

# THE ITALIAN PROCEDURE FOR DOMESTIC AND INTERNATIONAL ADOPTION

*Interview 12/12/2021:*

We were asked to create a database to keep track of couples and children taking part in the Italian domestic and international adoption procedure.

In particular, we interviewed:

- XXXX, a member of the Africa Adoptions team at CIAI (Italian Child Aid Center) regarding international adoptions
- YYYY, a social worker who, instead, explained to us the procedure of the national ones

## PRELIMINARY ACTIVITY: KNOWLEDGE OF CIAI

**Good morning, thank you for giving us this interview. To begin with, we would like to learn more about the entity for which we will be creating the database: can you tell us about CIAI? Tell us what it is, in what areas it intervenes and what are its values**

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Good morning. CIAI is an association founded in 1968 by a group of families who personally undertook the experience of international adoption and wanted to promote it and spread its meaning; in particular, it is the first association founded in Italy with the purpose of dealing with international adoptions. Today it is an ETS (Ente del Terzo Settore), a nonprofit social activity organization. The main areas in which it intervenes concern child protection, psycho-emotional well-being and social inclusion.

Its identity is based on a simple mission: to care for each child only with professionalism and love, as if he or she were a child, to build a world where no one feels alone and each can grow up happy. The children helped by CIAI are the most vulnerable: children who have been abandoned or are at risk of abandonment, children without a family context, children who are marginalized, discriminated against, deprived of opportunities.

The core values of CIAI's actions (which are also recognized and shared by all stakeholders and institutions with which CIAI collaborates and interacts) aim to:

- Promoting the equality of all individuals.
- Recognizing and valuing differences
- Repelling all forms of war and violence.

**How is this association structured?**

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There are about fifty employees and they are divided among the four main sectors into which CIAI is divided:

1. Administration → members of the governing bodies, which are the Members' Assembly, the Board of Directors and the Board of Auditors
2. Communication and fundraising (public and private)
3. International adoptions → adoption managers, psychologists and psychotherapists, social workers (both employees and contractors)
4. Projects in Italy aimed at combating educational poverty, immigration of unaccompanied minors, and combating discrimination.

Unaccompanied minors are very rarely placed in the adoption program, particularly if they are young they have chances while if they are older than ten they are likely to be placed in social centers.

### **Where does he operate?**

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CIAI has multiple offices both in Italy and abroad; the Italian offices are in Genoa, Milan, Padua, Cagliari, Bari, Palermo, Rome and Pistoia while the foreign offices are in Bogotá (Colombia), Ouagadougou (Burkina Faso), Abidjan (Ivory Coast), Pondicherry (India) and Phnom Penh (Cambodia).

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The Association operates through development cooperation and international adoption projects; in particular, it is authorized by local authorities to carry out practices related to international adoption in Burkina Faso, Côte d'Ivoire, Colombia, India, and Thailand and is recognized as an eligible Non-Governmental Organization to carry out development cooperation projects in Afghanistan, Burkina Faso, Cambodia, Côte d'Ivoire, Ethiopia, India, and Vietnam.

## **THE ADOPTION PROCESS**

### **Getting more into the heart of what will be contained in the database, what must a couple do to enter the adoption program?**

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First and foremost, it is necessary for the couple to be aware of the complexity and duration of the entire adoption process; this awareness can be gained through monthly, and totally free, informational meetings that are organized by CIAI itself and taught by psychologists and adoption managers. The seminars can also be attended by couples who have not yet started the adoption process.

During these meetings those who have already completed an adoption can recount their experience from an emotional perspective while CIAI employees focus on the technical aspect and are available to answer any questions.

Meetings can be for a couple or a group of them and generally last a few hours. **Once the informational-**

### **knowledge phase is over, what should those who are intent on pursuing adoption do? XXXX**

The generalities of the adoption process are similar on each continent; I can give you the details of what happens in Côte d'Ivoire and Burkina Faso since my team covers the African continent.

The steps are as follows:

1. A willingness to adopt must be filed with the Juvenile Court (TM), which verifies that the requirements, which vary from country to country, are met. In both Burkina Faso and Côte d'Ivoire, couples who have been married for at least five years, who are not separated, and who are preferably between the ages of 30 and 55 can adopt; in Burkina Faso, couples without children also have priority
2. The couple undergoes interviews with psychologists and social workers, who write a report on it and give it to the judge, who then verifies the requirements. These include, for example, economic stability, the physical and mental health of the spouses, and housing eligibility: this is verified through

- Inspections that the future family's home has a room available to be devoted entirely to the child
3. The family is deemed eligible or ineligible, in case of ineligibility they can appeal
  4. Within one year of the issuance of the decree of eligibility, the couple chooses an Authorized International Adoption Authority (the same CIAI) to whom they will entrust the file and sends the application to the relevant foreign Central Authority
  5. Child matching takes place: the central authority in the country of origin sends the Entity a proposal for the child, the Entity in turn proposes the child to the couple
  6. During the process, the caseworker may visit the child to update the prospective adoptive parents and prepare the child for what is to come
  7. Prior to the adoption ruling, the prospective parents must stay in the country of origin of the child assigned to them; the period of stay depends on the country you are in, in both cases I am describing is about two weeks.
  8. Since the adoption procedure in Africa is legal, it ends with a full adoption ruling: new documents with the adoptive family's surname are provided to the child.
- At this point the couple with the child can return to Italy as a new family.

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The procedure for domestic adoptions also begins with an application to the domestic adoption, which must be submitted to the Juvenile Court (TM) in the district of residence.

Then the interviews with us social workers, which my colleague has already told you about, take place; psychological evaluations, medical investigations and judicial determinations are carried out here as well, but the requirements for the couple change slightly:

- The prospective parents (heterosexual couple) must be married, not separated, and cohabiting for at least three years; if they have been married for fewer years, they may still apply for adoption if they have cohabited stably and continuously for at least three years prior to marriage
- The age of the adoptees must be at least eighteen years, and no more than forty-five years, older than the age of the child; there is the possibility of waiver by the court if this does not result in harm to the child
- The couple must be eligible to educate, train and support the children they intend to adopt

Mirroring what happens if an international adoption is to be carried out, the judge issues the decree of suitability for domestic adoption: it is valid for three years from the time of issuance, and even in this case there is the possibility of appeal in case of unfitness.

At this point there is the substantial difference from what has been described for Africa: in Italy there is pre-adoptive fostering, which lasts at least 12 months, at the end of which a report is made by the social services to the juvenile judge responsible for the final decision on adoption. At the end of these months, the couple, the child if he or she is over 12 years old, any other children of the couple (again if they are over 12 years old) and the social workers in charge of the case are summoned by the judge; if the child is over 14 years old, he or she must express his or her consent to the adoption.

If no problems are found, the court issues the full adoption ruling: the adoptee acquires child rights vis-à-vis the adopters, as if he or she were their biological child.

I think it is clear the centrality of the Judge in all of this: to give you a small summary, he checks that the necessary requirements are met and is in charge of issuing and reviewing documents; in particular, he reviews reports and applications and, if he notices problems, he can pause the procedure at any time.

For both domestic and international adoptions, there is also the possibility of accepting siblings by sending a single application.

**What happens instead in the post-adoption period? Do the new parents receive any kind of support?**

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The goal is always to ensure the best protection for the child; for this reason, it is essential to accompany and support the adoptive parents in the experience of parenthood (should the family request it) and help them overcome any difficult moments. If these moments are not overcome, the couple may decide to reconsider, and in such cases the children are sent to institutions.

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In the case of international adoptions, the issue is a bit more complex; we talk about follow-up. In both countries I deal with, the Central Authority requires two post-adoption reports to be sent within the first year of adoption. In Côte d'Ivoire, one report must also be sent every year until the child reaches the age of majority, while in Burkina Faso it is sufficient to send one every three years, again until the child is eighteen. These reports are written by the psychologists and social workers in charge of the case in question.

Psychological support is provided to the parents for at least a year, to accompany them in their new reality and ensure that they are capable of fulfilling their new role. The support is also aimed at preventing the couple from retracing their steps: even in our case it is possible, unfortunately, that the adoption is not successful; in that case the child returns to an institution, this time in Italy, and his or her citizenship is not revoked.

**Is there any way to quantify the duration of the procedure?**

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The process is very lengthy, on average taking two to four years. From the time you send in your application, the parents' availability is crucial: in Africa, children with special needs are considered to be those who are over six years old and/or have health problems; the greater the flexibility of the couple, the quicker the process will be concluded!!!

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For domestic adoption, on the other hand, the time required is quite short, generally around 12 to 14 months from the time the application is filed. The substantial difference is the pre-adoption period.

**Since we mentioned children, how do they become part of the adoption program?**

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Most often, these are orphaned children living within institutions or, more rarely, with foster families; in general, a child can be adopted if the child's biological parents or legal guardian give explicit consent to foster care.

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In Italy the law protects the child's right to grow and be educated within his or her own family unit, which is why before declaring the state of adoptability, a trial before the TM is carried out in which the parties are the relatives within the fourth degree, possibly represented by a lawyer. If the Juvenile Court assesses that the difficulties of the family of origin are permanent, it issues the state of abandonment and activates interviews with families who have given availability for adoption.

In Italy, more often than not, children destined for adoption are children with complex family backgrounds that prevent them from living peacefully in their home of origin.

**By the time they undertake the process, do parents already have an idea of the costs?**

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Yes, in our case they are around 8,000 euros.

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For domestic adoption, the only costs to be incurred are those related to the documentation to be produced and possibly legal assistance

**Thank you very much!!! You have been very helpful, have a good day.**

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Thank you girls.

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Good afternoon, it was a pleasure talking with you!