accreditation:</p> <p>a) the declaration that the body does not have, and undertakes not to have, ideological, religious, racial or any other kind of preliminary rulings towards PAPs;</p> <p>b) the declaration containing the commitment to annually submit to CAI a report on the activity carried out, the final balance, as well as further data provided according to a scheme prepared by CAI;</p> <p>c) a copy of the disposition of the body, showing the registered office in the national territory and the absence of profit-making purposes.</p>
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	<p>PROCEDURE FOR GRANTING ACCREDITATION (Art. 12, D.P.R. 108/2007):</p> <ol style="list-style-type: none"> <li>1. Within one hundred and twenty days from the date of receipt of the application referred to in Art. 11, CAI shall deliberate on the correspondence of the requirements of the body with those envisaged by Art. 39-ter, L. 184/1983. If particular preliminary requirements arise, the terms for the approval resolution are extended for a further thirty days with a specific provision communicated to the instant body for the acquisition of further elements or to remedy any irregularities.</li> <li>2. With the authorization provision, CAI, taking into account the body's human and organizational resources: <ol style="list-style-type: none"> <li>a) indicates the Countries or geographic areas in which the body is accredited to act, also in consideration of the number of bodies already accredited and existing bilateral agreements;</li> <li>b) may limit the accreditation to operate nationally in one or more Regions.</li> </ol> </li> </ol> <p>ACCREDITATION CRITERIA (Art. 39-ter, L. 184/1983):</p> <p>In order to obtain and maintain the accreditation envisaged in Art. 39c(1) the bodies shall:</p> <ol style="list-style-type: none"> <li>a) be directed and staffed by persons who are suitably trained and skilled in the field of ICA and meet suitable ethical standards;</li> <li>b) make use of the services provided by social, legal and psychology professionals entered in their professional register who are capable of assisting the spouses before, during and after adoption;</li> <li>c) have a suitable organisational structure in at least one Italian Region or autonomous Province, and the necessary staff to function adequately in the Foreign Countries in which they wish to act;</li> <li>d) act on a non-profit basis and implement fully transparent accounting procedures, including transparent indication of the costs entailed in carrying out ICA procedures, and follow a correct and verifiable operating methodology;</li> <li>e) be free of and not exercise any prejudicial discrimination against PAPs, including any forms of ideological or religious discrimination;</li> <li>f) undertake to participate in activities promoting the rights of children, preferably through development aid projects, including co-operation with non-governmental organisations, and activities implementing the principle of subsidiarity in ICA in the children's Countries of origin;</li> <li>g) have their registered office in Italy.</li> </ol>
c) For how long is accreditation granted in	Once delivered, the accreditation is effective indefinitely until its cancellation: this means

your State?	that for AABs the fact to be in the Public list of AABs ("albo degli enti autorizzati" published on the National Official Bulletin of Laws and on CAI website) guarantee the accreditation itself. Every single AAB is supposed to be revised at least every two years by CAI (Art. 15, D.P.R. 108/2007) and this mechanism aims at confirming the maintaining of requirements until any eventual official decision taken by resolution by the main CA-CAI (also published on the CAI website).
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	<p>SANCTIONS and REVOCATION OF THE ACCREDITATION (Art. 16, D.P.R. 108/2007):</p> <ol style="list-style-type: none"> <li>Following the monitoring referred to in Art. 15, or investigations carried out in relation to particular reports or events, CAI may: <ol style="list-style-type: none"> <li>censure AAB responsible for irregularities;</li> <li>prescribe the adjustment of AAB's operating procedures to the provisions of the law and of this regulation;</li> <li>order the limitation of the task's engagements in relation, among others, to the number of pending ICA procedures or to reports from PAPs on the quality of the service received;</li> <li>order the modification of the territorial extension of the operativity of AAB at national level.</li> </ol> </li> <li>In the most serious cases, CAI may suspend the accreditation for a given period of time, setting a deadline by which AAB is required to remove any irregularities; if, after that deadline, AAB fails to comply, CAI shall revoke the accreditation.</li> <li>If it is assessed that the criteria that led to the accreditation are no longer met, or if the activity carried out by AAB does not comply with the principles and provisions of the Convention, of the L. 184/1983 and of this Regulation, CAI orders the revocation of the accreditation.</li> <li>The decisions referred to in paragraphs 1, 2 and 3 are adopted in compliance with the rules on the administrative procedure and after contesting the facts and the reasons why intends to take these decisions.</li> <li>In case of revocation or suspension of the activity, the ICA procedures in charge to the Body are carried out by CAI, which can refer to experts and consultants, stipulate specific agreements and conclude agreements with other AABs, within the limits of its own budget availability.</li> </ol>
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
a) Which authority is competent to monitor / supervise national accredited bodies in	CAI

<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

your State?	
<i>See Art. 11 c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	<p>MONITORING of AAB's activities (Art. 15, D.P.R. 108/2007):</p> <ol style="list-style-type: none"> <li>1. CAI periodically verifies the persistence of the eligibility criteria of the AABs and the correctness, transparency and efficiency of their activity with particular attention to the proportion between the accepted cases and those carried out. This shall be done using a sample-based method so that all AABs are examined over a two-year period, or on the basis of reports that CAI deems relevant. To this end, CAI may order mission abroad of components or staff from the Technical Secretariat to verify the activity of AAB at their operating offices.</li> <li>2. CAI, also through meetings with the representatives of the AABs, favors the adoption of homogeneous methodologies and methods of intervention, as well as the definition of uniform parameters of congruity of the costs of the adoption procedures.</li> </ol> <p>CAI monitoring procedure provides all democratic and administrative guarantees, so AAB is noticed of the activation of the procedure and it can give clarifications before any eventual decision before the ICA procedure is held.</p> <p>In addition, any relevant action under criminal law comes into the jurisdiction and competence of Italian criminal Courts if committed by any AAB even abroad.</p>
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).	See the answer above 6 d).
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): revocation of accreditation, see the answer above 6 d).</p> <p><input type="checkbox"/> No</p>

## 7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>8</sup>

### 7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	CAI
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<p><input type="checkbox"/> Authorisation is granted as part of the accreditation procedure.</p> <p><input checked="" type="checkbox"/> A separate procedure is undertaken for</p>

<sup>8</sup> In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

	authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin. This is the reason of the answer above 7.1 b). During the period of accreditation, an AAB can grant the accreditation to work in one or more other States of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup> If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin ( <i>e.g.</i> , requirements that the body must have a local representative in the State of origin, or must establish a local office).	AABs already authorised can be accredited for more Countries. For the requirements see the answer above 6.1 b). In addition CAI regulation 13/2008 provides specific studies, works and requirements that AABs must respect in applying to be authorised to work in a new Country; application can be delivered to CAI every year from the 1 <sup>st</sup> of January to the 31 <sup>st</sup> of March. A specific written study on the single Country AAB applies is required and the final decision from CAI depends also on several external elements (from the number of AABs in the Country to the specific situation of abandoned children and many others).
e) For how long is authorisation granted?	See the answer above 6.1 c).
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	See the answer above 6.2 b).
<b>7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States</b>	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff <sup>10</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	See the answer above 6.1 b) and 6.2 b).
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked ( <i>i.e.</i> , withdrawn).	See the answer above 6.1 d).

<sup>9</sup> In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

<sup>10</sup> For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.



## 8. Approved (non-accredited) persons (Art. 22(2))<sup>11</sup>

Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?

**N.B.** see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the [Status Table](#) for the 1993 Convention, available on the [Intercountry Adoption Section](#) of the Hague Conference website.

If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>12</sup>

- ☐ Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:

☒ No

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

### 9. The adoptability of a child (Art. 4 a))

Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied *in addition to* the requirements of the State of origin?

- ☐ Yes – please specify:
- ☒ No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.

### 10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (i.e., proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?

- ☒ Yes – please specify: the child has been declared adoptable for ICA by the Country of origin competent authorities.
- ☐ No

### 11. Children with special needs

Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?

- ☐ Yes – please provide the definition used in your State:
- ☒ No – the definition used in the State(s) of origin is determinative.

### 12. The nationality of children who are adopted intercountry<sup>13</sup>

Do children who are adopted intercountry to your State acquire the nationality of your

- ☒ Yes, always. Please specify:
- (i) At what stage nationality is acquired by

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

<sup>13</sup> Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

State?	<p>the child: The adopted child acquires Italian citizenship as a result of the transcription of the adoption order in the civil status registers (Art. 34 (3), L. 184/1983); and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision): See the answer above 12 (i).</p> <p><input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents ("PAPs"), whether the child loses his / her nationality of the State of origin):</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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## PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

### 13. Limits on the acceptance of files

<p>a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: Art. 6, L. 184/1983:</p> <ol style="list-style-type: none"> <li>Adoption shall be permissible for spouses who have been married for at least three years. Spouses must not be, or have been in the previous three years, separated, not even de facto.</li> <li>The spouses must be effectively suited and able to raise, educate and maintain the children whom they wish to adopt.</li> <li>PAPs must be at least eighteen and no more than forty-five years older than the adopted child.</li> <li>The requirement of a stable relationship under Paragraph 1 may be deemed to be met also if the spouses have stably and continuously lived together before marriage for a period of three years, in the case JC finds the continuity and stability of their cohabitation, having regard to all the circumstances of the specific case.</li> <li>The limits under Paragraph 3 may be departed from should JC find that failure to adopt would entail serious harm, not otherwise avoidable, for the child.</li> <li>Adoption shall not be precluded where the maximum age limit for PAPs is exceeded by one of them only by not more than ten years, or where they are parents of natural or adoptive children of which at least one is a minor, or where the adoption concerns a sibling of a child already adopted by them.</li> <li>The same couple shall be allowed more adoptions, also by subsequent acts. The fact of having already adopted a sibling of the adoptee, or of having applied to adopt several siblings, or declared the willingness</li> </ol>
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	<p>to adopt children in the circumstances indicated in Art. 3 (1) L.104/1992 on welfare, social integration and rights of persons with disabilities shall confer preference for the purposes of adoption.</p> <p>8. In cases of adoption of children over twelve or with declared impairments pursuant to Art. 4 L. 104/1992, State, Regions and Local Authorities may intervene, within their own powers and in view of the financial resources available on their respective budgets, with specific measures of an economic nature and, where appropriate, also through measures supporting education and social integration, until the adoptees reach the age of eighteen.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?</p>	<p><input type="checkbox"/> Yes, please specify whether any limits are applied: Art. 31 (3), letter b), L. 184/1983: AAB appointed to carry out the ICA procedure shall:</p> <p>b) carry out the adoption formalities with the competent authorities in the Country selected by PAPs from among those with which it maintains relations, and send them the adoption application along with the decree of eligibility and the annexed report, so that the Foreign Authorities may make proposals to match PAPs and the child;</p> <p><input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

## 14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption<sup>14</sup> (Art. 5 a))

### 14.1 Eligibility criteria

<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples: See the answer above 13.</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Single men:</p> <p><input type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status</p>
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<sup>14</sup> I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

	criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Minimum age requirements: <input type="checkbox"/> Maximum age requirements: <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: PAPs must be at least eighteen and no more than forty-five years older than the adopted child. <input checked="" type="checkbox"/> Other (please specify): See the answer above 13. <input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): See the answer above 13. <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
<b>14.2 Suitability assessment<sup>15</sup></b>	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	JC decide on the suitability assessment, with the information collected and evaluation elaborated by territorial SSs.
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	<p>Art. 29-bis (3-5), L. 184/1983 provides:</p> <p>3. Unless JC feels it necessary to issue an immediate decree of ineligibility because of evident failure to meet the requirements, it shall transmit, within fifteen days of presentation, a copy of the statement of availability to the appropriate services of Local Authorities.</p> <p>4. SSs of Local Authorities, operating individually or jointly, and where appropriate with the help of Local Healthcare and Hospital Authorities, shall perform the following activities:</p> <p>a) provide information on ICA and related procedures, on AABs and on other forms of solidarity towards children in hardship, where appropriate in co-operation with the AABss referred to in Art. 39-ter;</p> <p>b) prepare PAPs, also in co-operation with the mentioned AABs;</p> <p>c) gathering data on the personal, family and healthcare situation of PAPs, on their social environment, the reasons why they wish to adopt, their aptitude for taking an ICA upon themselves, their ability to meet the</p>

<sup>15</sup> This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

	<p>needs of one or more children in a satisfactory manner, any particular characteristics that the children they wish to adopt might have, and any other relevant information to enable JC to assess their eligibility to adopt.</p> <p>5. SSs shall forward to JC a report on the activity carried out, including all the points referred to in Paragraph 4, within four months following the transmission of the declaration of availability.</p> <p>Art. 30, L. 184/1983 provides:</p> <ol style="list-style-type: none"> <li>1. Once JC has received the report referred to in Art. 29-bis (5), it shall hear PAPs, also through a delegated judge, arrange any enquiries that might be necessary and issue a motivated decree certifying that the conditions to adopt exist or do not exist within the following two months.</li> <li>2. The decree of eligibility to adopt shall have effect for the entire duration of the procedure, which shall be initiated by the PAPs within one year of receipt of the notification of the measure. The decree shall also contain indications to ensure that PAPs and the child are brought together in the best possible manner.</li> <li>3. The decree, a copy of the report and of any documents in the files shall be transmitted immediately to CAI referred to in Art. 38 and to AAB, if already specified by PAPs, referred to in Art. 39-ter.</li> <li>4. If the decree of eligibility to adopt is revoked, after having heard the interested parties, because of new circumstances that have a significant effect on the eligibility decision, JC shall immediately inform of the measure CAI and AAB referred to in Paragraph 3.</li> <li>5. The decree of eligibility or unsuitability and the decree of revocation can be appealed by Public Prosecutor and interested persons to the Court of Appeal pursuant to Arts. 739 and 740 of the Civil Procedure Code.</li> </ol>
<b>14.3 Final approval</b>	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	JC (see the answer above 14.2).

### 15. Preparation and counselling of PAPs (Art. 5 b))

<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> <li>- Whether the courses are mandatory: There are different kind of courses an training organised in Italy: the training activity organised at Regional end Local level by SSs and by AABs, with the involvement of other organisations, among them the family associations.</li> <li>- The courses and training organised for PAPs at Regional and Local level by SSs are not mandatory, on the contrary the courses and training organised by AABs are mandatory for PAPs taken in charge.</li> <li>- At what stage of the adoption procedure they are offered: From the beginning of the procedure (for SSs) and from the assignement (for AABs).</li> <li>- Who provides the courses: See the previous answer.</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): both.</li> <li>- Whether they are provided "in person" or electronically: until the end of February 2020 only "in person", during the lockdown period (March-May 2020) only electronically by videoconference (<i>i.e.</i>with Zoom, Teams platforms), from June 2020 both.</li> <li>- How many hours the courses last: it depends.</li> <li>- The content of the courses: Various.</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs: it depends.</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: it depends.</li> </ul> <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>Yes, but it depends from the experiences of territorial SSs and of AABs.</p>

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

### 16. Applications

<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>To JC. Art. 29-bis (1) L. 184/1983, provides: "1. Persons resident in Italy who meet the conditions set out in Art. 6 and wish to adopt a foreign child residing abroad shall submit a statement of availability to JC of the district in which they are resident and shall ask JC to declare that they are eligible to adopt."</p>
<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:<sup>16</sup></p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain</p> <p>- marriage certificate;</p> <p>- if the couple has been married for less than three years, documents demonstrating cohabitation for the three years preceding the marriage;</p> <p>- PAPs' photo;</p> <p>- PAPs' identity card.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p>

<sup>16</sup> Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

<sup>17</sup> See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	<p>Art. 31 (1), L. 184/1983 provides:</p> <p>"1. PAPs who have obtained the decree of eligibility shall appoint one of AABs referred to in Art. 39-ter to carry out the ICA procedure."</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input checked="" type="checkbox"/> Other (please specify): the main ones are:</p> <ul style="list-style-type: none"> <li>- assignment of AAB appointed;</li> <li>- JC decree of suitability to adopt;</li> <li>- SSs report;</li> <li>- PAPs commitment to respect the deadlines for sending periodical post-adoption reports.</li> </ul> <p><input type="checkbox"/> No</p>

### 17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>AAB.</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: there are different forms, adopted at Regional level.</p> <p><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>There are no time limits, but the appointment of AAB by PAP is valid for one year.</p> <p>Art. 30 (2), L. 184/1983 provides:</p> <p>"2. The decree of eligibility to adopt shall have effect for the entire duration of the procedure, which shall be initiated by the PAPs within one year of receipt of the notification of the decree. The decree shall</p>



	also contain indications to ensure that PAPs and the child are brought together in the best possible manner."
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	AABs.

### 18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	AAB.
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<input checked="" type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

### 19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

#### 19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	AAB.
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#### 19.2 Acceptance of the match

a) Does your State require that the matching be accepted by a competent authority in your State?	<p><input type="checkbox"/> Yes, please provide the following details:</p> <ul style="list-style-type: none"> <li>- Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority):                      and</li> <li>- The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs):</li> </ul> <p><b><u>Go to Question 19.2 b)</u></b></p> <p><input checked="" type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:</p> <p>Art. 31 (3), letters c) to i), L. 184/1983 provides:</p> <p>3. AAB appointed to carry out the adoption procedure shall:</p> <p>...</p> <p>c) obtain from the Foreign Authority the proposal for the matching between PAPs and the child, ensuring that the proposal is accompanied by all available information pertaining to the child's health, family of origin and background;</p>
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	<p>d) transmit all information and data regarding the child to PAPs, inform them of the proposal for the matching with the child and assist them with all the procedures to be followed in the Foreign Country;</p> <p>e) receive PAPs' written consent to the matching between them and the child, as proposed by the Foreign Authority, certify their signatures and transmit the deed of consent to the Foreign Authority, and carry out any other procedures the latter requires. PAPs' signatures may also be certified by the Municipal Official delegated to perform this task, by a Notary or by a Clerk of any Court Office;</p> <p>f) receive from the Foreign Authority a statement to the effect that the conditions set out in Art. 4 of the Convention are met and agreed with the same Authority, where the requirements have been met, on whether it is appropriate to proceed with the adoption; should this not be the case, it shall acknowledge the lack of a decision and immediately inform CAI referred to in Art. 38 and give grounds. When so requested by the Country of origin, it shall approve the decision to place the child or the children with PAPs;</p> <p>g) immediately inform CAI, JC and territorial SSs of the placement decision of the Foreign Authority. It shall also apply to CAI for the child's or children's authorisation to enter and reside permanently in Italy and submit the necessary documentation;</p> <p>h) certify the date of placement of the child with the foster spouses or adoptive parents;</p> <p>i) receive from the Foreign Authority a copy of the acts and documentation regarding the child and send them immediately to JC and CAI;</p> <p><b><u>Go to Question 19.2 c)</u></b></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<p><input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:</p> <p><input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<p><input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): counselling and assistance by AAB and, on request, by SSs.</p> <p><input type="checkbox"/> No</p>

## 20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in	CAI Art. 32, L. 184/1983 provides:
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accordance with Article 17 c)?	<ol style="list-style-type: none"> <li>1. Once it has received the acts referred to in Art. 31 and evaluated the conclusions expressed by AAB, CAI referred to in Art. 38 shall declare that the adoption is in the child's best interest and shall authorise the child to enter and reside permanently in Italy.</li> <li>2. The declaration referred to in Paragraph 1 shall not be permitted: <ol style="list-style-type: none"> <li>a) when the documentation transmitted by the authority of the Foreign Country does not demonstrate a child's state of abandonment and the impossibility to place or adopt the child in the Country of origin;</li> <li>b) if in the Foreign Country the adoption does not result in the acquisition of the status of legitimate child and the termination of the legal relationship between the child and his/her family of origin, unless his/her biological parents have given their express consent to these effects;</li> </ol> </li> <li>3. Even when the adoption declared in the Foreign Country does not result in the termination of the legal relationship with the family of origin, it may be converted into an adoption producing such effects if JC recognises it as being in conformity with the Convention. Registration shall be authorised only if conformity is recognised.</li> <li>4. Italian Consular Offices abroad shall co-operate with AAB, insofar as they are competent to do so, to ensure the positive outcome of the ICA procedure. After receiving the formal communication from he CAI pursuant to Art. 39h(1), they shall issue the child with an entry VISA for adoption.</li> </ol>
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input checked="" type="checkbox"/> Our State waits for the State of origin to provide its agreement first <b>OR</b> <input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted <b>OR</b> <input type="checkbox"/> Other (please specify):

## 21. Travel of the PAPs to the State of origin<sup>18</sup>

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: Usually not at all. Only in one case during the pandemic lockdown in 2020, in which Italian adoptive parents were unable to pick up the children in their Country of origin, with whom adoptive parents had already concluded the previous stages of the ICA

<sup>18</sup> See GGP No 1, *supra*, note 13, Chapter 7.4.10.

	procedure. <input type="checkbox"/> No
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## 22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)

a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	See the answer above 20 a).
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	The following documents: 1. Adoption decision; 2. Birth registration certificate; 3. Passport; 4. VISA; 5. Art.23 certificate.
c) Which of the documents listed in response to Question 22 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	The number 4, by the Italian Embassy.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	AAB, before the departure from the State of origin, have to inform CAI, JC and SSs and have to request to CAI the authorisation for the child to enter and to reside permanently in Italy, as provided by Art.31g(3), L. 184/1983.

## 23. Final adoption decision and the Article 23 certificate

a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23?  <i><b>N.B.</b> According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</i>	(i) JC (ii) CAI.
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?  <i>See GGP No 1 – Annex 7.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</i>	AAB send to CAI the Art.23 certificate, that is issued by the competent authority of the State of origin and it is processed promptly by CAI.
d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	CAI and also JC and SSs, see the answer above 22 d).

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an " <i>intra-family</i> intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	In Italy the adoption (both, ICA and domestic adoption) procedure is a judicial procedure, and the competent authority to recognise an ICA decision is JC. Art. 44a(1), L. 184/1983, provides: 1. Children can be adopted even when the conditions referred to in Art. 7 (1) are not met: a) by persons joined to the child by a bond of kinship up to the sixth degree or by a pre-existing stable and lasting relationship, when the child is an orphan of father and mother;
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?  <i><b>N.B.</b> If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – <b><u>go to Question 25</u></b> <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b><u>Go to Question 25</u></b> <input type="checkbox"/> No – <b><u>go to Question 24 c)</u></b>
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

## PART VIII: SIMPLE AND FULL ADOPTION<sup>19</sup>

25. Simple and full adoption	
<p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify: Only in certain circumstances in domestic adoption.</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases:</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 26</b></p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

## PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>CAI and JCs.</p> <p>By Art. 6p(1), D.P.R. n.108/2007, it is provided that CAI:</p> <p>p) where necessary require that the AABs perform the activities and produce the documents that are essential for post-adoption follow-up; to this end the SSs shall also co-</p>

<sup>19</sup> According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

	operate as decided by the Joint Conference pursuant to Article 8 of L.D. No 281 of 28 August 1997, as subsequently amended;
b) For how long is the information concerning the child's origins preserved?	there are no time limits to preserve this kind of data.
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: After JC have answered positively to a request made by the adoptee, as provided by the Art. 28 (5-8), L. 184/1983, as follow: "5. On reaching the age of twenty-five, the adoptee may have access to information concerning his/her origin and the identity of his/her biological parents. He/she may do so also on reaching majority, where serious, proven grounds pertaining to his/her mental or physical health exist. The application shall be submitted to JC of the place of residence.</p> <p>6. JC shall hear whomever it deems appropriate; it shall gather all information of a social and psychological nature for assessing whether access to the information referred to in Paragraph 5 may lead to severe disruption of the applicant's mental or physical balance. After completing enquiries JC shall authorize access to the requested information by decree.</p> <p>7. Access to information shall not be permitted to a mother who stated at the child's birth she did not want to be named pursuant to Art. 30(1) of Presidential Decree No 396 of 3 November 2000.</p> <p>8. Without prejudice to the foregoing Paragraphs, authorization is not required in the case of adoptees who have reached majority and whose adoptive parents are dead or cannot be traced."</p> <p><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria: The only information given to the adoptive parents are the information contained in the adoption decision. <input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<p><input checked="" type="checkbox"/> Yes – please specify: From the territorial SSs specialised in adoption matters.</p> <p><input type="checkbox"/> No</p>

e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input checked="" type="checkbox"/> Yes – please specify: For domestic adoption, assistance is offered by territorial SSs specialised in adoption matters. For ICA it depends, some AABs that inter alia organise the visit into the Country of origin of the adoptees (without any contact with the biological family) provide also further assistance.  <input type="checkbox"/> No

## 27. Post-adoption reports

a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	Responsibles to write and to send such reports are AABs if they have in charge the adoptive parents until the post adoption phase. In the other cases, responsables to write such reports are SSs, CAI is responsible to send it to the State of origin CA.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):  <input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child's development, schooling): All the information on the child's psycho-physical development, child's environment (family, school and social environment, etc.) and medical information.
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	There is a interactive informatic monitoring system made by CAI.

## 28. Post-adoption services and support (Art. 9 c))

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>Territorial SSs specialised in adoption matters. Concerning cases of special needs children, specialised services are also involved (i.e. child's neuropsychiatry).</p>
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## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>20</sup>

**Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.**

29. The costs <sup>21</sup> of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework:</p> <p>Art. 39-ter (1), L. 184/1983 provides:</p> <p>In order to obtain the accreditation required by Art. 39c(1), and to keep it, AABs must possess the following requirements:</p> <p>d) not for profit, to ensure absolutely transparent accounting management, including on the costs needed for the achievement of the procedure, and a correct and verifiable operating method;</p> <p>Art. 14 (3), D.P.R. 108/2007 provides:</p> <p>AABs periodically makes available, also through its own publications, the quantitative data relating to the activity carried out, the operating methods, the costs of the activity and the costs for ICA.</p> <p>(i.e. in a webpage of AABs websites).</p> <p>Art. 6 (1), letter n), D.P.R. 108/2007 provides:</p> <p>n) informs the community about the instrument of ICA, the relative procedures, AABs that handle the ICA procedure, the States in which they can operate, with an indication of the costs and the average achievement times procedures, periodically updated and distinguished according to the children's States of origin; provides suitable tools to allow private and public access to information.</p> <p>(i.e. the the transparent portal, published in CAI website at the following webpage:  <a href="http://www.commissioneadozioni.it/per-una-famiglia-adottiva/adozione-trasparente/">http://www.commissioneadozioni.it/per-una-famiglia-adottiva/adozione-trasparente/</a> );</p> <p>Art. 15 (2), D.P.R. 108/2007 provides:</p> <p>CAI, also through meetings with the representatives of AABs, favors the adoption of homogeneous methodologies and methods of intervention, as well as the definition of uniform parameters of congruity of the costs of the ICA procedures.</p> <p>Finally, it should be noted that each AAB draws up a "Service Charter" ("Carta dei Servizi") which lists the costs envisaged for the ICA procedure of each State of origin in which they act. This "Service Charter" is delivered to the PAPs at</p>

<sup>20</sup> See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

<sup>21</sup> See the definition of "costs" provided in the harmonised Terminology, *ibid*.

	<p>the assignment of AAB appointed.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: AABs communicate to CAI the costs for each ICA and at the end of each ICA procedure they are required to send the costs incurred by the PAPs.</p> <p>If discrepancies are found or clarifications are required, CAI requests to ABB additional information or documents.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body: All payments, both in Italy and in the State of origin, must be made in a traceable manner, i.e. not in cash.</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<p><input checked="" type="checkbox"/> Only by bank transfer: See the answer above 31 c).</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>AABs.</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: See the answer above 29 a).</p> <p><input type="checkbox"/> No</p>

### 30. Contributions, co-operation projects and donations<sup>22</sup>

<p>a) Does your State permit contributions<sup>23</sup> to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- What type of contribution is permitted by your State:</li> <li>- Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body):</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input checked="" type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> <li>- What type of co-operation projects are permitted by your State: Different cooperation projects are admitted and financed by CAI:</li> <li>- 1. Cooperation projects made by CA of State of origin in the framework of a specific bilateral financial agreement, <i>i.e.</i> between CAI and DOA (Viet-NamCA) for a training project or between CAI and ISS-SSI for DPE (Burkina Faso CA) for a training project;</li> <li>- 2. Cooperation projects made by Italian AABs - as provided by Art. 39 ter f(1), L. 184/1983 - inside a call of proposal with a specific procedure included in the call (see the last call published in the following CAI webpage: <a href="http://www.commissioneadozioni.it/notizie/aperto-il-bando-per-il-finanziamento-di-progetti-di-cooperazione-internazionale/">http://www.commissioneadozioni.it/notizie/aperto-il-bando-per-il-finanziamento-di-progetti-di-cooperazione-internazionale/</a> );</li> <li>- Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): Both: CA of State of origin or Italian AABs.</li> <li>- Whether such projects are mandatory according to the law of your State: NO, but Art. 39 (1), L. 184/1983 Italian provides that CAI shall:</li> <li>- f) promote co-operation amongst the various operators in the field of ICA and of child protection;</li> <li>- g) promote training schemes for persons operating or intending to operate in the ICA field;</li> <li>- Art. 39-ter (1), L. 184/1983 provides that, in order to obtain and maintain the accreditation envisaged in Art. 39c(1), L. 184/1983, AABs</li> </ul>

<sup>22</sup> See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

<sup>23</sup> See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	<p>shall:</p> <ul style="list-style-type: none"> <li>- f) undertake to participate in activities promoting the rights of children, preferably through development aid projects, including co-operation with non-governmental organisations, and activities implementing the principle of subsidiarity in ICA in the children's States of origin;</li> <li>- Whether such projects are monitored by an authority / body in your State: activities and costs are monitored by CAI Technical Secretariat.</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: By the attention made by CAI in the different steps: negotiation of financial bilateral agreements or redaction of call of proposals; monitoring of the activities and costs by requiring all the documentation that prove the realisation of the mentioned activities and costs; by financing the cooperation project only after the presentation from AABs and CAI approval of the final activities and financial reports.</li> </ul> <p><input type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><b><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</i></b></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- To whom donations may be made (e.g., to orphanages, other institutions and / or birth families):</li> <li>- What donations are intended to be used for:</li> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): only AABs.</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid: Never during a ICA procedure, as provided by chapter 6 last paragraph of Guidelines of AABs approved in 2005 and currently under review.</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: See the previous answers.</li> </ul> <p><input type="checkbox"/> No</p>

### 31. Improper financial or other gain (Arts 8 and 32)

a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	CAI, in cooperation with other Italian Institutions (i.e. Police, Prosecutor Office, Ordinary Court, etc.).
b) What measures have been taken in your State to prevent improper financial or other gain?	CAI has carried out a strong monitoring on the composition and on the activities of AABs, has imposed that payments for the ICA procedures, in Italy and in the State of origin, must be made in a traceable manner, has approved guidelines on AABs which also address the issue of improper financial or other gain (see chapter 6 of Guidelines of AABs of 2005, currently under review).

c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Sanctions to AABs and to adoptive parents by Ordinary Court, revocation of accreditation to AABs by CAI. See the answer above 31 b).
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## PART XI: ILLICIT PRACTICES<sup>24</sup>

32. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>25</sup>	CAI sends the information received on the case to the Prosecutor Office of the District of the residence of PAPs (or the District of last residence in Italy in case PAPs have transferred their residence in another State, or the District of Rome in case of the residence is unknown) or of the headquarter of AAB.

33. The abduction, sale of and traffic in children	
a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.  Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	Italian Criminal Code and Italian Criminal Procedure Code
b) Please explain how your State monitors respect for the above laws.	CAI monitoring of AABs activities and CAI monitoring of ICA procedures.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	Yes. See the answer above 31 b).

34. Private and / or independent adoptions	
Are private and / or independent adoptions permitted in your State?  <b>N.B.</b> "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.  Please tick all which apply.	<input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State: <input type="checkbox"/> Independent adoptions are permitted - please explain how this term is defined in your State: <input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted.

<sup>24</sup> "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >).

<sup>25</sup> *Ibid.*

## PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Same procedure of national PAPs habitually resident in Italy (see answers PART V and PART VI).</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: domestic adoption under the L. 184/1983.</p> <p><input type="checkbox"/> No</p>
<p>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?</p> <p><i>Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.</i></p>	<p>It will not be possible to obtain the VISA to come to Italy and to make the transcription of the adoption decision, except if adoptive parents already transferred their residence in the State of origin for the minimum period of time requested by the State of origin and, in this case, they have to proceed under the adoption in special cases (Art. 44 d(1), L. 184/1983).</p>

## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>28</sup>

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>During the last five years 2016-2020 (see also Annual statistics Italy 2016-2019):</p> <p>AFRICA:</p> <p>Benin, Burkina Faso, Burundi, Democratic Republic of Congo, Ivory Coast, Ethiopia, Guinea Bissau, Kenya, Madagascar, Mali, Nigeria, Popular Republic of Congo, Senegal, Togo, Tunisia;</p>

<sup>26</sup> According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

<sup>27</sup> According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

<sup>28</sup> In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

	<p>AMERICA: Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Haiti, Honduras, Mexico, Perú;</p> <p>ASIA: Armenia, Cambodia, China People's Republic, India, Indonesia, Kazakhstan, Mongolia, Philippines, South Korea, Taiwan, Thailand, Vietnam;</p> <p>EUROPE: Albania, Belarus, Bulgaria, Bosnia and Herzegovina, Czech Republic, Hungary, Kosovo, Latvia, Lithuania, Moldavia, Portugal, Poland, Romania, Russian Federation, Ukraine.</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>Information are previously collected by the following institutions: Italian Embassies, Italian AABs and ISS-SSI. With those information CAI activate a direct contact by mail with the CA, that can lead to the signature of a bilateral agreement.</p> <p>As far as CAI knows, Italy is only partner with Belarus.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.<sup>29</sup></p>	<p>By the Country of origin legislation analysed, and by information received by Italian Embassies, AABs and ISS-SSI.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement<sup>30</sup> with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>31</sup> The signature of a bilateral agreement (i.e. with Russian Federation CA; with Ukraine CA under negotiation).</p> <p><input type="checkbox"/> No</p>

<sup>29</sup> See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

<sup>30</sup> See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

<sup>31</sup> *Ibid.*