

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

Name of State:	ITALY
Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State centralised, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify where the information is stored: CAI keeps all the documentation on the adoptive procedures, documentation which the adoptive family already has. Regarding the request for information on its biological roots, in Italy it is not managed by CAI but by the Judicial Authority (Juvenile Court), as indicated in Art.28, paragraph 5, Law 184/1983: "The adoptee, having reached the age of twenty-five, can access information concerning his origin and the identity of his biological parents. He can also do so with the age of majority, if there are serious and proven reasons related to his psycho-physical health. The application must be submitted to the Juvenile Court of the place of residence."</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee?</p> <p><input type="checkbox"/> Yes. Please provide its name and explain the services provided: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify how the search for the origins is handled: Because, as answered to the question No 1, the institution responsible of the search for origin is the Juvenile Court.</p>
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4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Recommendation No 21 is implemented in Italy by each Juvenile Court with the collaboration of Public Social Services.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs); The DNA testing to search for origin request is not the responsibility of the CAI, it is the responsibility of the Juvenile Court.</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; Please insert text here</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; Please insert text here</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. Please insert text here</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations? In this case, the CAI may request a contact from the Central Authority of the State of origin to provide support in this regard.</p>
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices. Any information on illicit practices that CAI becomes aware of, must be reported to the Children Public Prosecutor's Office.</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful (<i>e.g.</i>, the adoptee found his birth family); The CAI has no statistics on this.</p> <p>(b) how many were not successful and what were the reasons. Please insert text here</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p>

¹ [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: The Juvenile Court always provides an answer, even in the case of non-identifying information.</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>According to Italian legislation (see Art.28, paragraph 5, Law 184/1983), it is only the adoptee who can request information on biological parents and not the other way round.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: The post-adoption service is generally followed by the Accredited Body that took charge of the PAP at the beginning of the ICA procedure. The public social service is involved if the adoptive family requests it and even if the Accredited Body is no longer accredited, it no longer has the adoptive family in charge (at the request of the adoptive family, the Accredited Body, the CAI or the Juvenil Court). The good practice has been developed of involving the public social service in post-adoption more and more, especially where there are some difficulties/problems.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
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² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (e.g., child and adult adoptees, birth families, adoptive families); It is the Social Service which is responsible for adoptive matters and is structured into adoption teams made up of social workers, psychologists and other professionals involved from time to time (i.e. child neuro-psychiatrists). This Sociale Service is offered to the adoptive family (adults and children), with individual or family groups (composed by parents or adolescents) meetings, who must in turn agree to benefit of it.</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel); The responsibilities of the Public Administration are divided between health matters at the Regional level and social services at the Municipality level. Some Italian Regions have already activated network mechanisms involving also school and family associations.</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs); It depends on the situations and the division of responsibility envisaged at the Regional and Local level.</p> <p>(d) how, if there are different services, these various services are coordinated; The involvement of the various services is possible and depends on the situations and the division of responsibility of the single territories and services. Coordination is carried out by the manager responsible for the single service to which one must always turn.</p> <p>(e) how the post-adoption services are financed (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); If it is a public service, it is financed by the institution that manages the service: Region or Municipality; If it is a private service, it is financed by the adoptive family</p> <p>(f) the length of time this support is available. As for post-adoption reports, it depends on the regulation put in place by the State of origin of the adoptee, while as regards support for the adoptive family, it depends on the needs of the individual case.</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services.</p> <p>From the beginning of the judicial procedure to obtain the decree of eligibility by the adoptive couples, PAPSa are informed about it the existance of post-adotion services, post-adoption regulations and engagements and about the possibility for adoptees, adoptives families and birth familites to contact them. From the assignement of the Accredited Bodies, PAPs are also informed by them about it.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered: In Italy great importance is attached to the hearing and to the voice of the child. When we hearsthe family, we also hears the child. Certainly, in accordance with the age and maturity of the adoptee, who is generally heard starting from school age (6 years old) and involved in the interviews made with the adoptive families.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption</p>

	<p>services?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p style="padding-left: 20px;">A Guidelines on post adoption Services was made by ChildoNEurope Secretariat, Istituto degli Innocenti, Florence, in september 2007, more then ten years ago. The document is available at the following link: http://www.childoneurope.org/issues/adoption/post_adoption_seminar/post-adoption_def2.pdf</p> <p><input type="checkbox"/> No.</p>
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Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p> <p>See the training activity organised at national level by CAI in collaboration with Istituto degli Innocenti (now training on-line), but also the training activity organised at Regional and Local level by the Social Services and the Accredited Bodies, with the involvement of other organisations, among them the family associations.</p> <p>See the Guidelines to promote the right to study of the students adopted available at the following link: https://www.istruzione.it/allegati/2014/prot7443_14_all1.pdf</p> <p>See also the Guidelines on post adoption Services available at the link indicated in the previous answer n.17.</p>
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1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 20px;">It is foreseen from the beginning of the adoption procedure, with the assignment by PAP's to the Accredited Body.</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p> <p style="padding-left: 20px;">Please insert text here</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p style="padding-left: 20px;">When adoptees become adolescents, they can be more reticent about this fulfillment, especially if it is a question of sending photographs or participating in interviews with post-adoption services.</p>
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⁴ If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

	<input type="checkbox"/> No.
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>The CAI monitors this step and normally there are no critical issues, it works mainly with the effective collaboration of all the organisations/professionals involved, also with respect to the State of origin.</p>

1.4. Adoption breakdowns

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding intercountry adoptions which have broken down, please specify: ⁵</p> <p>(a) what have been the main causes of the breakdowns;⁶</p> <p>They can be various. Among others, i.e. the presence of pathologies not reported by the Country of origin, the presence of more serious children's pathologies than those indicated/detected by the Country of origin and difficulties on the part of the adoptive parents to manage these pathologies, conflicts within the couple of the adoptive parents and between the adoptive parents and the adopted child, in particular in his/her pre-adolescence/adolescence (see the research made by CAI and Istituto degli Innocenti in 2003, available at the following link: http://www.commissioneadozioni.it/media/1662/percorsi-problematici-adozione_studiricerche_3.pdf , an updated research still on going in 2020).</p> <p>(b) how your State has addressed these situations and whether your State has any good practices to share in this regard;⁷</p> <p>The competence regarding "uneasy situations" ("situazioni di pregiudizio") of the adoptee is managed by the Juvenile Court in collaboration with the local Social Services. The key is coordination between all the public institutional bodies involved (CAI, Juvenile Court, Local Social and specialistic Services) . In a network perspective, the Regions are urged to carry out specific projects for adoption breakdowns and some are already underway.</p> <p>(c) what support is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;</p> <p>The intervention of the local social and specialistic services is available (ie psychological or psychiatric support), but at the request of the adoptive family or on the provision of the Juvenile Court, which acted in the event of an "uneasy situation" ("situazione di pregiudizio") of the adoptee.</p> <p>(d) whether your State has developed any good practices to ensure that Recommendation No 19⁸ of the 2015 Special Commission is implemented:</p> <p><input checked="" type="checkbox"/> Yes. Please specify any good practices developed in this regard:</p> <p>The tools are all implemented, especially if accompanied by the high professionalism of</p>
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⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

⁶ If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

⁷ If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

⁸ C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

the operators and by a good selection of the adoptive parents, who must also accept the support as well as request it.

No. Please specify any reasons:

Please insert text here

(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

No. In the worst case scenario, a domestic adoption procedure is opened, but in no case was the request made by the adoptee to return to his country of origin.

(f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

There is no national database on it and a survey by the CAI with the collaboration of the Istituto degli Innocenti is underway.

(g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

Almost all cases.

(h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party);

It depends and evolves over time. It is usually higher in proportion to the Countries from which the greater number of adoptees comes.

(i) in line with **Recommendation No 20⁹** of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

Yes, but the Central Authority established under the 1996 Child Protection Convention is not the CAI. The Central Authority has been established under the Presidency of the Council of Ministers.

Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: Generally yes, however it is not a practice implemented by all Juvenile Courts and in all situations, as would be desirable.</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: Please insert text here</p>
24.	<p>Do your State's authorities consult with the Central Authority of the child's State of origin:</p>

⁹ C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: More than consultations, these are contacts that are managed by the CAI, evaluating case by case, and not in all cases.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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1.5. Other post-adoption matters

States of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption.</p> <p>It must be said that according to the Italian legislation on ICA (Law n.184 of 1983 and subsequent amendments), the obligation to monitor the evolution of the adoption process</p>

concerns only the first year of the child's entry into Italy. We therefore believe it is essential to have a Guide of Good Practices, to fill an existing gap, to support adoptees, adoptive parents and professionals in understanding the importance of this specific area of intervention, even after the first year of entry in Italy.

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the type of illicit practices which were discovered; Some cases of "suspected irregularity" during the ICA proceeding were reported and immediately, upon intervention of the CAI, were reported to the Public Prosecutor's Office, which carried out its investigations and who then archived the file.</p> <p>(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention; Please insert text here</p> <p>(d) how your State handled these situations; Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices. Among others, training and updating of the AABB personnel and good cooperation between the different institutions, in particular between CAI, Police and Judicial Authorities.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so; Please insert text here</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this may be done; Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average annulled per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p>

<input checked="" type="checkbox"/>	<p>Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so;</p> <p>We have to precise that there are different typologies of revocation. During the ICA proceeding:</p> <ul style="list-style-type: none"> - Revocation of the Judicial decision of eligibility of PAPs for adoption (Art.30, paragraphs 4 and 5, Law 184/1983; in charge: Juvenile Court); - Revocation of the placement of the child with the PAPs during or at the end of the pre-adoptive period (one year from the arrival of the child in the adoptive family), even before the end of the pre-adoptive period and take the measures set out in Art.21 of the Convention (Art.35, paragraph 4, Law 184/1983; in charge: Juvenile Court); - Revocation of the accreditation of accredited bodies in the case of serious failure to perform their duties, incapacity or infringement of the provisions of this Law (Art.39 paragraph 1 letter c), Law 184/1983, in charge: CAI); - Adoption has its effects from the date of the sentence. As long as the sentence is not enacted, both the adopter and the adoptee can withdraw their consent (Art.47, paragraph 1, Law 184/1983). <p>After the conclusion of the ICA proceeding, adoption can only be revoked:</p> <ul style="list-style-type: none"> - by the Court at the request of the adopter, when the adoptee over fourteen years of age has attacked the life of him or his spouse, of his descendants or ascendants, or has been guilty towards them of crime punishable by a penalty restricting personal liberty of at least three years (Art.51, paragraph 1, Law 184/1983); - When the facts provided for in the Art.50 have been carried out by the adopter against the adoptee, or against his spouse or descendants or ascendants, the revocation can be pronounced at the request of the adoptee or at the request of the Public Prosecutor (Art.52, paragraph 1, Law 184/1983). <p>(b) who can request the revocation (e.g., adoptee, adoptive parents, birth parents);</p> <p>See the previous answer n.32 (a).</p> <p>(c) the grounds upon which this is done;</p> <p>See the previous answer n.32 (a).</p> <p>(d) whether there is an age limit for the revocation of the adoption;</p> <p>See the previous answer n.32 (a).</p> <p>(e) the procedure involved;</p> <p>See the previous answer n.32 (a).</p> <p>(f) the number of intercountry adoptions which are on average revoked per year.</p> <p>We doesn't have this disaggregate data.</p>
<input type="checkbox"/>	No.

3. INTRAFAMILY ADOPTIONS

*In this Questionnaire, an "intrafamily adoption" is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively*

referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.¹⁰

3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input type="checkbox"/> The Central Authority.</p> <p><input checked="" type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p style="color: blue;">In Italy the adoption procedure is a judicial procedure, and the competent authority is the Juvenile Court.</p>
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p style="color: blue;">Please insert text here</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p style="color: blue;">Please insert text here</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p style="color: blue;">No guidelines. Concerning the ICA procedure, see adoption in particular cases as provided by Art.44, paragraph 1, letter a), Law 184/1983.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:¹²</p> <p style="color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
37.	<p>In your State, does the termination of the pre-existing legal relationship affect only the child and his or her mother and father, or does it also affect the other members of the family (see</p>

¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

¹¹ C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

¹² If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

	<p>Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response: Please insert text here</p>
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <p><input type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³ Please insert text here</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which other child protection measures are applied to protect children within the extended family: Please insert text here</p> <p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States: Please insert text here</p>

¹³ If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>Stepparent adoption is normally considered a domestic adoption, it is decided at the end of a judicial procedure that takes place before the Juvenile Court.</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>See answer n.42.</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions:</p> <p>Please insert text here</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p>See answer n.42.</p>

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to circumvent immigration laws?</p> <p><input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:</p> <p>The CAI don't have this kind of information.</p> <p><input type="checkbox"/> No.</p>
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4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State?</p> <p>The Italian law on adoption, custody and necessary measures in case of urgency applies to the foreign child who is in a state of abandonment (Art.37 bis, Law 184/1983). Italy is the State of habitual residence of the child, but it is not the State of habitual residence of the mother.</p> <p>(b) how was the child's habitual residence determined? Which factors were considered?</p> <p>Determining the child's habitual residence is a matter of fact, which must be determined on a case-by-case basis. If the child was born in Italy and has always remained in Italian territory he has his usual residence in Italy.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being</p>
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	<p>a domestic adoption or an intercountry adoption?</p> <p>Domestic Adoption.</p> <p>(d) what challenges did your State face in dealing with such situation(s)?</p> <p>Please insert text here</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States?</p> <p>No contact with the mother's country of residence is expected as a duty. However, if that State requests information on the child, Italy can provide information on the basis of Art.32 of the 1996 Child Protection Convention.</p>
47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child's habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>No, the concept of habitual residence is not conditioned by the history of the child, if the child was born and has always lived in Italy. The fact that the child or the mother are victims of trafficking, on the other hand, may affect the child's adoptability decision and the measures taken to protect it.</p>
48.	<p>Which actions would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in their State?</p> <p>See answer n.46 (a).</p> <p>(b) would determine the child's habitual residence not to be in their State?</p> <p>If the foreign child is in a state of abandonment, however, Art.37 bis Law 184/1983; if the child is not in a state of abandonment, the Italian judge declares himself incompetent to decide, but takes urgent measures to protect the child present in the Italian territory, until the State of habitual residence takes measures to protect him in accordance with Art.11 of the 1996 Child Protection Convention.</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.¹⁴

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:</p>
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¹⁴ See [Guide to Good Practice No 1](#), Glossary.

	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>We don't have statistical data on it.</p>
51.	<p>If your State permits both full and simple adoption, are simple adoptions encouraged / promoted?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>The simple adoption is issued on the assumption of the impossibility of pre-adoptive custody of the child pursuant to Art.44 lett. d) law 184/1983. It is considered a closure clause of the system, to be applied only in the event that it is impossible to reach the full adoption of the child, for example in the event that it is necessary to protect the emotional and educational bond of the child with a couple or a single person, who cannot adopt the child with full adoption.</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's consent to convert a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any challenges your State encounters with simple adoptions:</p> <p>Art.46, first paragraph, law 184/1983 provides that biological parents must give their consent to the adoption and that the Juvenile Court can also pronounce the adoption if it considers the refusal unjustified or contrary to the interest of the child, only when consent is refused by parents who have lost parental responsibility. On the basis of this law, the refusal of the biological parent who has not lost parental responsibility could therefore paralyze the adoption even if unjustified. Only from 2015 onwards a part of the jurisprudence has declared that the lack of consent of the parent having not lost parental responsibility if contrary to the interest of the child in establishing the adoptive bond can be overcome. Another problem regards the fact that the adoption in particular cases, even though constituting a relationship of filiation with both adoptive parents according to a part of the doctrine, would not constitute a parental bond with the other members of the adoptive family pursuant to Art.74, Civil Code.</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges:</p> <p>We don't have good practices.</p>

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts exist in your State?¹⁵</p> <p><input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts: The possibility to maintain contact with the biological parents is provided for Domestic Adoption, not for ICA.</p>
55.	<p>Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Concerning ICA, some Accredited Bodies organise with the essential support of professionals, contacts between the adoptees (and his adoptive partents) and the context of origin (village, orphanage, etc.), but not with the biological parents.</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
58.	<p>Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here</p>

¹⁵ If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

¹⁶ C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<input checked="" type="checkbox"/> No. Please explain your response: See answer n.54.
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility?</p> <p>Please insert text here</p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is still required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. Please insert text here</p> <p>(c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest). Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response:</p>

	Please insert text here
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Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: No, but we have been compared in a few cases of children regularly adopted by States of origin, where presumed biological parents have made direct contact via social networks with the adoptive families asking for news on the health and well-being of the adopted children. No action has been taken, other than the necessary support and clarification with the adoptive families.</p> <p><input checked="" type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges: Please insert text here</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input type="checkbox"/> Yes. Please explain your response: Is not formally prohibit, but the prohibition is strictly followed in the practice.</p> <p><input checked="" type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted; Please insert text here</p> <p>(b) the experience of your State with regard to such contact. Please insert text here</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event (usually a camp) in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.

“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 20px;">No. The solidarity/therapeutic programs for the temporary reception of foreign children, provided by Art. 33, Legislative Decree 286/1998 (Immigration Act) and governed by DPCM 535/1999, provide for the reception in Italy, for specific periods (maximum 120 days in the calendar year) and mainly in families, of foreign children from the age of seven, who are in difficult situations. These programs are not finalized and in any way connected to the ICA procedures; the main objective is to strengthen the well-being of children who come from areas at risk, especially from a health point of view, and to make them know a different reality than the one in which they live, through contact with other peers and openness to new experiences. These programs are approved by the Italian Ministry of Labor and Social Policies, at the request of the proposing bodies that select the host families and upon the release of a clearance from the Police Headquarters (Questure). Promoting bodies do not receive public subsidies for the implementation of these programs and families join them on a voluntary basis. Since 1986, the year in which the Chernobyl nuclear catastrophe occurred and the phenomenon of temporary reception of foreign children for solidarity purposes began in Europe, approximately 600,000 children were received in Italy, 75% of whom came from Belarus and 10% from Ukraine. During 2019, 7,802 children were welcomed, in 2018 8,714 were welcomed and in 2017 9,231 were welcomed.</p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input checked="" type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p> <p style="padding-left: 20px;">Some children, mainly from Belarus, have been adopted with the ordinary ICA procedure, which are totally disconnected from the programs mentioned above. 95 adoption procedures were concluded in 2018, while 75 adoption procedures were concluded in 2019.</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</p> <p style="padding-left: 20px;">By monitoring the adoption procedures of the two Central Authorities.</p> <p><input checked="" type="checkbox"/> No.</p>
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¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been declared adoptable before they can be part of such programmes; No. See the previous answer n.67 (a).</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; No. See the previous answer n.67 (a).</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; No. See the previous answer n.67 (a).</p> <p>(d) how the children are prepared for such programmes; It is a function performed by the State of origin, not by the receiving State.</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; See the previous answer n.67 (a).</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; Yes, taking into account that the adoption procedure is disconnected from the mentioned solidarity/therapeutic programs, it can be said indicatively that the number of adoption breakdown is in a much lower percentage, precisely thanks to the previous integration of adoptees in Italy.</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; No. They must return to the State of origin, see also the previous answer 67 (a)</p> <p>(h) who finances such programmes; See the previous answer n.67 (a).</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). Very positive. See the previous answer n.67 (a).</p>
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7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>
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7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted; No, because itsn't concern children peviously under the PAPs' care. Is this the case, in particular for Belarus children. CAI has signed a bilateral agreement with the Central Authority of Belarus concerning children that already came in Italy for the named "Therapeutic stays", managed by the Italian Ministry of Labour and Social Welfare.</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt; Before the beginning of the adoption procedure.</p> <p>(c) what the profile of these children was; Children already integrated in the "Therapeutic stays" program</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected; .Monitoring of the two Central authorities, also through the bilateral agreement signed.</p> <p>(e) your State's experience with such adoptions. Very positive for the adoptee that already participated to the "Therapeutic stays" program.</p>
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8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (<i>i.e.</i>, benefits and challenges) and (b) how your State take into account data protection in this context: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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¹⁸ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

¹⁹ Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (<i>i.e.</i>, excluding stepparent adoptions);²⁰ They are very rare cases, but we don't have this disaggregate data.</p> <p>(b) stepparent adoptions; They are very rare cases, we don't have this disaggregate data.</p> <p>(c) simple adoptions; We don't have this disaggregate data.</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and We don't have this kind of adoption in ICA.</p> <p>(e) non-consensual adoptions. We don't have this disaggregate data.</p>
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10. OTHER MATTERS

74.	<p>Please specify any other comments your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>We consider that a reflection need to be made, involving Central Authorities, on the 1993 Adoption Convention Subsidiarity Principle interpretation.</p>
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²⁰ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).