

<b>Adoption from Single Individuals</b>			<b>Law (transgenderism)</b>
			<b>Keywords:</b> children, adoption, the child's best interests, single, equality.
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<b>Abstract</b>			
<p>Every child, in order to have a replete development of their personality, should be raised within a family ambience, within an understanding, felicitous and lovable climate. A child who is temporarily or completely deprived of their family environment, or who is not in their highest interests of their position in that environment, shall be entitled to be assisted and protected by the state. In the case of adoptions by single individuals, the norm moves very slowly towards a full adaptation to be brought, to be equated with other countries such as England, Spain, France, Germany, et cetera, to trust and give children in adoption to people that are not related to marriage as it is enshrined in Nice and Strasbourg. Each EU member state is obliged to amend rules of equality set out in the International Charter of Human Rights known as the Nice Charter of 2000. This document reaffirmed in 2007 and 2009 in Strasbourg is the pillar of justice, legality, equality and respect for human rights in all their aspects. This paper seeks to address adoption by single parents. One of the subjects of adoption, the adoptive parent, can he/she be single and is the adoption easy in these cases in Italy? What are the challenges of this institute when the adoptive parent is single? Are the procedures established by law strictly followed? Does deviation from procedures violate the best interests of the child? The Convention of the United Nations on the rights of children and adolescents (CRC) provides that in all decisions concerning children, the competence of public and private institutions, courts, administrative authorities or legislative bodies, the best interests of the child should be considered as primary. This paper does not essay to be exhaustive, but aspire to shed light on legislative and practical challenges facing the adoption institute in Italy when the adoptive parent is a single one and whether in this case the best interests of the child dominates decision making.</p>			

## Introduction

Adoption is an institution provided for abandoned children or those ones without care by their parents or relatives who must provide a suitable family for care, education and tuition.

Basically, it would be better for a child to have two parents (even grandparents, aunts, uncles or other realtive figures that would support in terms of moral, educational and economic as well). Notwithstanding, if a person willing to take care of an abandoned baby who has a dramatic history on his/her shoulder, how can you stop that? Is it not better to have the care of a single person than anyone?

No human being lives in an isolated environment. It is logical that a single parent has around him/her an omphalos of relatives and friends within which the child can live. On the other hand, an adoption goes through a procedure where psychologists and social assistants participate being able to assess the situation.

### The importance of adoption by unmarried people

But is it true that in Italy unmarried people can not adopt?

This issues has been long discussed in academic groups, legislative, *etc.* The Constitutional Court also recently reaffirmed the impossibility of a full adoption, but inciting an intervention for enlargement by the legislator.

Yet, not all options are closed for those who desire to become a parent.

The path to follow is that of the so-called adoption of particular performed in exceptional cases, explicitly specified by law.

The difference with respect to the full adoption is that with the adoption in special cases the adopted child does not acquire the status of a legitimate child of the adoptive parents because the blood ties are not interrupted with the family of origin.

In spite of that, the adoptive parent assumes the same duties. Therefore, this nature of adoption carries the same interests of the child that needs to be supported spiritually and materially.

With the adoption it is required to create the minor child a family ambience who lacks one. Under Italian law - Law no. 184 of 1983 (regulating this field and setting out the essential criteria) the adoption is allowed to spouses married for 3 years and are not divorced (neither de facto). They should be able to care for the minor they want to adopt.

In special cases, adoption is permitted outside the conditions provided by law. It is about hypothetical special cases where it certainly prevails the child's interests. Children can be adopted beyond the scope of the usual cases of people associated with the minor, orphaned by their mother and father, kinship up to the sixth rating or a stable and long relationship from pre-existing death of parents; by the husband when the minor is a child of the other spouse, even if adopted; adoption of minors with disabilities under Article 3 of Law no. 104/92 and orphaned by both parents; when the impossibility of proving pre-adoption custody.

The effects of adoption in special cases are more limited than those of legitimized adoption (or the full adoption), since that the minor preserves the rights and obligations towards the family of origin, s/he puts forward his own surname of the adoptive family and is not entitled to family relations with the relatives of the adoptive family which the latter assumes the parental authority and the obligation of upbringing, education and tuition.

### **International adoption of a minor by a single individual**

As we stated, according to Italian operative normative system, solely couples can perform a legitimate adoption (legitimate adoption refers to the creation of the same sonship relation as that of between parents and their biological children).

This applies to national and international adoption. However, in 2005, the Constitutional Court ended by the case of an unmarried Italian woman that requested the adoption of a Belarusian girl declared abandoned in her own country who quickly needed medical care who she built a consolidated report on coexistence and affection with, spoke with the acceptance of international adoption for the same cases that received national adoption<sup>13</sup> (decision 347/05).

The Constitutional Court considered the international adoption potential by an unmarried individual in the following cases: when between the unmarried person and the foreign minor orphaned by his/her mother and father there is a stable and enduring connection, which existed before parents' death, in case of adoption of a minor orphaned by his/her mother and father with a handicap under Article 3, paragraph 1 of law no. 104, on 5.02.1992

In case of adoption of a minor that due to his special guardianship the impossibility of pre-adoption has been comprehended. This happens in cases as such when due to age or health, physical or mental characteristics of minors the adoptive couple can not be found with the right characteristics compatible to the needs of minors or when between the adoptee and single individual there is a previous affective relationship whose significant disruption can cause great psychological damage to the child.

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<sup>13</sup> <http://www.altalex.com/documents/nees/2005/08/05/adozione-internazionale-da-parte-di-single-legittima-in-casi-particolari>

The single individual is likely therefore to be declared suitable by the Juvenile Court for international adoption of a minor with regard to the above conditions. However, international adoption carried out by the single individual can be attainable only if the child's country of origin allows adoption by unmarried people and whether the country's authorities decide that the adoption of the single individual responds effectively to the highest interest of the child.

One of the largest non-governmental organizations authorized for international adoptions, AiBi<sup>14</sup>, present in 31 countries of the world, in 2012 proposed to the Italian state a change in the law for adoptions. AiBi also required the opportunity of adoptions for unmarried people in order to counter the sharp fall of children received by Italian families.

In 5 years (2006-2011) the declarations of eligibility to international adoptions issued by the courts for juveniles have been reduced by 50% and requirements for adoption in Italy have fallen almost 30% over the same period.

Adoption procedures are too long and tedious and have a very high cost.

The given proffer requires that the international adoption be extended to unmarried persons, but not a complete one, not in all cases. The single individuals will be given for adoption a special category of children with special needs, such as: children over 7 years, groups over 3 siblings and children with health needs. Practically, the reform proposed by AiBi will make equal national and international adoptions in terms of single individuals as subject to adoption.

In 2011 the Constitutional Court invited the Italian Parliament to adopt the Italian law with the European Convention signed in Strasbourg in 1967 and ratified in 1974 which explicitly promotes the adoption of children beyond limits by single individuals<sup>15</sup>. Unfortunately, Italian law still continues today to be discriminative to single individuals in connection with adoptions. The law sees a couple more trusting to better raise a child.

In essence, the Italian law is not discriminative to single individuals but to the children. The law categorizes children into two groups waiting to be adopted, in children without "trouble" (which are children under 7 years old and without health problems) and children with "trouble" (as children over 7 years old, with problems to healthcare, who needs urgent cure or group of children who are siblings).

The key point, upon which the institution of adoption is established, is the best interests of the child. Does Italian lawmaker attend to the laws that approves and implements for the best interests of the child? The picture that just appeared does not show such care. Briefly, Italian lawmaker's logic is as such: give more to those who have and to those who have less, let anyone to adopt them. Since some children have problems let those adopt those whom we do not believe in the upbringing of children.

On the one hand, children are discriminated, for those with problems can be adopted by single individuals who according to lawmakers are not able enough to raise healthy children and in turn, single persons who want to adopt are discriminated so they can only adopt the ones left, children who couples have refused.

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<sup>14</sup> <http://www.aibi.it>

<sup>15</sup> [http://www.huffingtonpost.it/2012/12/12/aibi-adozioni-dallestero-\\_n\\_2282649.html](http://www.huffingtonpost.it/2012/12/12/aibi-adozioni-dallestero-_n_2282649.html)

According to Italian lawmakers, 4 siblings among them, as a couple, can not undertake to raise them all, a single mother or father can do that. Thus, the law does not see a single parent capable of raising one child but perceives him/her capable of raising over 4 children altogether. A single parent is not able to raise a healthy child but is able to raise a child with health problems requiring prompt treatment when the latter is clearly more difficult and requires large expenditures. It seems a form of exploitation that Italian law complies with the wishes of single persons to adopt a child.

### **The Practice of the European Court of Human Rights (ECHR)**

With the decision *E.B. versus France*<sup>16</sup>, the European Court of Human Rights (Grand Chamber judgment dated 22.01.2008) was dealt with the adoption of a child by a gay person in a country where the law allows adoption by single persons.

E.B, female, 45 years old, who cohabited with her friend, requests to adopt a child following the procedure. Her request is rejected by the administrative authorities on the grounds of lack of "identifying reference points" due to the lack of a paternal image as a reference and the ambiguous nature of its partner's commitment to the plan of adoption.

The rejection of the application was confirmed in three levels of jurisdiction, despite knowing the indisputable qualities of the demander and her capability to raise the child, on the grounds of two main reasons: the absence of a male figure of reference and the lack of interest of her cohabitating girlfriend in adoption project.

European Court believes that the first motive (the absence of a male figure reference) is used as a pretext to refuse the request of the plaintiff. In essence, the rejection is decided because of her sexual orientation, and the government has not done anything to prove otherwise, non- discrimination based on sexual orientation.

Therefore, the Court considered that the applicant had suffered a differentiated treatment.<sup>17</sup> If the reasons given for this differential treatment were based solely on considerations regarding her sexual orientation, it is considered as a discrimination under the Convention. Nevertheless, some convincing and ponderous reasons are needed to justify such a difference in treatment regarding the rights taking in the scope of Article 8, namely the right to respect the private and family life. There were no such reasons in the present case because French law allows single persons to adopt a child, thus allowing the possibility of adoption by a single homosexual. Moreover, the Civil Code does not refer to the necessity of a referent of the other sex and the applicant presented convincingly her personal qualities and abilities to raise children withal.

The Court concluded that the decision of refusing authorization to adopt was incompatible with the Convention and that there had been a violation of Article 14<sup>18</sup> of the Convention, taken in conjunction with Article 8<sup>19</sup>.

A similar situation but with opposite "parental role" is the case of *Frette v France* which was about a gay man who after failing in his attempt to become a father through his girlfriend, had decided to adopt a child.

<sup>16</sup> <http://www.equalrightstrust.org/ertdocumentbank/Microsoft%20Word%20-%20E%20B%20%20v%20France6.pdf>

<sup>17</sup> Falletti, E. *La corte europea dei diritti dell'uomo e l'adozione da partedel single omosessuale*, Famiglia e Diritto (2008), n. 3, p. 224

<sup>18</sup> Prohibition of discrimination: The enjoyment of the rights and freedoms set forth in this European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

<sup>19</sup> Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.

Social services described him positively though outlined that he was not ready to organize his life and fulfill the obligations that the arrival of a child would bring and the fact that the family picture which Frette proposed lacked the female parental figure as a reference point. Once he dissipated domestic routes of appeal, Frette came to ECHR in order to stop the French state to intervene in his private life and violenting and discriminating his alleged homosexuality. Even in this case, the judgment on the adoption proceedings soon turned in judgment on homosexuality of Mr. Frette, on his personal situation even though the investigations did not result in lewd behavior of contender for adoption. Unlike the case of the above (E. B against France), the court ruled that the observations of the French authorities were accurate and that there was no discrimination because of his sexual orientation. The judges agreed with the French government's defense arguments who said that the dispute does not affect the scope of the ECHR, given that Article 8 does not guarantee theoretical aspirations to have a family life<sup>20</sup>. The fact that you have not agreed to any administrative authority about a possible adoption is not a decision that interferes with a person's private sphere. Regarding the boundaries or areas of evaluation, the court reasoned that, although the signatory states to the ECHR enjoy a kind of space evaluation to measure the differences between the several situations, this varies according to the context or the presence or absence of the same shared legal systems' denominators. In Frette's case the Court noted that the boundaries or areas related to creating opportunities to adopt even for homosexual couples, did not exist. The Court gave national authorities the freedom to decide on the limits of their powers on this argument, but nevertheless earmarked itself the control over the decisions of the national authorities regarding compliance and the requirements of Article 14 of the ECHR.

*Wagner and J.M.W.L.* case raised the issue of recognition of the judgment of adoption fully valid in the foreign country of an unmarried adoptive mother. Since that judgment, the latter is brought as the mother of the child. Luxembourg court's refusal to declare a foreign judgment enforceable derived from the absence of provisions in domestic legislation through which it will enable foster to single parents. The Court considered that the refusal represented "interference" with the right to respect family life and noted that in Europe there is a broad consensus on this issue, in fact, adoption by unmarried persons was permitted without restrictions in most member states of the Council Europe. Stressing that the best interests of the child must prevail in cases of this nature, the Court held that national courts could not be able not to responsibly take into account legal status that was created on a regular basis in the foreign country and which corresponded with family life within the meaning of Article 8. They were not reasonably able to refuse family relationship, through which linked *de facto* the plaintiff and her child and who deserved full protection.

In the case of *X and Others v Austria* - Failure to adopt as a second parent in a relationship with people of the same sex in Austria is discriminatory in comparison with the situation of unmarried couples of different sexes", which is final. The European Court of Human Rights on 19.02.2013, decided by majority vote, that there has been a violation of Article 14 (prohibition of discrimination) and Article 8 (the right to respect for private and family life) of the European Convention on the Rights of human due to changes in the treatment of applicants compared with unmarried couples of different sexes, where one partner wants to adopt the other partner's child; and, unanimously, there has been no violation of Article 14 in conjunction with Article 8 of the applicants when the situation was comparable to that of a married couple in which one spouse wants to adopt the child of the other spouse.

<sup>20</sup><https://books.google.al/books?id=9oE92BOVirEC&pg=PA51&lpg=PA51&dq=Frette+contro+la+Francia&source=bl&ots=OdvĒ4rĕZvO&sig=y7Pt1o3zrHSex22tJ8eGtK2yp1Y&hl=it&sa=X&ved=0ahUKEĕjtv9yukYXOAhVkJ5oKHde5B1YQ6AEIPjAD#v=onepage&q=Frette%20contro%20a%20Francia&f=false>

## Recognition in Italy of adoption made in another state where permitted adoption by single persons

Is adoption efficient in Italy, carried out by a single person in another country? Yes, it is possible that an Italian judge recognizes and makes an adoption efficient carried out by a single Italian citizen in a foreign country.

Obviously, when the person is unmarried, adoption will have a value of adoption in special cases. Recently, the Caltanissetta juvenile court<sup>21</sup> has expressly recognized such an opportunity. It is the case of a single Italian woman who had gone to Zambia and had adopted a child there. When returning to Italy, the woman addressed the court to recognize the decision made by the African country for adoption of the child, in other words, to declare the validity of the decision in Italy.

Caltanissetta court<sup>22</sup> declared the validity of the decision of the adoption having resulted that after the past two years there had been a strong parenting bond between mother and child spiritually, in an educational way and that of upbringing. However, this adoption can not be ratified in Italy as a full adoption since she was not married.

In February 2011, the Court of Cassation<sup>23</sup> announced an exemplary decision regarding the issue of a single mother from Genoa who had the easiest way to Russia but in Italy she had been refused the right to adopt being single.

This decision was well received by those who think that a single individual can give a minor a family. But since that decision people hoped so much, but little has been done.

With this decision the Constitutional Court denied the opportunity to register adoptions carried out abroad, but on the other hand, claimed that the national legislator may provide more in expanding the adoption of minors by single persons, not only in exceptional cases as provided but also in recognizing of legitimate adoptions.

Juvenile Court of Bologna (April 17, 2013) judged the case of a single parent, an Italian citizen who after getting an adoption decision in the US, sought its recognition in Italy<sup>24</sup>.

The decision addresses so contrarily an analogous issue reviewed by the Court of Cassation that a decision of 2011 has ruled out the possibility which with the state of Italian legislation in force, single subjects can make the recognition of the decision effectively legitimize to foster a minor given by a foreign court.

Regarding legitimacy, as stated by judges of Cassation, the law 184/1983 revolves around the principle that because of the interests of the child, adoption is recognized only to spouses involved in marriage.

Assessing the compatibility of the decision of adoption granted by a foreign court with the principles of Italian public order and full realization of the best interests of the child constitute the parameters of recognition but also of the limits within which an adoption by foreigners can be recognized in Italy.

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<sup>21</sup> Caltanissetta, il tribunale autorizza l'adozione per una ragazza single. (2011, Agosto 24) Retrieved from <http://www.ilgiornale.it>

<sup>22</sup> Caltanissetta: Equality Italia, adozione a single ripropone bisogno nuova legge (2011, Agosto 24). Retrieved from <http://palermo.repubblica.it>

<sup>23</sup> La Cassazione: adozione anche per i single, La Corte invita il Parlamento a una legge in materia dopo avere affidato una bimba a una single di Genova (2001, Febbraio 16), Retrieved from <http://www.corriere.it>

<sup>24</sup> Astone, M. Diritto Civile Contemporaneo, ottobre/dicembre 2014, Rivista trimestrale online ISSN 2384-8537, Anno I, numero III

It is already known that the discipline of adoption in the Italian legal system and in the European family as well aims at providing a minor a family who has not one ensuring the child's right to grow up in a family. It is important to specify the modalities through which it is conveyed the guarantee of this right in the legal system.

On the one hand, law 184/1983 revolves around the principle according to which the full realization of the child's right to have a family provides a decision of adoption in favor of the couple of spouses. Briefly, only if the child is adopted by a married couple, it can be called his right fully realised to have a family.

On the other hand, Article 24 of the Charter of Fundamental Rights sets out not only the rights of the child to protection and necessary cures, but also that in every act which is issued and affects children, the best interests of them should be considered as primary ones. Thus, the right to maintain direct personal relationship with both parents can come in second plan if it is in the interest of the child.

So, it is the legislator, in specific cases, to ensure the best interests of the child, deviate from the principle of parenting.

In Article 25 of law 184/1983 when a spouse dies or becomes disabled while in pre-adoptive custody or when during this period the custodial spouses separate it is expressly contemplated that the adoption can be carried out in favor of the surviving spouse or divorced. So, the adoption procedure is not interrupted only by verifying one of these reasons.

Such cases show that the best interest of the child can be accomplished in a one-parent family.

In these conditions, we can say that the irreversibility of the state of abandonment and lack of a suitable family environment, can legitimize a decision with regards adoption in favor of a single (even beyond the hypotheses provided explicitly) in all those cases when it is necessary to provide smooth and balanced growth of the child.

In this regard, the indicators coming from the system are significant<sup>25</sup>, in the first place there are important issues related to the evolution of socio-legal family and the emergence of new models of family life as heterosexual, homosexual, but also one-parent already considered social formations legally appropriate. European jurisprudence has played an essential role which in many cases has recognized gay partners<sup>26</sup> the same rights in a heterosexual relations, including the right to adopt; but so has the European legislator, too, which in various norms has given full importance of the family models of another type of family and nucleus one with a single parent and minor children<sup>27</sup>.

The existence of consolidated family relations, the presence of affective, human and solidary connections, the voluptuousness of material and spiritual life testify in favor of the judicial importance aiming at adoption, of any family model, including that of a single parent, which turns out to be a very good ambience for the development and protection of the personality of the minor.

In this context, other facts shed light on. Besides the European Convention on Adoption of Minors (consented in 1967 and ratified by Italy in 1974) which recognizes the single individuals the right to adopt children with legitimate effects (full adoption) tha is the position that European jurisprudence has also taken.

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<sup>25</sup> Astone, M. *Diritto Civile Contemporaneo*, ottobre/dicembre 2014, *Rivista trimestrale online* ISSN 2384-8537 , Anno I, numero III

<sup>26</sup> Falletti, E. *La corte europea dei diritti dell'uomo e l'adozione da partedel single omosessuale*, *Famiglia e Diritto* (2008), n. 3, p. 224

<sup>27</sup>( Provision 2004/38 / CE of the European Parliament and of the Council of 29 April 2004, relating to the right of free movement and residence of EU citizens and their families in the territory of member states; Directive 2003/86 / CE of the Council of 22 September 2003 concerning the right of family reunification).

From the decisions it results in a tendency that aims to extend legitimate adoptions (in accordance with the application of the principle of non-discrimination and the right to a calm family life) to other persons who are not spouses bound in marriage, to cohabitantes of the same-sex even to single homosexual individuals and, in all cases when it already exists between entities a significantly functional relation and in the best interests of the child (ECHR 19:02. 2013 X and others v Austria, ECtHR 26.02.2002, Frette v France ECHR 10.04.2007, EB v. France; ECHR 28.06.2007, Wagner IMW.L v Luxembourg, Rome minorile Court 30.07.2014<sup>28</sup>).

Italian lawmaker, although with very small steps, has made progress in favor of full adoption of the child by single individuals. In the bill (no. 1209) proposed on December 2013 and approved on March 2015, which brings about changes in the law 184/1983, on the right of affective succession of children with foster family, talks about the possibility of ensuring continuity of affective ties that have matured into an extended period of custody with the family or with people, even single caregivers.

Although the logic of this bill was to define the rules for the organic connection of the two institutions which essentially aimed at placing the minor in an adequate family environment to ensure the basic needs, however, it has created spaces that single people can make full adoption<sup>29</sup> of minors whom they had in custody.

The decision of adoption obtained in a foreign country can not generate on a minor legitimate effects only when the documentation sent by the authorities of a foreign country does not prove that the child is considered abandoned, therefore adoptable or if in the foreign place adoption decides about the adoptive child not to gain the status of the child and the termination of legal relations between the juvenile and the family of origin. So, if one of these reasons does exist, the adoption made in a foreign country can not be recognized by the Italian state since it contradicts the norms that regulate this institute.

Beyond the aforementioned cases and in the absence of prohibitive principles of the public order in the context of an interpretation of patterns of family life and the child's interest and evolving in accordance with the already known principles of ECHR practice, the decision of adoption of a foreign minor by a single individual, about whom it is sought recognition in Italy, it can not be deprived of the usual legitimate effects<sup>30</sup>.

From the statements made, it emerges that the stability of the state of the irreversibility of abandonment of the adopted child and termination of relations with the family of origin helped the Bologna Court to recognize a foreign ruling respecting the best interests of the child. Otherwise, if the child would not have the status of the abandoned child, he will have restored relations with the family of origin, but without being convinced that the child would live in an appropriate family environment who would be capable to keep him from potential claims by biological parents about education, tuition and upbringing.

In closing, in the conflict between the best interests of the child and the public interest (Article 6 of Law 184/1983 which stipulates the criteria to be met by the adoptive parent), the priority should always be the best interests of the child that in a likely conflict pending from the judge, the application of the principles of public order might violate the fundamental right of the child to respect for family life and welfare.

<sup>28</sup> It is the first decision in Italy to accept the lawsuit in which a woman seeking adoption (in special cases) of her cohabitee's daughter.

<sup>29</sup> The effects of adoption in special cases are more limited than those of legitimate adoption (or complete adoption), since that the juvenile preserves the rights and obligations towards the family of origin, put forward his/her own surname of the adoptive family and does not win any kinship connection with the family of the adoptive family since it assumes parental authority and the obligation of upbringing, education and tuition.

<sup>30</sup> Astone, M. Diritto Civile Contemporaneo, Rivista trimestrale online ISSN 2384-8537, ottobre/dicembre 2014, Anno I, numero III.

## Conclusion

In 2012 international adoptions were 4000. In 2015 the number was halved. Despite the fact that in Italy there are 5 million 300 thousand couples without children, there were merely 3 thousand couples looking to make an international adoption in 2015<sup>31</sup>. Janë të frikësuar e të shkurajuar. They are scared and discouraged. Adoption is not promoted, there is a negative culture around couples who want to adopt. Couples get high selected instead of being accompanied on their journey. Imagine what happens to single people?!

Is this behavior capable of making us hope for a decent guarantee to the children's highest interest? Does it guarantee the right of the child to have a family, to grow calm in a sympathetic environment, if the state does not really try to guarantee this right, not only to expand the number of existing subjects but acknowledging more rights to the existing entities such as single persons who can perform adoption only in exceptional cases.

Since in Article 25 of Law 184/1983, when one of the spouses dies or becomes disabled while in pre-adoptive custody or in the case when during this period the custodian spouses are separated, it is expressly contemplated that the adoption can be carried out in favor of the surviving spouse or the divorced one why can it not expressly provide full adoption of minors by single persons? A married person who separates during placement is able to make the parent, while an unmarried person can not make the parent with full rights.

Such cases show that the best interest of the child can be accomplished in a one-parent families. Italian Parliament should make the necessary legislative changes to acknowledge to single persons the right to perform a legitimate adoption.

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<sup>31</sup> <http://www.linkiesta.it/article/2016/01/11/il-disastro-delle-adozioni-in-italia/28840/>

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