

# Questionnaire concerning the Practical Operation of the 1996 Child Protection Convention

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 Child Protection Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

Name of State or territorial unit: <sup>2</sup>	Italy
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## PART I – FOR CONTRACTING PARTIES

### 1. Recent developments in your State

1. Have there been any significant developments in your State regarding the **legislation** or **procedural rules** applicable in cases of international child protection? Where possible, please state the reason for the development and the results achieved in practice.

- No  
 Yes

Please specify:

Please insert text here

2. Please provide the three most **significant decisions concerning the interpretation and application of the 1996 Convention** recently rendered by the relevant authorities<sup>3</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
Please insert text here	Please insert text here	Please insert text here	Please insert text here
Please insert text here	Please insert text here	Please insert text here	Please insert text here
Please insert text here	Please insert text here	Please insert text here	Please insert text here

3. Please provide a brief summary of **any other significant developments** in your State relating to international child protection, including any regional instruments or bilateral agreements that have been negotiated or which your State has signed and ratified or acceded to (e.g., Memorandum of Understanding on the placement of children abroad):

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<sup>2</sup> The term “State” in this Questionnaire includes a territorial unit, where relevant.

<sup>3</sup> The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (*i.e.*, judicial), in some Contracting Parties administrative authorities remain responsible for decision-making in Convention cases.

## 2. Scope of application (Arts 2, 3 and 4, and C&R No 29 of 2017 SC)

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the 1996 Convention (e.g., which measures of protection fall within the scope of the 1996 Convention)?

- No  
 Yes

Please specify:

Please insert text here

## 3. Jurisdiction to take measures of protection

### Habitual residence (Art. 5 and C&R No 31 of 2017 SC)

5. Have competent authorities in your State experienced any challenges when determining the habitual residence of the child in cases falling within the scope of the 1996 Convention?

- No  
 Yes

Please specify:

The Italian supreme Court is about to decide whether and how the criterion of the habitual residence of the child, established by art. 5 of the Convention, should be linked with the provisions of art. 4 of the same Convention where: the child's habitual residence is in a contracting State which judicial authority has already ruled on the custody and placement and the subject matter of the proceedings before the Italian judicial authority is limited to the application for maintenance of the child for the noncustodial parent.

The same supreme Court was lodged to decide whether in case of delivering, in different contracting States, of two decision on custody occurs always a conflict of competence, to be solved by lis pendens principles, or the applications and the consequent rulings could be consistent where the child has changed habitual residence from one to other contracting States.

### International child abduction (Arts 7 and 50)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in **making a determination whether to exercise jurisdiction** in cases of wrongful removal or retention of the child?

- No  
 Yes

Please specify:

Please insert text here

### Pending divorce or legal separation of the child's parents (Art. 10)

7. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise **jurisdiction** in cases where there is a pending divorce or legal separation of the child's parents (**Art. 10**)?

- No  
 Yes

Please specify:

Please insert text here

### Transfer of jurisdiction (Arts 8 and 9)

8. How often have competent authorities in your State experienced cases of transfer of jurisdiction under **Articles 8 and / or 9** of the 1996 Convention?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

If possible, please provide supplementary information:

Please insert text here

9. Has your State developed any **good practices, procedures, guidelines or protocols** to facilitate the transfer of jurisdiction?

- Yes  
 Please specify and provide the links to relevant documents whenever possible:  
 Please insert text here  
 No  
 Please specify any reasons:  
 The incoming and outgoing requests for the transfer of jurisdiction are immediately processed by forwarding it to Italian Courts or other Central Authorities

## 4. Special types of measures of protection

### Urgent measures of protection (Art. 11)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11** (e.g., the definition of "urgency"; scope, nature and duration of measures)?

- No  
 Yes, in cases of international child abduction.  
 If possible, please provide more details about the experience of your State using Article 11 in cases of international child abduction:  
 Please insert text here  
 Yes, in other situations.  
 Please describe in which other situations a competent authority in your jurisdiction has applied Article 11:  
 Please insert text here

### Provisional measures (Art. 12)

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 12** (e.g., definition as to what may constitute a "provisional character"; scope, nature and duration of measures)?

- No  
 Yes  
 Please describe:  
 Please insert text here

## 5. Applicable law (Chap. III)

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the applicable law rules provided by **Articles 15, 16 and 17** of the 1996 Convention?

- No  
 Yes

Please describe:

Please insert text here

## 6. Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the **recognition of measures of protection**, from the perspective of the requested State?

- No  
 Yes

Please describe:

### Advance recognition (Art. 24)

14. How often have competent authorities in your State experienced cases of requests for **advance recognition**?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

If possible, please provide supplementary information:

Please insert text here

15. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to facilitate the application of Article 24?

- Yes, but there have been no changes since the last SC meeting  
 Yes, with changes since the last SC meeting.

Please specify:

Please insert text here

- No

### Declaration of enforceability or registration for the purpose of enforcement (Arts 26, 27 and 28)

16. In relation to the **simple and rapid procedure** for declaring enforceable or registering for the purpose of enforcement of measures of protection taken in another Contracting Party (Art. 26), what is the practice in your State?

- a) Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

Courts of appeal

b) What time frames are applied to ensure that the procedure is rapid? Please explain:

There are no provisions about procedure's time frame. In general, the decisions are issued quite quickly (about a couple of months from the judicial application, depending on the single Courts workload), but sometimes the need to serve abroad the application to the respondent delays the procedure.

c) Is legal representation required? Please explain:

Yes: both declaration of enforceability and enforcement procedures are judicial procedures, in which the legal representation is mandatory.

17. Are you aware of any challenges, or have questions arisen, in applying **Articles 26, 27 and / or 28** in your State?

- No
  - Yes
- Please describe:  
Please insert text here

## 7. Cooperation (Chap. V)

### Central Authority practice

18. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

- No
  - Yes
- Please describe:  
Please insert text here

### Services available

19. If your State answered the 2016 Questionnaire, please indicate whether since then there have been any changes in relation to the services provided by your Central Authority:

- No. Please proceed to question No 22
- Yes. Please continue answering the following questions

20. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals habitually resident in your State** who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

Matter	Service(s) provided
a) A request to organise or secure effective exercise of <b>rights of access</b> in another Contracting	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> </ul>

<p>Party (requested State)<sup>4</sup></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</li> <li><input type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</li> <li><input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input type="checkbox"/> 10. Provision of regular updates on the progress of the application</li> <li><input type="checkbox"/> 11. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>b) A request to secure the return to your State of a child subject to <b>international abduction</b> where the 1980 Convention is <u>not</u> applicable</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input checked="" type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained</li> <li><input checked="" type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</li> <li><input checked="" type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</li> <li><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</li> <li><input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 14. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 15. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>c) A request to secure the return to your State of a <b>runaway child</b> (see Art. 31(c))</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> </ul>

<sup>4</sup> See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child</li> <li><input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input type="checkbox"/> 10. Assistance in obtaining private legal counsel</li> <li><input type="checkbox"/> 11. Referral to other governmental and/or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 12. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 13. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>d) A request for a <b>report on the situation of a child</b> habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see <b>Art. 32(a)</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and/or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>e) A request that the competent authorities of another Contracting Party decide on the <b>recognition or non-recognition</b> of a measure taken in your State (see <b>Art. 24</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and/or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</li> <li><input type="checkbox"/> 7. Regular updates on the progress of the request</li> <li><input type="checkbox"/> 8. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>f) A request that the competent authorities of another State Party <b>declare enforceable or register for the purpose of enforcement</b> measures taken in your State (see <b>Art. 26</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and/or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</li> <li><input type="checkbox"/> 7. Regular updates on the progress of the request</li> <li><input type="checkbox"/> 8. Other, please specify: <a href="#">Please insert text here</a></li> </ul>

21. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central**

**Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation were to arise.

Matter	Service(s) provided
<p>a) A request to organise or secure effective exercise of <b>rights of access</b> in another Contracting Party (requested State)<sup>5</sup></p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</p> <p><input type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</p> <p><input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 10. Provision of regular updates on the progress of the application</p> <p><input type="checkbox"/> 11. Other, please specify: <a href="#">Please insert text here</a></p>
<p>b) A request to secure the return to your State of a child subject to <b>international abduction</b> where the 1980 Convention is <u>not</u> applicable</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained</p> <p><input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</p> <p><input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</p> <p><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</p> <p><input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</p> <p><input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</p> <p><input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 14. Regular updates on the progress of the application</p> <p><input type="checkbox"/> 15. Other, please specify:</p>

<sup>5</sup> See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).



	Please insert text here
<p>c) A request to secure the return to your State of a <b>runaway child</b> (see <b>Art. 31(c)</b>)</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input checked="" type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child</p> <p><input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</p> <p><input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</p> <p><input type="checkbox"/> 10. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 12. Regular updates on the progress of the application</p> <p><input type="checkbox"/> 13. Other, please specify: Please insert text here</p>
<p>d) A request for a <b>report on the situation of a child</b> habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see <b>Art. 32(a)</b>)</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input checked="" type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</p> <p><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input checked="" type="checkbox"/> 6. Other, please specify: Update on the progress of application</p>
<p>e) A request that the competent authorities of another Contracting Party decide on the <b>recognition or non-recognition</b> of a measure taken in your State (see <b>Art. 24</b>)</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>
<p>f) A request that the competent authorities of another Contracting Party</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p>

<p><b>declare enforceable or register for the purpose of enforcement</b> measures taken in your State (see <b>Art. 26</b>)</p>	<p><input type="checkbox"/> 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>
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### Mediation, conciliation or similar methods (Art. 31(b))

22. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies?

Please explain:

Since there are only very few private organizations providing for specialized cross-border family mediation services, Italian Central Authority, when an alternative dispute resolution is required and/or appears possible, invites the juvenile social services to arrange it.

### Placement and provision of care abroad (Art. 33)

23. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:

- a)  the **scope of application of Article 33** (e.g., in case of placement with relatives, migrant children)

Please provide further details, if possible:

Please insert text here

- b)  **time frames** of consultations under Article 33

Please provide further details, if possible:

The necessary social evaluations involved in the cross-border placements, made by overloaded local social services, are sometimes not rapid

- c)  the availability of **equivalent measures** of protection in the other Contracting Party or differences in the applicable domestic legislation

Please provide further details, if possible:

Please insert text here

- d)  **financial costs** involved in the placement / provision of care abroad

Please provide further details, if possible:

Please insert text here

- e)  other **practical issues** arising from the placement / provision of care abroad (e.g., documentation, immigration matters)

Please provide further details, if possible:

- f)  other issues relating to Article 33.

Please specify:

Since there are no specific rules, in the domestic legislation, on the proceedings filed under article 33, in some cases the judicial Authority does not issue an explicit decision of approval/endorsement/consent of the placement, which indeed appear necessary

according to the prevalent interpretation. Italian central Authority does not have any autonomous power to provide for it.

24. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to deal with the placement procedure under Article 33?

No

Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

Please insert text here

25. After the placement of the child abroad to another Contracting Party, does your State seek **follow up information on the situation** of that child?

No

Yes

Please describe:

Some juvenile Courts require beforehand for reports on a regular basis.

### Reports (Arts 32, 33 and 34)

26. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Article 32, 33 or 34**?

No

Yes

Please describe:

Please insert text here

27. Do authorities in your State use a standard template when providing a report on the (situation of the) child under Article 32 or 33?

No

Yes

Please attach the template to your response (preferably translated into English or French):

Please insert text here

### Assistance from the authorities of another Contracting Party

28. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

No

Yes

Please describe:

Please insert text here

29. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

No

Yes

Please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child):

Do not know

## 8. General provisions

### Article 40 Certificates

30. How often have competent authorities in your State issued **Article 40 certificates** indicating the capacity in which a person having parental responsibility or entrusted with the protection of the child's person or property is entitled to act and the powers conferred upon him or her?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

31. Has your State experienced any challenges, or have questions arisen, in relation to **requests under Article 40**?

- No
  - Yes
- Please describe:  
Please insert text here

### Issues in relation to the property of the child (Arts 55 and 60)

32. How often have competent authorities in your State dealt with **measures for the protection of the property of the child by using the framework of the Convention**?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:  
Please insert text here

## 9. Special topics

### International family relocation

33. Has your State adopted specific procedures for international family relocation?

- Yes  
Please describe such procedures, if possible:  
Please insert text here
- No  
Please describe how the authorities deal with international family relocation cases, if possible:  
Please insert text here

34. Are you aware of any use being made of Article 24, which provides for advance recognition, in lieu of or in connection with international family relocation?

- No  
 Yes

Please explain:

Please insert text here

35. Are you aware of any use being made of other provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

- No  
 Yes

Please explain:

Please insert text here

### Children subject to international abduction

36. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention (e.g., Art. 50) in cases of child abduction where the 1980 Convention was not applicable (see Questions 20(b) and 21(b) above)?

- No  
 Yes

Please describe:

Please insert text here

37. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention (e.g., Art. 50) in addition to or instead of provisions of the 1980 Convention?

- No  
 Yes

Please specify the provisions and explain:

Not expressly

38. In cases of child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the cooperation provisions in Chapter V of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

- No  
 Yes

Please explain:

Information are required in the return or access proceedings without recalling 1996 Convention

39. In cases of child abduction, have competent authorities in your State taken measures of protection under Article 11, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child?

- No  
 Yes

Please explain:

Although usually remains not specified the legal framework of the emergency measures applied in return proceedings filed under article 8 of the 1980 Convention

### Unaccompanied and separated children<sup>6</sup> and emergency situations (Art. 6)

40. How often have competent authorities in your State dealt with **cases involving refugee children, internationally displaced children, or children whose habitual residence cannot be established** by using the framework of the 1996 Convention?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:

Protection measures were hugely applied to young refugees from Ukraine

41. Where the **habitual residence of a child present in your State could not be established**, have authorities in your State used any of the cooperation provisions of the 1996 Convention in determining the child's place of habitual residence?

- No
  - Yes
- Please specify:  
Never received such requests

42. Have competent authorities in your State had experience with providing assistance to **discover the whereabouts of children** that went missing due to disturbances occurring in their State of habitual residence by using the framework provided by the 1996 Convention?

- No
  - Yes
- Please specify:  
Please insert text here

43. Have **procedures, guidelines, or protocols** been adopted in your State to deal with the protection of unaccompanied or separated children in the context of the 1996 Convention?

- No
  - Yes
- Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:  
Some Juvenile Courts arranged protocols referred to refugees children form Ukraine

44. In emergency situations, such as a humanitarian crisis, have authorities in your State experienced any challenges, or have questions arisen, in regard to the **exchange of information** among authorities of the Contracting Parties, in particular taking into account Articles 36 and 37 of the 1996 Convention?

No

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<sup>6</sup> In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](#), "The application of the 1996 Child Protection Convention to unaccompanied and separated children".

45. Are you aware of whether **Preliminary Document No 7 of February 2020, “The application of the 1996 Child Protection Convention to unaccompanied and separated children”**, has been brought to the attention of the competent authorities in your State?

- No  
 Yes

Please specify:

Please insert text here

### International access / contact cases involving children

46. Should your State also be a Contracting Party to the 1980 Convention, are you aware of any use being made of provisions of the 1996 Convention, including those under **Chapter V**, in lieu of or in connection with an application under **Article 21** of the 1980 Convention?<sup>7</sup>

- No  
 Yes

Please explain:

Please insert text here

### Practical Handbook

47. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No  
 Yes

Please specify:

Please insert text here

### Agenda items for the next SC meeting

48. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

Sometimes, in incoming crossborder placement proceedings, a duplication of requests may occur. In particular, the request under article 33 is preceded by a preliminary application filed under article 34 to obtain information on the hosting foster family or institution. In such cases, the competent Authority first requires for information needed to decide on the placement, and then is obliged to obtain the authorisation from the State of destination's Authority, forwarding a new application based on the decision issued on the grounds of information reported. Therefore, it would be better to file immediately only one request made under article 33 when the placement is contemplated.

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<sup>7</sup> The Explanatory Report (Lagarde) on the 1996 Convention notes that cooperation under Art. 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Art. 21 of the 1980 Convention. Explanatory Report, para. 146 (1997).

## PART II – FOR NON-CONTRACTING PARTIES

49. Is your State currently considering **signing and ratifying or acceding to the 1996 Child Protection Convention**?

- Yes  
If possible, please provide further information:  
[Please insert text here](#)
- No  
If possible, please provide further information:  
[Please insert text here](#)

50. In considering how your State would **implement the 1996 Child Protection Convention**, have you encountered any **issues of concern**?

- No
- Yes  
Please explain:  
[Please insert text here](#)

51. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Child Protection Convention?

- No
- Yes  
Please specify and list in order of priority:  
[Please insert text here](#)

52. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
- Yes  
Please specify:  
[Please insert text here](#)