



Communications and Press Office of the Constitutional Court

Press Release of 24 February 2022

ALL ADOPTED CHILDREN MUST HAVE A LEGAL RELATIONSHIP WITH THE RELATIVES OF THE ADOPTIVE PARENT

The Constitutional Court has examined today the constitutionality of provisions that, in the event of the adoption of a minor “under special circumstances”, prevent the establishment of “civil law relations” between the adopted child and the relatives of the adoptive parent (Article 55 of Law no. 184 of 1983 and Article 300(2) of the Civil Code).

This type of adoption “under special circumstances” is available for child orphans, including those with a disability, children already living with the spouse of a biological parent, and children for whom there is no other legal mechanism for adoption.

Pending the filing of the judgment, the Press Office announces that the contested provisions have been ruled unconstitutional insofar as they provide that “adoption shall not give rise to any civil law relationship between the adopted child and the relatives of the adoptive parent”.

The Court has held that the failure to recognise civil law relations with the relatives of the adoptive parent discriminates against children adopted “under special circumstances” compared to other children, in breach of Article 3 of the Constitution. Moreover, it deprives such children of legal relationships that may contribute to forming their identity and to consolidating their personal and financial arrangements, in breach of Articles 31(2) and 117(1) of the Constitution in relation to Article 8 of the European Convention on Human Rights.

Rome, 24 February 2022