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Cross-border placement of a child including foster family

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European Judicial Network
(in civil and commercial matters)



1 Which authority is to be consulted and to give prior consent before the cross-border placement of a child within your territory?

The Juvenile Courts (*Tribunali per i minorenni*).

2 Please describe shortly the procedure for consultation and the obtaining of consent (including required documents, deadlines, modalities of the procedure, and other relevant details) for cross-border placement of children within your territory.

There are no specific national rules governing the prior consultation procedure set out in Article 82 of Regulation (EU) 2019/1111. Most Italian courts apply by analogy the national rules established for alternative care of minors (Article 4(2) of Law No 184 of 1983 (*Legge n. 184 del 1983*)). An application for approval of the placement is made by the Public prosecutor (*Pubblico Ministero*) before the Juvenile Court with jurisdiction, which authorises or refuses the placement in the light of the results of the investigations, normally carried out by social services, into the couple, the person or the facility with whom the child is to be placed. The Juvenile Court's decision may be challenged only by a Public prosecutor whose arguments were wholly or partially rejected. National legislation does not provide for a time frame for court proceedings.

Only the documents listed in Article 82 of Regulation (EU) 2019/1111 must be attached to the application.

3 Has your Member State decided that consent is not required for cross-border placements of children within your territory where the child is to be placed with certain categories of close relatives? If yes, what are the categories of close relatives?

No

4 Does your Member State have in place any agreements or arrangements for simplifying the consultation procedure for obtaining consent for the cross-border placement of children?

No

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