

## PRESS RELEASE

### SEVERED FAMILY TIES BETWEEN MOTHER AND CHILD HIGHLIGHT SYSTEMIC FLAWS IN JUVENILE-JUSTICE AND FOSTER-CARE SYSTEMS IN ITALY

#### L.Z. and D.Z. v. Italy

ECHR 246 (2026) 08.10.2026

Press release issued by the Registrar of the Court



In today's **Chamber** judgment<sup>1</sup> in the case of **L.Z. and D.Z. v. Italy** (application no. 27379/24), the European Court of Human Rights held, unanimously, that there had been a **violation of Article 8 (right to respect for family life)** of the European Convention on Human Rights.

The case concerned the severance of the relationship between a biological mother and her child, who had been abandoned on a pavement at birth by his father. Although the mother had taken steps to have the child returned to her, the Italian authorities had declared him abandoned and available for adoption and had then placed him in foster care in accordance with the expedited procedure. Subsequent court orders for the reunification of the mother and child had not been enforced. To date, the child has not been returned to his biological mother and decisions regarding contact arrangements have not been complied with.

The Court noted that the domestic courts had failed to take prompt, practical and appropriate measures to establish effective contact between the first applicant and the child. Then, for some five years, they had “tolerated” the lack of contact between the applicants and the non-enforcement of the decision ordering their reunification. The passage of time had in fact become the key factor in support of keeping the child in the foster family rather than returning him to his mother. That factor had given rise to a *fait accompli*: the severance of family ties between the first applicant and her child.

Under **Article 46 (binding force of judgments)** of the Convention, the Court indicated that the authorities should promptly re-examine the applicants' situation in the light of the judgment in this case and to take appropriate measures in the best interests of the child. It further noted that this case highlighted a systemic problem in the timely enforcement of Family Court decisions and indicated measures to be taken in this respect.

The Court also held that Italy was to pay 40,000 euros (EUR) to the first applicant and EUR 20,000 to the child in respect of non-pecuniary damage, as well as EUR 30,000 for costs and expenses.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

## **PRINCIPAL FACTS AND COMPLAINTS**

The applicants, L.Z. and D.Z., are two Italian nationals who were born in 1979 and 2020 respectively. They are mother and son.

After concealing her pregnancy, L.Z. gave birth to D.Z. alone in her home on 4 November 2020. She entrusted the baby to her then partner to take to hospital, but he abandoned the child on the pavement. The child was found the same day and admitted to hospital. Two days later the public prosecutor's office applied for an expedited adoption procedure and a guardian was appointed.

Twelve days later, L.Z. informed the police that she was the child's biological mother and stated that she regretted what had happened and wished to have her child returned to her. Criminal proceedings were instituted against her for aiding and abetting the abandonment of a child. They are still ongoing.

On 20 November 2020, 16 days after D.Z.'s birth, the Family Court declared him abandoned and available for adoption, without carrying out the requisite investigations and wrongly considering that his biological parents were unknown. The child was thus placed with a foster family with a view to adoption<sup>2</sup>. The foster family was informed in advance of the risk associated with this type of placement, and in particular that if the outcome of the adoption procedure was negative, or if the placement was appealed against or revoked, the minor could be returned to his family of origin.

Having become aware of that decision three weeks later, L.Z. applied for the suspension of the procedures so that she could establish parentage of her son and gradually rebuild a relationship with him. That and other applications were refused until the Court of Appeal, on 8 July 2021, set aside the decision declaring the child available for adoption. The Court of Cassation subsequently upheld that ruling, but D.Z. remained with the foster family.

Some time later, on 28 December 2022, the Minors Court ordered that the child be returned to his biological mother within four months, basing its decision on an expert report recommending gradual reunification of the applicants. The enforcement of that decision was hindered by a series of organisational difficulties, as the foster family had in the meantime moved more than 600 kilometres away without the Minors Court having given its consent to such a move or compelling them to return to its jurisdiction.

To date, the child has not been returned to his biological mother, and the decision relating to contact arrangements has not been enforced. In the meantime, fresh expert reports have found that the passage of time and the close bond with the foster family have made it difficult, if not impossible, to reunite the applicants in the short term. In addition, the Minors Court has observed that the foster family's attitude "stemmed from a desire to have the child as their own, which was incompatible with the judicial procedure".

Relying in particular on Article 8 (right to respect for family life), the applicants complained about the severance of their relationship, which they characterised as an "unlawful removal". They submitted that the declarations of abandonment and availability for adoption were unfounded and that the Italian authorities had not done everything that could reasonably have been expected of them in order to maintain their family ties.

## **OUTCOME REASONING OF THE COURT**

The Court noted that the Minors Court had declared D.Z. abandoned and available for adoption 16 days after his birth, on the erroneous assumption that his biological parents were unknown.

It also noted that from the moment the first applicant had disclosed her status as the biological mother, the Minors Court and the registry of births, marriages and deaths had failed to facilitate her endeavours to promptly re-establish contact with the child. Rather than ordering a suitable,

immediate intervention by social services and providing psychological support, they had instead hindered her efforts.

Even after the decision to place the child with a view to adoption had been set aside, a series of organisational and procedural obstacles had led to successive delays, indefinitely deferring the preparatory meetings for the applicants' reunification. No other project to re-establish contact had been put in place to compensate. One of the reasons for that situation had been the difficulties encountered in contacting the foster family, who had moved more than 600 kilometres away without the Minors Court having given its consent to such a move or compelling them to return to Sicily.

Despite a decision by the Minors Court in January 2023, followed by another in April 2023 enjoining all parties to cooperate, delays had mounted and no contact had been established between the first applicant and the child, causing the reunification to fail. In particular, the foster parents had neglected to attend the appointments made as part of the reunification plan, without being penalised.

The domestic courts had failed to take prompt, practical and appropriate measures to establish effective contact between the first applicant and the child. Then, for some five years, they had "tolerated" the lack of contact between the mother and son and the non-enforcement of the December 2022 decision ordering their reunification. The lack of cooperation by the services involved, the foster family and the guardian had caused a substantial delay, which had significantly influenced the successive expert assessments.

The authorities had thus, for some time, enabled the consolidation of a *de facto* situation created in defiance of judicial decisions, without taking into account the potential long-term effects of such a situation arising from the permanent separation of the first applicant and the child. They had accordingly not acted with the requisite diligence in this case. In particular, social services, the neuropsychiatric services and the guardian had not taken appropriate measures to enable both the full exercise of the first applicant's right of contact and the reunification of the family.

The Court therefore found that the national authorities had failed to fulfil their obligations under Article 8 of the Convention to ensure the family ties between the first applicant and her child were maintained. The passage of time had in fact become the key factor in support of keeping the child in the foster family rather than returning him to his mother. That factor had thus given rise to a *fait accompli*: the severance of family ties between the first applicant and her child. **There had accordingly been a violation of Article 8 of the Convention.**

**Under Article 46 (binding force of judgments) of the Convention**, the Court invited the domestic authorities to promptly re-examine the applicants' situation in the light of the judgment in this case and to take appropriate measures in the best interests of the child. It further noted that this case highlighted a systemic problem in the timely enforcement of Minors Court decisions. In particular, the violation exposed the insufficient scrutiny exercised by the courts over the actions of social services and other competent bodies responsible for implementing such decisions. Those decisions also showed how family situations solidified with the passage of time. The Court therefore considered that the State should take the following general measures: effectively implement the Cartabia reform provided for in Legislative Decree no. 149 of 10 October 2022; regulate and supervise social services; provide training and harmonise practices; and strengthen safeguards and regulate procedures with respect to placement and adoption.

## PROCEDURE AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 9 September 2024 by L.Z., on her own behalf and on that of her son.

Judgment was given by a Chamber of seven judges, composed as follows:

Ivana Jelić (Montenegro), *President*,

Erik **Wennerström** (Sweden),  
Raffaele **Sabato** (Italy),  
Frédéric **Krenc** (Belgium),  
Davor **Derenčinović** (Croatia),  
Alain **Chablais** (Liechtenstein),  
Artūrs **Kučs** (Latvia),

and also Ilse **Freiwirth**, *Section Registrar*.

*The judgment is available only in French.*

The Court's judgments finding a violation are binding on the State concerned. The Committee of Ministers of the Council of Europe, the executive body of the Council of Europe, supported by the Department for the Execution of Judgments of the European Court of Human Rights, is responsible for supervising their implementation.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.