

EuroAdopt Council Meeting 2014

Country Report ITALY 2013

I. Statistical data about the whole country, how many children from which countries of origin were adopted and other information considered relevant.

Statistical data on Intercountry adoptions are collected and shared by the Italian Central Authority in its annual report.

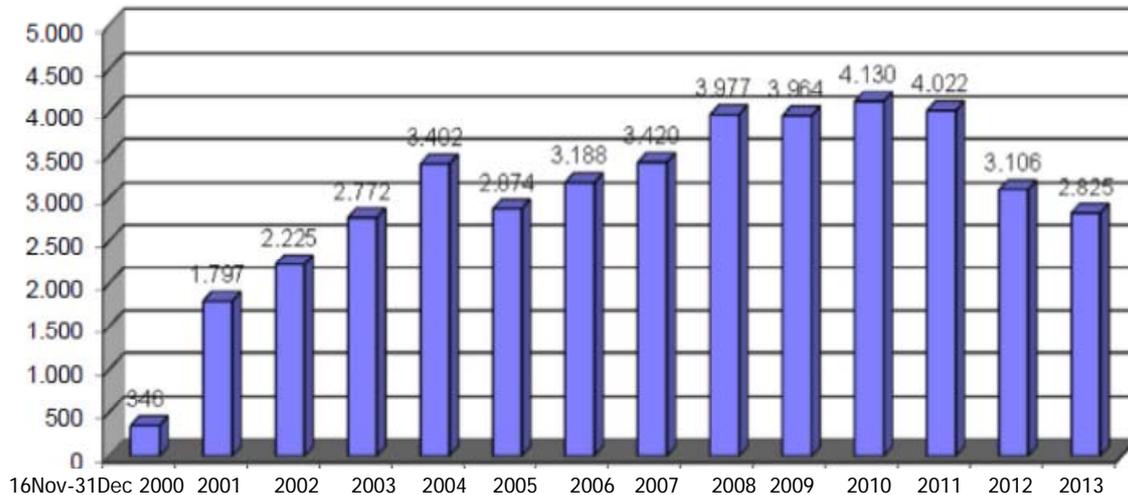
The most recent report, containing provisional data, has been published on February 2014. According to it, in 2013 2.825 children, coming from 56 different countries, were adopted by 2.291 Italian couples.

The average age of the children arrived in 2013 is about 5,5 yrs (in 2012 the average age was 5,9). The 47,6% of them come from Countries that haven't ratified the Hague Convention: among those we have Russia and Ethiopia, from where arrived the 36,4 % of the children. Ethiopian children are among the youngest ones, with an average age of 2,3 yrs. Ethiopia doesn't even have a bilateral agreement with Italy.

| Countries of Origin | Number of adopted children | Percentage |
|---|----------------------------|------------|
| Russian Federation | 730 | 25,8 |
| Ethiopia | 293 | 10,4 |
| Poland | 202 | 7,2 |
| Brazil | 187 | 6,6 |
| Colombia | 179 | 6,3 |
| China | 161 | 5,7 |
| Democratic Republic of Congo | 159 | 5,6 |
| Ukraine | 146 | 5,2 |
| Bulgaria | 105 | 3,7 |
| Vietnam | 79 | 2,8 |
| India | 76 | 2,7 |
| Chile | 71 | 2,5 |
| Peru | 58 | 2,1 |
| Hungary | 44 | 1,6 |
| Lithuania | 42 | 1,5 |
| Burkina Faso | 37 | 1,3 |
| Philippines | 27 | 1,0 |
| Burundi | 23 | 0,8 |
| Armenia | 16 | 0,6 |
| Latvia | 16 | 0,6 |
| Albania | 13 | 0,5 |
| Ecuador | 12 | 0,4 |
| Kenya | 12 | 0,4 |
| Mexico | 10 | 0,4 |
| Senegal | 10 | 0,4 |
| Others (31 Countries, from where less than 10 children each were adopted) | 117 | 4,1 |
| Total (55 Countries) | 2.825 | 100,0 |

The following figure shows foreign children adopted in Italy from 16/11/2000 to 31/12/2013.

Data are collected on the basis of authorizations released by the Italian CA.



Comparing to the previous year, in 2013 intercountry adoptions decreased by 9,1% in terms of children entered and by a 7,2% in terms of number of adoptive parents.

In 2012, Italy had already registered a decrease of 22,8% of the number of children adopted, comparing to 2011. Despite this, in 2012 Italy was second only to USA as far as number of adoptions concluded is concerned. We still don't have data for 2013.

The Italian Central Authority explains this phenomenon according to the world general trend and to the "closure" shown by Colombia, Brazil and Ukraine.

Last Year - as underlined in last year Country Report -, the Italian Children Bicameral Commission explained this decrease as the consequence of less adoptive families available to adopt, because of both high cost and very long and complex intercountry adoption procedures.

According to the data published in February 2014, updated till the end of 2012, couples who presented their availability to intercountry adoption were in total 5.057, with a decrease of only 5,5% respect 2011 and a decrease of 17% respect 2010. About 85,9% of the available couples obtained a suitability decree (4.342), which registers a decrease of just 4% respect 2011 and of almost 6% respect 2010.

According to these data, it seems hard to consider the lower number of available families as the principal cause of intercountry adoption decrease and in any case it seems reasonable to consider other issues which need to be faced.

First of all, the more and more complex situation of adoptable children, who are mostly special needs.

Statistical data on National adoptions

From statistical data published by the Ministry of Justice on February 2014 and updated till the end of 2012, we know that:
Italian Juvenile Courts

- declared the adoptability of 1.410 children (337 born from unknown parents) increasing by 11,4% with respect to 2011;
- pronounced the adoption of 1006 children with a small decrease, just 1% with respect to 2011;
- pronounced the adoption of 658 children of so called "special cases" with a non full adoption status (these are basically adoption of the spouse's child and other adoptions pronounced when foster care is impossible pronounce),
- received 10.244 availabilities to adopt at national level, with an increment of 4,5% with respect to 2011.

So it seems that although we have more children free for adoption, there are less adoptions, even though there's a high number of available families: about 33.256 as of 31st of December 2013.

II. Information about the adoption law and relevant adoption guidelines or adoption policy in the country, especially about changes or new developments.

National and International Adoption procedures are regulated by Law N°184 of May 1983, later modified by Law N°476 of December 1998, which ratified the 1993 Hague Convention, and Law N°149 of March 2011, which introduced some adjustment aiming at strengthening the principle of the best interest of the child in all existing measures concerning child protection.

National Adoptions are completely managed by Juvenile Courts and Local Social Services; Intercountry Adoptions are under the control of the Central Authority and Accredited Bodies.

In February 2013 a database was created which shall include all adoptable children and perspective adoptive parents in Italy. The database, as provided by law 149/2001 article 40, is expected to connect the 29 Juvenile Courts in Italy, in order to share all information and consequently facilitate National Adoption. However, after more than one year, the database is not fully working and the Ministry has not officially provided complete data. The Ministry of Justice informally informed Ai.Bi. that by June 2013 there were 1.491 children available for adoption.

Still concerning national adoptions, and particularly the procedure for the declaration of child adoptability, the Italian Decree N°154 of 28/12/2013 finally put into force Law N°219, 10/10/2012, aligning all diverse categories of son and daughters, as for natural, biological, legitimate, adoptive. Now they are all sons and daughter with same rights and duties. This law has been also important because it modified one article applying in the procedure aiming at ascertain and declare child adoptability by Juvenile Courts: since last 7 February 2014 Courts can declare child adoptability when family of origin do not respect their prescriptions towards the strengthen of the relation with their child and it's proved that parenting skills will not be recovered in a "reasonable time".

III. Information on how accredited adoption organisations were financed in the country.

From last year report, there is nothing to report.

Adoptive parents still pay their own adoption procedure, since nothing is foreseen by Italian law in order to support them economically.

The only accredited organization that receives public funding from its Region, is the Regional Agency of Piemonte, the only public accredited organization.

In early 2012 a special fund was provided to refunds adoptive families who concluded their procedure in 2010 and 2011. Since then no further funds were provided.

The Subsidiarity Calls published by the Italian Central Authority, in order to finance cooperation projects is usually published every two years. Last Call was in June 2011. No more calls were published since then.

So far, adoptive families receive just an indirect support as they can deduct the 50% of the amount spent for each adoption procedure from their annual taxation.

National adoptions procedures are free of charge.

IV. Information on the interaction between the CA and the accredited organisations, e.g. how does the CA supervise the accredited organisations, how much independence from the CA do the accredited organisations have when working with individual adoptions cases

The Italian CA has by law the main duty to ascertain that all accredited organization possess and maintain the necessary legal requirements to carry out all activities concerning adoption procedures. It keeps and publishes the register of accredited bodies. The CA monitors the work of the accredited organizations and subjects them to controls and checks that may also lead to withdrawal of authorization in the event of severe shortcomings. It also organizes periodical meetings with representatives of the accredited organizations, and ensures that they are evenly distributed over the national territory.

It authorizes entry into Italy of each individual child adopted or fostered in view of adoption; it assesses the conclusions on the match of adoptive couple and child that the authorized organization has consented to and declares that the adoption responds to the best interest of the child.

According to the text of law 1984/1983 modified after the ratification of 1993 Hague Convention, the CA supervises all accredited bodies during each adoption procedure also through a web portal, where each organization has to fill in every step taken for each adopting couple: since the beginning of the procedure, when the family give the power to the organization, till the very end of it, when the last follow up report is sent abroad.

During the biennium 2012-2014 the CA has not played a full role in constant interaction with accredited organizations, probably because of the changes in government and a lack of foreign policy on the issue of the intercounty adoptions.

V. Information on how many accredited organisations exists in the country and which of them have been accredited during the report period

There is a total of 62 accredited organisations in Italy. The number is still too high according to both CRC Committee and the Italian Parliamentary Committee competent for children competent in the past legislature ("*Commissione Bicamerale per l'infanzia e l'Adolescenza*"), which time ago underlined the importance of either decrease the number and increase the quality of the services provided by accredited organization, through a deeper control on their work.

VI. Any other information about each EurAdopt member in the country that may be of interest to other members, for instance what was difficult, what good experiences the member could make during the report period

Kyrgyzstan:

In 2012, a fraud to the detriment of 30 Italian couples was reported.

These families were about to adopt their children in Kyrgyzstan, where they found out that the intermediary of the Accredited Body, met on-site, turned out to be a trickster, having matched the same child to more families, or matched small children not adoptable.

The Italian Central Authority laid all responsibility on the Accredited Body (Airone), revoking its license.

As a consequence, in March 2013 CAI decided to revoke all authorizations released to Italian Accredited Bodies working in Kyrgyzstan.

Democratic Republic of Congo:

On September 27, the National Director of Migration (DGM) at the Ministry of Interior and Security of the Democratic Republic of Congo informed all the Embassies of the countries hosted, the suspension for 12 months - starting from September 25th, 2013 -, of all procedure to release the exit permit in favour of children adopted by foreign families.

The Congolese authorities took this decision after having learned that some children, once arrived in receiving country, would have been adopted by new families. Seeing this as a sort of child trafficking, the Congolese authorities decided to check the situation of past adopted children, with each receiving country. Despite the Italian Central Authority (CAI) and Democratic Republic of Congo suggested to postpone trips already planned to Congo, about 20 families left for the country, since all documents were verified. The President of CAI and the Italian Foreign Minister did all they could to let the children enter Italy with their families but the Congolese authorities denied to children the permission to leave the country.

At the end of 2013 families returned Italy, without their children.

It was announced the arrival in Italy of a Congolese delegation in the beginning of 2014: this never happened.

The Italian families are still waiting for their children's arrival in Italy.

VII. Future developments in the country and/or in the EurAdopt member organizations

Children adopted in Italy, both through National and Inter-country Adoption, are more and more grown up or with health problems or with adverse childhood experiences, according to the subsidiarity principle, affirmed by the Hague Convention. This implies a necessary and urgent support to families, above all during the post adoption period and possibly all lifelong.

Even Juvenile Courts, in a report presented by the Ministry of Justice and of Labor and Social Politics to the Deputy Chamber in December 2013, declares that post adoption support should be increased, in order to prevent risks of adoption failures.

So far there are no complete data on failures or on crisis of the adoptive project, it is known that Juvenile courts rarely take note of the failures both during pre-adoptive foster care or after the adoption pronouncement (only the 65% of Juvenile Courts in 2010).

There clearly is a need of strengthen the capacities and resources to train and follow-up of adoptive families.

Literature, based on international researches too, agrees that post adoption support to the adoptive family is fundamental, underlining that adolescence is the most complex period, subject to crisis.

Italian law 184/1983 provides agreement protocols at a Regional level aiming at coordinating the work of every single actor intervening in the international adoption procedure.

Unfortunately only few Regions foresee how to deal with international adoptions, and when they come to post adoption support, the public service guaranteed for a period that goes from 1 to 3 years, after the child has arrived. Only Region Piemonte has foreseen a specific support for those families who adopt children over 12 years old or handicapped children. Besides that, our national law does not provided mandatory post adoption services and the respect of post adoption reports requests by Country of origin is basically guaranteed by Accredited bodies.

On the contrary it's important that such a service is guaranteed in a continuous professional and specialist way by the same public sector. There are some Regional protocols that take up this issue in a quite diverse manner with involvement of different public and private bodies.

On a National basis, no research has been done so far about adoptive children's wellbeing, although it's one of the recommendations made both by the Italian CRC Network of Associations and the UN (CRC/ITA/CO/3-4, number 42).

An important decision by the Ministry of Education, University and Research (MIUR), communicated last February 4th 2014, was the derogation for adopted children to the mandatory starting time of school classes. The new rule gives adopted children the possibility to start school one year later than other children in order to consolidate language skills and strengthen relations in the new family.

Milano, March 24, 2014
CIAI and Ai.Bi.