## **- Family and Child Law**

## Prof. Luciano Eusebi

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide basic elements for an overview of the legal position of minors, with particular reference to civil law (family law in particular) and criminal law (under-age defendants in particular).

During the course students will master, despite not having any previous academic experience of law, both the legislative foundations of children’s law and an overall vision of the civil and criminal legal system: such elements could prove extremely useful for professional future.

Students will develop the ability to read and understand legislative literature independently as well as grasp any problematic complexities.

Particularly via the detailed study of open questions related to the prevention of juvenile criminality and more, and to the sanctioning system, students will learn critical tools so they may express mature opinions regarding their educatonal vocation and the social debate regarding topics.

A specific section of the course will focus on issues pertaining to early life, thus enabling future educators to develop personal skills regarding bio-legal matters.

***COURSE CONTENT***

The course covers the following main topics:

* Basic notions of the legal system; the relationship between ethics and the law; the role of the constitution; skills areas of the various branches of the law (civil, criminal, administrative, international) and the sharing of power.
* Minors in the constitution and in international declarations; different forms of duties of the courts towards minors.
* The statute of minors in light of family law; legal ability and ability to act; problems related to parentage relationships; parent responsibility and protection; rights and duties of parents and children; children’s rights to a family, fostering and adoption (national and international); consequences of separation and divorce for children.
* Introduction to criminal law and the problem of sentences; criticism of a remunerative vision of justice; profiles of primary prevention and general and special prevention of crimes; the educational aims of penal legislation concerning children; the fundamental protective principles of criminal law and some of the minimal notions of elements of crime.
* The innovative nature of the juvenile legal system (particularly in reference to legislative decree n. 448/1988).
* Juvenile criminal offenders: the fundamental role of the study of personality; imputability; the sanctions system; the stages of a trial; in particular, testing and penal mediation; cautionary measures; flagrant crimes; security measures; the task of juvenile social services and educators within their environment.
* Fundamental principles of criminal law (legality, offensiveness, culpability) and elements of the theory of crime.
* Juvenile victims of crime.
* Problems concerning the prevention of pregnancy termination and new aspects of the relationship between bio-ethics and law during the first stage of human life (procreation, embryo protection, use of genetic information, rights of the juvenile patient).

***READING LIST***

L. Eusebi, course packs available at <https://blackboard.unicatt.it>/ (Elements of family and children’s law - 2021-2022) can be downloaded by students.

Students should have basic knowledge of the legislation mentioned in the course pack.

***TEACHING METHOD***

Classroom lessons (or remotely streamed lessons where this would be required for health care needs.

***ASSESSMENT METHOD AND CRITERIA***

Oral examination. The examination tests students’ acquisition not only of the course notions, but also their vision of legal issues explored during the course.

The oral examination will give students the opportunity to calmly process their answers and engage in a dialogue which will showcase their knowledge of the subjects.

Assessment, therefore, will be based on students’ knowledge of the civil and criminal legal system, their understanding and ability to discuss the issues said legislation intends to address: criteria, questions.

Particular emphasis will be placed on students’ critical skills and inter-disciplinary vision during the examination, also in relation to their academic experience within the science of education.

***NOTES AND PREREQUISITES***

There are no prerequisites for attending the course.

Given the multi-disciplinary nature of the course, regular attendance is recommended. Any non-attending students should contact the lecturer.

Information and updates will be posted on the Blackboard platform, as well as additional material for the course.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.