

NAME OF STATE OR ORGANISATION: Italy – “ Intercountry Adoptions Commission” – Central Authority”

USE OF TERMINOLOGY

There are three situations in which accreditation and authorization (as used in the Convention) may occur. A distinction is to be made between "accreditation" and "authorisation":

- (1) adoption bodies are accredited in the receiving State to work in States of origin (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**);
- (2) those adoption accredited bodies of receiving States are granted authorisation in the State of origin with a view to arranging the adoption (Art. 12) (1993 Hague Convention terminology: **authorisation**);
- (3) bodies in the State of origin are accredited by it to work with foreign bodies of the receiving State with a view to adoption (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**).

NB: FOR STATES OF ORIGIN, PLEASE MAKE IT CLEAR IN YOUR ANSWERS IF YOU ARE REFERRING TO YOUR OWN ACCREDITED BODIES OR TO FOREIGN ACCREDITED BODIES WORKING IN YOUR STATE.

A. General policy issues concerning accreditation

1. In your State what terminology do you use for the situations described in (1), (2) and (3) above? Is it the same or different? If different, please specify, define and indicate if you intend to use your own terminology to answer the following questions.
 - (1) **Authorised Body/agency – Authorisation**
 - (2) **Authorised and Accredited Body/agency – Accreditation**
 - (3) **No specific statutory provision exists for this situation in Italy. If the State of origin shows interest in or need for it, the most appropriate procedure will be studied to guarantee conditions of reciprocity.**

The specific terminology of the Convention will be used in all the replies that follow.

2. Is your State a receiving State or a State of origin or both?
Italy is a Receiving State.
3. Have you informed the Permanent Bureau all of the details of bodies accredited by your State, as required by Article 13? Is the information which is currently on the Hague Conference website up to date?
Italy had given the Permanent Bureau the list of all the accredited bodies together with the necessary details and subsequent updates. However the information on the Hague Conference website is out of date. The updated list is attached.

If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision. Please answer any questions that are relevant to your State's situation.

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4. How do you define "accreditation" and "accredited body" in your State?
The "accredited body/agency" is a private not-for-profit organisation or a public agency used by the Intercountry Adoptions Commission, as the Italian Central Authority, to perform a number of tasks referring to the intercountry adoption procedure, by virtue of a specific collegiate resolution and after careful examination to ensure that the body/agency meets with all the requirements established by the

Convention and by Italian law, and the capacity to operate in the specific country for which authorisation has been requested. The main duties entrusted by law to the authorised body/agency are:

- 1) to inform prospective adoptive parents about the procedures to follow and the actual adoption prospects;
- 2) to assist prospective adoptive parents to perform all the adoption formalities with the relevant authorities in the country indicated by them;
- 3) to collect the foreign authority's pairing proposal and all available information on the child, transferred the pairing proposal and all the relevant information to the prospective adoptive parents, to receive the permission of the prospective adoptive parents in writing and forward it to the foreign authority;
- 4) to receive from the foreign authority certificate attesting to compliance with the conditions provided by article 4 of the Convention and to reach an agreement with it, if the requirements make this necessary, regarding the appropriateness of proceeding with the adoption or, conversely, to take note of the failure to reach an agreement and immediately to notify the Commission;
- 5) to notify the Commission, the Children's Court and the local welfare services immediately of the foreign authority's adoption decision;
- 6) to request the Commission for issue a permit for the child to enter and take up permanent residency in Italy;
- 6) to certify the date on which the child is entrusted to the adoptive parents;
- 7) to monitor the manner in which the child is transferred to Italy;
- 8) to work in conjunction with the local social services to perform activities to support the adoptive family from the moment the child reaches Italy, at the request of the adoptive parents;
- 9) to certify the overall expenditure incurred by the adoptive parents to perform the adoption formalities.

5. Do the following categories of actors come within the definition of accredited body (are they included as accredited body staff, employees or personnel)?

- facilitators (if they exist in your State, please specify their role) **NO**
- national representatives of foreign accredited body **NO**
- translators **NO**
- lawyers (e.g., with a power of attorney from prospective adopters) **NO**
- guide, drivers, etc. **NO**

If these actors are not employees of the accredited body, what is their legal relationship, if any, to the accredited body?

Translators and interpreters, lawyers, local guides, drivers etc are all co-workers in various capacities (employees or freelance professionals) of the accredited bodies.

6. As at 30 September 2009, what is the current number of accredited bodies in your State, state or province? If possible, please indicate how many bodies have been refused accreditation, have lost their accreditation or discontinued their activities since 1 January 2006, and for what reason.

At 30 September 2009 there were 72 Italian accredited bodies.

Since 1 January 2006, 52 accreditation applications submitted by new associations have been rejected, together with 115 applications to operate in new countries submitted by existing accredited bodies.

Since 1 January 2006 three accredited bodies have been temporarily suspended, but after having rectified the methodological regularities of which they had been charged, they have resumed their work following a resolution adopted by the Commission laying down specific prescriptions and operational limitations.

One body/agency had accreditation revoked in 2008.

7. Do you think the number of accredited bodies accredited by, or operating in your State is proportional to the number of intercountry adoptions taking place? If not, do you intend to take any appropriate measures?

Since Italian law has banned "independent" adoptions, the present number of accredited bodies in Italy is not excessive in relation to the number of adoptions to have taken place and to the requests from prospective couples declared eligible for international adoption.

Account should also be taken of the fact that:

- 1) every body/agency receives accreditation for specific countries and only become operational following authorisation from the authorities in the State of origin;
- 2) many Italian bodies are accredited to operate in a limited number of countries;
- 3) in order to ensure that they couples are given the maximum assistance and to monitor them in the post-adoption phase, Italian legislation provides that the bodies shall be established throughout the country: some of them are decided to limit their assistance to couples resident in particular regions of Italy rather than cater for the whole of Italy.

8. Do you impose any limits on the number of accredited bodies which are granted accreditation in your State? If yes, on what grounds are limits imposed?

There are no preestablished limits on the number of accredited bodies. However, when issuing new accreditation for a particular country the Intercountry Adoptions Commission takes account of information on the numbers of the children that have been abandoned and are eligible for protection by intercountry adoption, the number of existing accredited bodies operating in that country, and information supplied by that Central Authority or any other bodies empowered to issue authorisation.

9. Does the Central Authority or the accredited body make the choice of the foreign States with which the accredited body could work (if authorisation were to be given)?

As already indicated, every body requests the Italian Central Authority to issue accreditation for specific countries of which the body/agency must give proof of a thorough and practical familiarity, and possession of adequate organisational structures and the fact that it is working there on cooperation projects to advance and safeguard children's rights.

Receiving State questions

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:

- a) any State of origin; **NO**
- b) a specified State / States of origin? **YES**

- (ii) Do you limit the number of accredited bodies for every State of origin?

See the reply to a question 8.

B. Organisation and structures

11. On which subjects does the accredited body have to provide evidence to, or inform, the Central Authority or other competent authority to obtain or maintain accreditation? Please tick relevant box:

- Composition of the accredited body's personnel and any changes **YES**
- Qualifications and experience of personnel **YES**
- Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct **YES**
- Internal statute, regulations and guidelines of accredited body, including documents which demonstrate the legal constitution of the accredited body **YES**
- financial management and accounting practices **YES**

- Costs and expenses charged by accredited body **YES**
- Copy of the terms of collaboration between the accredited body and the body or person to whom the body entrusts responsibilities in performance of the adoption procedure **YES**
- Budget forecasts for 12-24-36 months **NO**
- Copy of the standard-form contract between the body and adoptive candidate **YES**
- Insurance for legal liability **NO**
- Other – please provide details:
Services Charter – a testing to the absence of incompatibility (= the officials and co-workers working with the body/agency, in Italy or abroad, may not hold public office or perform public functions relating to the protection or fostering of children, custody and adoption, such that they might influence the work or the adoption procedures performed by the body/agency, neither any form of linkage or cooperation with any organisations working on solidarity programmes to host children in Italy. Specifically, the co-workers of the body/agency abroad are not permitted to perform any work whatsoever in institutions caring for abandoned children).

Receiving State questions

- Certified true copy of an official version of the legislation of the State of origin with which the accredited body will co-operate **YES**
- Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption) **YES**
- Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules **YES**
- Copy of the statement of authorisation or approval to work in the State of origin if applicable **YES**
- Evidence of knowledge of the situation (cultural, social and legal) in the State of origin **YES**
- Evidence of knowledge of the adoption law and practice in the State of origin, and understanding of the role of counterparts in the State of origin **YES**

12. Is it compulsory for staff of an accredited body to be professionally qualified? If yes, which professions? (*e.g.*, lawyers, psychologists, psychiatrists, social workers, etc).

In Italy: a psychologist and a social worker (or similar professionals), a legal expert on children's and family law. Co-workers must be adequately trained and have sufficient consolidated and verifiable experience in this field over a period of not less than three years' professional work, or as an employee or a voluntary worker, with unauthorised body/agency or voluntary service organisation.

Abroad: the reference person responsible for assisting the couples, handling relations with the local authorities and the Italian representatives abroad; an interpreter/translator and a legal adviser if required by foreign legislation and if the reference person does not have expertise in these specific fields. Co-workers must also have received specific vocational training, adequately attested to, and experience with assisting couples.

13. If volunteers are used, what is the ratio of volunteers to professional staff?

On the understanding that volunteers must be in possession of the same training and experience as any other co-worker with the body/agency concerned (cf. Paragraph 12), no specific percentage of volunteers as a proportion of the total co-workers with the accredited body/agency is prescribed. Most of the Italian agencies are directed by volunteers and/or use volunteer co-workers.

14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates?

The accredited body/agency concludes a contract with the prospective adoptive parents, committing it to perform the activities provided by law (cf. Paragraph 4) to initiate and complete the intercountry adoption procedure.

15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?

On the understanding that the management and the co-workers of every accredited body/agency must possess appropriate training and consolidated and verifiable experience in the specific field of intercountry adoptions, acquired in the exercise of their professional work, as employees or volunteers (cf. Paragraph 12), it not being sufficient merely to have the status of an adoptive parent, one of the tasks of the Intercountry Adoptions Commission is to encourage training initiatives for adoption workers (social workers and a psychologist working with local welfare services and agencies, judges, co-workers with the agencies, and foreign operators). Ever since it was instituted, the Commission has financed, organised and staged intercountry adoptions workshops, nationally and internationally. Its work has been printed in a specific series of books.

16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?

The bodies are required to adopt Services Charter to provide the maximum information to couples, describing in detail all the activities involved in an intercountry adoption procedure and the services it offers.

17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?

The bodies must keep a chronological register of all the work taken on and keep the documentation on the prospective adoptive parents.

Furthermore, the Commission receives through the Internet, and keeps, all the relevant information for every Italian adoption procedure.

C. Accreditation procedure

18. Please provide details (including powers and resources) of the authority or authorities which grant accreditation. Briefly describe the procedure to obtain accreditation.

The Intercountry Adoptions Commission is the authority responsible for granting accreditation to the agencies.

Every year, from 1 January to 31 March, the organisations concerned (organisations already accredited wishing to expand their work to take in new countries, or new organisations) may apply to the Commission for authorisation to work in the field of intercountry adoptions, specifying the country for which they are seeking accreditation.

The application must also contain all the documentation certifying that they are in possession of the eligibility requirements under Italian law and according to the general resolutions of the Commission.

The Commission verifies that the applicants met the eligibility requirements and undertakes any investigations it deems appropriate.

Accreditation is granted to a specific collegiate resolution and published in the Official

Gazette of the Italian Republic, and submitted to the Permanent Bureau and the Italian diplomatic representative in the country concerned.

19. Please give a brief outline of your accreditation criteria, guidelines or legislation. If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.

The Commission has laid down the criteria to be followed when examining applications for accreditation in its resolution no. 13/2008/SG. This resolution brought together, clarified and updated the criteria previously applied by the Commission in its work since 2000.

The Italian version is available on the following website:

http://new.commissioneadozioni.it/media/28789/del%20n.%2013_2008_sg.pdf

The English version is available on the following website:

<http://www.commissioneadozioni.it/media/48458/deliberacri-inglesei.doc>

The French version is available on the following website:

<http://new.commissioneadozioni.it/media/55033/delibera%2013%202008%20%20fra.pdf>

The Spanish version is available on the following website:

<http://www.commissioneadozioni.it/media/54781/delibera13-2008sp-final.pdf>

20. Is there a central registry of all accredited bodies?

Yes. It is the Register of Authorised Agencies, which is updated every year and published in the Official Gazette of the Italian Republic. The most recent version of the Register dates back to 2006, because in 2007 and 2008 no provision was made for the submission of any new applications while awaiting the reorganisation of the Intercountry Adoptions Commission (under Decree of the President of the Republic No.108 of 8 June 2007).

21. For how long is the accreditation granted?

Accreditation does not have an expiry date. Italian law provides that periodic checks shall be carried out (at least once every two years) by the Intercountry Adoptions Commission to ensure that the agencies retain their eligibility.

22. What are the conditions for renewal of accreditation?

See the reply to question 21.

D. Authorisation of foreign accredited bodies

23. In your State how do you define "authorisation" in the context of Article 12? Do you have criteria for authorisation?

See the reply to a question 1.

24. Who makes the decision to authorise accredited bodies in accordance with Article 12? Is your process of authorisation formal or informal? Please describe the process.

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25. Is the Permanent Bureau informed of the authorisations?¹

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Receiving State questions

26. As a receiving State, can you provide the current numbers of accredited bodies authorised for individual countries of origin?

Yes. See the attached documentation.

27. On what basis does the accredited body seek authorisation to work in a State of origin?

a) study under assessment of the country's needs and the features of society and

¹ "Where a body accredited in one Contracting State is, in accordance with Article 12, authorised to act in another Contracting State, such authorisation should be communicated to the Permanent Bureau by the competent authorities of both States without delay", Recommendation No 3 of the 2005 Special Commission (reaffirming Recommendation No 2 of the 2000 Special Commission).

local legislation

b) and knowledge of the country and prior links with it.

28. What factors or criteria are relevant for the Central Authority (or competent authority) to consider when giving or denying authorisation to work in a State of origin?
- The feasibility of performing intercountry adoptions in that specific country consistently with the Hague Convention and Italian law;
 - thorough familiarity with the country, the situation there and its legislation.
 - the actual necessity for intercountry adoptions in that country as a means of safeguarding children, consistently with the principle of subsidiarity;
 - the presence in the country of other Italian agencies, also in relation to the overall number of international adoptions performed in the country;
 - the availability of a serious, honest, competent and professional organisation in Italy and abroad.
 - a specific commitment by the agency in the country to the advancement and safeguarding children's rights.

State of origin questions

29. As a State of origin, have you authorised foreign accredited bodies to undertake intercountry adoptions in your State (see Art. 12)? How many accredited bodies are currently authorised and from which receiving countries? How many were authorised as at 31 December 2005?
30. As a State of origin, is the foreign accredited body required to be fully accredited by your State and by your procedures, rather than simply "authorised"?
31. As a State of origin, how do you decide how many foreign accredited bodies are needed in your State?
32. Countries of origin: If you authorise a foreign accredited body to "act" in your State, does this mean:
- the foreign accredited body must establish an office with professional staff (nationals of the State of origin or of the receiving State)?
 - the foreign accredited body can "act" in your State through an individual facilitator or intermediary
 - the foreign accredited body does not have an office or intermediary in the State of origin and it liaises directly with the Central Authority?
33. Countries of origin: have you experienced any difficulties with foreign accredited bodies working with or in your State?

E. Supervision and review of accredited bodies

34. How do you supervise bodies accredited in your State (Art. 11 c)? Are regular reports required such as annual reports (including financial reports) from the accredited body to the supervising authority?
- Every year the accredited bodies must submit their accounts and a report on their activities. See the reply in paragraph 21 regarding the inspections conducted by the Intercountry Adoptions Commission. To monitor the work of the authorised body/agency in its operational centres, the Intercountry Adoptions Commission can also send its members or people from the technical Secretariat on missions abroad. In that Secretariat there is a complex computer network making it possible to conduct systematic online monitoring of the work of the agencies and the adoption procedures.

35. What supervision occurs in the State of origin of authorised foreign accredited bodies?

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36. How is the performance of the accredited body assessed or evaluated?

The Commission conducts regular checks to ensure that the accredited agencies still retain their eligibility and that they are acting honestly, transparently and effectively, also using information and reports received which are considered relevant.

The Intercountry Adoptions Commission also checks the proportion between the number of cases accepted, and the number completed, to prevent any one agency taking on too many cases beyond their capacity to handle them all which works to the detriment of the families which are waiting.

Lastly, having already pointed out that the work of the agencies cannot be assessed and evaluated in terms of the numbers of successful adoptions (which would contradict the principle of subsidiarity which the Italian legal system has taken on board and is legislation and operational procedures), the Commission will revoke accreditation if the agency is not actually working properly and effectively in the State of origin.

37. Does the supervising authority have the power to make regular inspections of and reports on the accredited bodies? Have secrecy or privacy laws hindered inspections?

See paragraph 36. Legislation on privacy in secrecy has not hampered inspections.

38. Do you require accredited bodies to report on any problems with intercountry adoptions, such as problems with particular countries, procedural problems or problems with implementation of the 1993 Hague Convention (see Convention Art. 33)?

The accredited bodies are required to notify the Commission of any difficulties they encounter when performing the administrative and judicial formalities regarding adoptions abroad.

39. Does your law have provisions to deal with breach of duties or breach of the conditions of accreditation by accredited bodies? *E.g.*, Suspension or revocation of accreditation or authorisation? Other penalties / measures? Please give details.

Under Italian law, if the body/agency is found to have been in breach of the duty of honesty, transparency and efficiency, the Intercountry Adoptions Commission is empowered to apply penalties, such as censure, prohibition, suspension and in cases of serious breaches, inadequacy or infringement of current legal rules, the accreditation may be revoked.

Authorisation can also be withdrawn if the body/agency proves to be ineffective.

In the event of suspension or revocation of an accredited body/agency, the procedures in progress shall be taken over by the Intercountry Adoptions Commission.

40. If accreditation has been suspended or withdrawn and is later re-instated, what conditions, if any, apply after re-instatement?

The Intercountry Adoptions Commission may demand compliance with certain rules of conduct.

41. Is it possible to suspend or withdraw accreditation if the general situation in the State no longer offers the necessary guarantees for intercountry adoptions?

The Intercountry Adoptions Commission may limit the activities of the bodies/agencies depending upon specific international situations that may arise.

Furthermore, authorisation may be refused or revoked if already issued if the body/agency fails to provide adequate guarantees that the principles of the Convention are being complied with in the sending State, if that state does not have an authority to control and guarantee the regularity of adoptions, when the procedures do not respect the rights of child (cf. art. 14 of Resolution No. 13/2008/SG of 28 October 2008).

42. Are there restrictions upon activities of accredited bodies (*e.g.*, advertising their services; advertising, including on the internet, of adoptable children; limits on

amounts that can be charged for fees and other expenses)?

a) Cf. paragraph 11: the management and co-workers of the body/entity, whether in Italy or abroad, are prohibited from performing functions or holding public posts relating to the protection or guardianship of children, fostering and adoption, that may influence the work for the adoption procedures performed by the body/agency, or any form of linkage all cooperation with organisations involved in solidarity programmes for hosting foreign children in Italy, or perform any activities in institutions looking after abandoned children.

b) the Intercountry Adoptions Commission lays down, and updates, the costs of the procedures which can be charged to adoptive parents.

43. Are you aware of any acts or behaviour by accredited bodies that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?

The rules in force until 2008 permitted the Commission to adopt only two types of penalty measures or sanctions: suspension and revocation.

Until 2008 three suspension measures were handed down, referring in particular to an excessive number of couples being handled by the agency in terms of the actual possibility of a successful adoption outcome and the excessive waiting time imposed on the couples as a result. Following the entry into force of Decree No. 108/07 various sanction and prohibition measures have been issued, and one revocation of authorisation, after ascertaining the failure to comply with the requirements prescribed by the Convention and by Italian law.

44. What are the means used by the authorities supervising accredited bodies in order to improve good practices or remedy breaches in relation to requirements for accreditation or as regards to behaviour?

The Commission investigates upon reports from couples, social services, law courts, and foreign authorities.

In Italy, the Commission has inspected the premises of the accredited bodies/agencies, also in conjunction with other institutions with specific responsibilities and powers, both in Italy and abroad, and has gathered information from the authorities in the States of origin on particular issues and situations.

45. Is there collaboration among the accredited bodies working in the same State of origin, or in different countries? If so, what kind of collaboration?

The Intercountry Adoptions Commission is constantly striving to ensure that all the bodies adopt standard methods and procedures, both in general and in relation to specific State of origin in which they work. For this reason regular meetings are convened attended by all the accredited bodies/agencies for each specific State of origin. This makes it possible to share information and identify common operating procedures and criteria. The Commission also organises opportunities for all the agencies listed in the Register to meet and debate with the others, attended also by representatives of the courts and the local welfare services.

46. Is the information on each accredited body's website regularly checked by the supervising authority? By an authority in the State of origin with which it co-operates?

The accredited body/agency is required to submit the main data on its work and figures relating to the activities performed: a special information page is recommended on the websites of the bodies/agencies, which is easy to access and understand. The Commission also promotes initiatives to ensure that these webpages are designed to specific standards to make them homogenous.

F. Financial issues

47. How are your accredited bodies financed?

Through subscriptions by the membership; contributions from the adoptive couples to help cover operating costs, donations, a percentage of central government tax

revenues; funding from cooperation projects by the Commission and other public institutions.

48. How are fees and charges set? *E.g.*, by accredited bodies themselves, by a public authority. Is there bilateral co-operation between your State and other countries to establish appropriate fees for the 2 countries concerned?

Both the Italian costs (= contribution to the agency's operating expenses) and costs incurred abroad (= procedural costs+ operating costs abroad) are set by the Commission after verification and joint agreement with the authorised bodies/agencies.

49. Is detailed information about all the fees, charges and costs associated with an intercountry adoption available easily to adoptive candidates and other authorities?

The cost tables are published on the Commission's website. The websites of the accredited bodies/agencies also indicate the charges specifically set by the body/agency, consistently with the cost tables laid down by the Commission.

50. How and when is that information provided to adoptive candidates?

Cf. paragraph 49. The cost tables are published on the Commission's website. Furthermore, the accredited agencies/bodies are also required to deliver to the couples, at the moment they take on the case officially, a "Service Charter": this information document gives a detailed description of all the activities required to perform the international adoptions procedure and the services offered by the agency, with the overall costs that will be charged to the couple for the whole procedure, excluding travelling expenses and accommodation abroad, specifying the services and activities that are mandatory, and those that are optional, together with the specific costs of each service and each activity. The costs are obviously restated and specified in every contract concluded when the case is taken on.

51. How is financial transparency and accountability of accredited bodies achieved? *E.g.*, by standard bookkeeping? Receipts and proof of purchases? Reports submitted with financial statement?

a) Financial relations between the body/agency and the couples entrusting the case to it I handled through bank transfers to the specific bank or post office current account. The whole amount of the adoption procedure must be paid in Italy directly to the agency also in respect of any services supplied abroad;

b) after the adoption procedure is completed, the body/agency is required to notify the Commission, using a special computerised form, of the costs incurred by the adoptive parents throughout the adoption procedure;

c) the body/agency submits its accounts every year to the Commission, drafted according to current legal requirements and the directives and circulars issued by the various authorities concerned, together with a report by a certified and registered auditor. If the body/agency provides activities other than those relating to international adoptions (provided that they are not-for-profit activities), the accounts must be drawn up so that there is a clear distinction between the costs relating to its intercountry adoption activities and the others;

d) the authorised bodies/agencies must keep the accounts according to standard accounting principles;

e) all the costs incurred by couples must be certified by the body/agencies so that they can be set off against taxes and so that any of their costs may be refunded, where applicable.

52. Do you allow donations to be paid to children's homes by the accredited bodies or prospective adoptive parents? Under what conditions?

Adoptive parents may make small donations after the adoption procedure is concluded. In some countries official procedures made provision for a fixed amount to be paid, which may be a substantial donation, as part of the overall charges.

Accredited bodies/agencies are encouraged to donate funds to agencies implementing specific projects for the advancement and protection of children's rights which do not

have special relations with specific institutes.

53. The costs relating to adoption are extremely difficult to evaluate. Can you state the average amount or range (smallest to highest amount payable) for the following items.

Costs in the receiving State

- a) registration with an accredited body, **YES**
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc. **YES**
- c) costs for adoption training and preparation courses for prospective adoptive parents **YES**
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.) **YES**
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin **YES**
- f) cost of professional services in the receiving State (e.g., lawyers, notaries, doctors) **YES**
- g) other – please specify. **///**

Costs in the State of origin

- a) the body's administrative costs, **YES**
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.), **YES**
- c) co-ordination of the case through (in-country staff of) the accredited body, **YES**
- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin, **YES**
- e) cost of filing of the documents with the appropriate authorities, **YES**
- f) translation and assistance, **YES**
- g) legal or administrative costs in the State of origin, **YES**
- h) transport and hotel costs for the adoptive parents, **NO**
- i) humanitarian contribution and donation to the orphanage, etc., **YES: in some countries it is customary for small donations to be made, but these are always certified by the body/agency; in other countries the donation is a fixed amount stipulated by law (for example the People's Republic of China) added a certified by the authorities in the country itself.**
- j) other – please specify. **///**

54. What is the relation between adoption fees (and contributions) and actual costs? Is it calculated for the whole budget of the accredited body, or per State, or does each adoption carry its own costs? How is the relation between fees and actual costs supervised?

Cost are calculated and established for each individual State; they are adjusted when procedural changes are made in the country.

55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)

Since not all the receiving States have issued regulations governing costs, or do not have official cost tables, it is not possible to draw comparisons for the purposes of adjusting our own.

State of origin questions

56. In the State of origin, who is responsible for the co-ordination of the costs: an accredited body's employee? A third-party? In case of a third-party, how is he

selected? How is he financed? How is he evaluated? What mechanisms are in place to ensure that these costs are reasonable and transparent? What are the factors that make these costs vary from one adoptive file to another?

G. Operational issues

57. Which are the tasks carried out by accredited bodies in your State? Tick boxes if applicable. For countries of origin, please specify if your own national accredited bodies or foreign accredited bodies perform the tasks.

Receiving State questions

- Determination of eligibility of prospective adoptive parents (legal criteria) **NO**
- Evaluation of suitability of prospective adoptive parents (psychosocial criteria) **NO**
- Decision granting approval for the prospective adoptive parents to adopt **NO**
- Information and preparation of adoptive parents for intercountry adoption **YES**
- Make the matching decision **YES but only when the central authority in the State of origin requests the agency to identify appropriate prospective couples for taking a "special needs" child.**
- Counselling of PAPs about child proposed to them (the proposed match) **YES**
- Agreements under article 17 of the 1993 Hague Convention. **The body/agency/approval of the commission, pursuant to article 17, to the Authority of the State of origin**
- Arrange to file documents with Court or authority of State of origin **YES**
- Report to supervising authority on status of the adoption **YES**
- Assist PAPs with Travel preparations. **Only some bodies/agencies do this, and only if specifically requested to do so by the couple**
- Follow, know, understand, and supervise the procedure for the adoption **YES**
- Other tasks: please provide details. **See the reply in paragraph 4**

State of origin questions

- Assessment of the adoptability of a child
- Work with birth parents on family preservation to avoid adoption of the child
- Decision on the adoptability of a child
- Counselling and information for birth parents / consequences of consent
- Obtaining Consent
- Search for parents in cases of abandonment
- Assume responsibility for the child prior to the adoption
- Prepare the child for adoption
- Agreements under Article 17 of the 1993 Hague Convention
- File adoption documents with court or authority
- Search for socio-biological background information of child and birth family and reunion with birth family
- Make the matching decision
- Preparation of the adoptive child
- Assistance provided to the adoptive parents during their stay
- Other tasks: please provide details.

H. Post adoption services and reports

58. What post adoption services do your accredited bodies offer (e.g., counselling and family support)? Is provision of post adoption services one of the conditions of accreditation?

By law, the accredited body/agency must work with the local welfare services to provide assistance and support to the couple and the child both abroad and after re-

entry into Italy, and to attend to the post adoption activities required by the child's State of origin.

59. Are there any publicly funded post adoption services?

Local welfare services (social services and psychological services) are required to monitor the integration of the adopted child into the family and social environment.

Receiving State questions

60. Do accredited bodies have to provide regular reports on the child? To whom are the reports sent *e.g.*, Central Authorities of State of origin and of receiving State? Other?
Accredited bodies/agencies submit post-adoption reports to the competent authority in the State of origin, notifying, by e-mail, the Intercountry Adoptions Commission which is therefore able to constantly monitor compliance with these obligations.

61. Do your accredited bodies prepare the post adoption report or do they ask the adoptive parents to prepare it and send it to the State of origin? If a public authority is responsible for post adoption reporting, please explain.

As a rule, the local welfare services type reports, which the accredited body/agency sends to the State of origin.

62. How do you monitor the obligation to the State of origin to send post adoption reports?

See paragraph 60. The Intercountry Adoptions Commission has put in place a computerised system for monitoring compliance by the bodies/agencies regarding the post adoption reports.

J. Approved (non accredited) bodies and persons²

63. Does your State permit approved (non-accredited) bodies or persons (see Art. 22(2)) to arrange intercountry adoptions. If not, go to Question 68. If yes,

NO

64. Have you informed the Permanent Bureau of the details of approved (non-accredited) bodies or persons in your State, as required by Article 22(3)? Is the information which is currently on the Hague Conference website up to date?

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65. What are the guidelines by which approval is granted?

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66. What is the process by which approval is granted and renewed?

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67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))? ///

68. Has your State made a declaration under Article 22(4) to prohibit the involvement of approved (non-accredited) bodies or persons in intercountry adoptions?

Italy made a declaration under Article 22 (2) (the Government of the Italian Republic declares that the functions of the Central Authority under Articles 15 to 21 may also be performed, to the extent permitted by law and subject to supervision by the Italian Central Authority, by institutions or organisations which meet the conditions set out in Article 22(2)(a) and (b) of the Convention, in accordance with Article 39 ter of law No 184 governing adoption of 4.05.1983, as amended by law No 476 of 31.12.1998.).

69. Are you aware of any acts or behaviour by approved (non-accredited) bodies or

² The term "non-accredited person" was used in the Explanatory Report of Professor Parra-Aranguren to refer to the person in Art. 22(2). Some countries now employ the term "approved person" when referring to person in Art. 22(2). However, the 2005 Questionnaire responses revealed enormous confusion when the term "approved persons" was used. Consequently, the Guide to Good Practice has followed the usage of the Explanatory Report to try to improve the public's understanding of the functions of these particular persons. The term "approved (non-accredited) person" is a compromise to retain the precision of the Explanatory Report, but recognises the usage by some countries of the term "approved person".

persons that contravened their conditions of approval? Please also provide details of any sanctions or penalties applied.

NO

State of origin questions

70. As a State of origin, do you allow approved (non-accredited) persons or bodies from abroad to "act" in your State (as a similar procedure to authorisation of accredited bodies under Art. 12)?

K. Development aid activities

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin?

The performance of cooperation activities to protect children's rights is one of the specific conditions for obtaining accreditation.

These activities must be performed on a continuous basis, through projects actually in progress at the time the application is made, and have financial coverage.

Please cooperation activities must be officially shared with the local authorities or reliable local partners, and they must be verifiable using a monitoring system to ensure that they comply with the objectives and to ensure that they have local positive fallout.

Fundraising alone, or merely sending goods, medicines or other things, is not considered to be sufficient for meeting accreditation eligibility criteria.

72. What types of activities are undertaken?

See the reply to paragraph 70.

73. How do you ensure that the humanitarian aid does not influence or jeopardize the integrity of the intercountry adoption process (e.g., by the expectation of a regular "supply" of children in exchange for regular humanitarian or development aid)?

Italy's consolidated experience is such that it is able to avoid the possible connection between cooperation performed by the accredited body and negative interference in the adoption procedures. The possibility of the cooperation work performed by the accredited body to ensure a "regular supply of children" is, Italy's experience, a false premise, as a result of generalisation.

The system adopted under Italian law requiring the accredited bodies necessarily to be engaged in collaboration activities in the State of origin in which they operate, has produced extremely positive results overall and in each individual case, and is proving positive, loyal and transparent. The conditions laid down by Italian law for the performance of cooperation activities by the accredited bodies guarantee that the commitment is taken seriously (see paragraph 70).

System makes it possible for the accredited bodies to be directly, regularly and responsibly involved in implementing in practice the principle of subsidiarity, without delegation and without delays. Most of the Italian accredited bodies devote efforts and human, professional and financial resources to cooperation activities that absolutely outweigh any likely "return" in terms of intercountry adoptions.

We also note that:

1) about one half of the intercountry adoptions which, by law, have to be performed in Italy through the accredited bodies/agencies, all of which are committed to cooperation projects, take place in the States of origin which have ratified the Hague Convention, have pairing systems, run by the Central Authorities, fully comply with the principles enshrined in the Convention and are not – and cannot be – influenced by any humanitarian operations performed by the bodies in the country;

2) most of the other adoptions are made, through the Italian accredited bodies/agencies, in countries that have not ratified the Hague Convention but apply systems and procedures which are also such that they cannot be conditioned by the

magnitude of the humanitarian cooperation work agencies perform (for example, in 2008 the Russian Confederation was the second State of origin in terms of the number of children adopted by couples resident in Italy);

3) in 2008, 37.9% of Italy's intercountry adoptions related to children between the ages of five and nine, 10,1% of children aged over ten; in the first half of 2009, these percentages rose further to 42.7% in the case of adopted children aged between five and nine years and 12.8% for children over 10 years of age; in 2008 over 25% of couples resident in Italy adopted more than one child. This increasing number of adoptions of children who are no longer infants and groups of siblings, as well as of children suffering from health problems, is a tangible demonstration of the commitment of Italy's accredited bodies to ensure genuine subsidiarity in intercountry adoptions.

We believe that any critical situations that have been found in certain countries have to be dealt with in a targeted manner, and that improper generalisations should be avoided.

L. Co-operation between countries

74. Have you experienced any difficulties in obtaining assistance or co-operation from other Central Authorities in regard to accredited bodies?

YES. There are still difficulties in finding out the precise details of the authorisation procedures in some States of origin and the objective criteria used to select organisations to be given authorisation

75. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries?

It appears that, as a rule, formal oversight is carried out in the State of origin of individual acts, but there does not seem to be any overall scrutiny of the work of the agency/body.

76. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies?

Italian law prohibits independent adoptions.

77. Are there any particular aspects of your accreditation procedures e.g., good practices that you would like to bring to the attention of other States? We believe that the criteria set out in Resolution No. 13/2008/SG that has been mentioned several times already, could provide a sound basis for beginning to standardise the selection criteria to be used by the Central Authorities that have ratified the Convention.

78. Do you have any other comments about any of the topics covered by this Questionnaire? NO

State of origin questions

79. Have you experienced any pressure from foreign accredited bodies?