

Italian Court Recognizes Gay Couple as Parents

Kayla Pantano (March 01, 2017)



Previously barred from registering their boys born via surrogacy as their legal children, judges ruled in the couple's favor, claiming that a parental relationship should not be determined exclusively by a biological link.

In a groundbreaking court case, a gay couple in Italy has been recognized as parents of two surrogate children. This is the first time an Italian court has ruled that a child legally has two fathers.

Only one of the pair is biologically related to the children, who were born via artificial insemination in the United States to a surrogate mother and are now seven years old. However, the [Trento Court of Appeal](#) [2] made the ruling in line with the birth certificate issued in the US, which states the dual paternity.

In their decision, judges noted that the foreign birth certificate was valid because in Italy parental relationships are not determined solely by biological relationships. They explained, "One must consider the importance of parental responsibility, which is manifested in the conscious decision to have and care for the child."

The couple's lawyer, Alexander Schuster, said afterwards, "This is a recognition of full parenthood, in other words, not adoption." He continued, "It has recognized for the first time a foreign provision that gives the second father the status of a parent."



Gay rights groups welcome the ruling

Gay activists and support groups throughout Italy hailed the ruling as an important precedent.

[Article 29](#) [3], a website that takes its name from an article regarding family in the Italian Constitution, published the details of the February 23 decision on Tuesday, praising the historic ruling for acknowledging gay rights and protecting the needs of children.

Similarly, Marilena Grassadonia, president of [Famiglie Arcobaleno](#) [4] (Rainbow Families), said, “In the absence of clear laws we hope now that all Italian courts follow the same path. It is the only way that we can safeguard our children.”

Surrogacy, adoption, and gay marriage in Italy

Italian law currently forbids the use of a surrogate mother. In theory, anyone caught entering into a surrogacy arrangement faces up to two years in prison and a fine of up to a million euros.

In November 2014, a child was taken away from a northern Italian couple, who paid €25,000 to a surrogate mother in Ukraine. Both in their fifties and infertile, the couple turned to surrogacy after being turned down three times in their bid to adopt. The two were charged with fraud and the child was put up for adoption.

It is also extremely difficult for gay couples to adopt; adoption rights are granted on a case-by-case basis for everyone. After a stepchild adoption clause was scrapped from the bill, it made it harder for same-sex couples to adopt their partner’s biological child.

It was only in June 2016 that the Italian Parliament passed legislation to create civil unions for gay couples. Same-sex marriage is still illegal.

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Links

[1] <http://iitaly.org/files/famiglie-arcobaleno-toscana-pride-park3jpg>

[2] <http://www.corteappello.trento.it>

[3] <http://www.articolo29.it>

[4] <http://www.famigliearcobaleno.org/it/>