# Private and Family Law

## Prof. Simona Ardesi

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

***Course aims***

The course offers an in-depth and systematic analysis of current legislation for family and private law - essential knowledge and a qualifying condition for professionals dealing with children, families and disabled people, and facing the challenges inherent to such sensitive and complex work.

The issues will be approached with particular focus on the implications and theory-practice connections of social work.

The course will be based on studying legislation, and enriched with more recent teachings and jurisprudence.

***Intended learning outcomes***

Knowledge and understanding:

At the end of the course, students will be able to identify the main regulations in the field of private and family law – starting from constitutional principles – and their prevailing legal interpretations, recognise the ratio at the basis of each regulation, find conceptual links between different juridical institutions, give an overview of the evolution of the law regulating families, people, and minors in the national legal system, and analyse the most relevant and up-to-date issues.

***Ability to apply knowledge and understanding***

At the end of the course, students will be able to identify, in the presentation of short case studies, the underlying legal arrangements and the main issues related to the law of the people, minors, and families to be taken into account while analysing the situation in question.

***COURSE CONTENT***

After providing a broad overview of constitutional principles and introducing the conventional and European regulations, the course will analyse both standard and special legislation in the following three models.

Law of persons

– Natural rights, both in domestic and international systems

– The rights of the person; capacity

– Safeguarding the disabled: debarment, disqualification, administrating support

The family

– Marriage and the protocol for marital breakdown: constitution, personal and property relations between couples, provisions for children in the case of separation and divorce

– Civil unions and de facto domestic partnerships

– Filiation

– Parental authority: rights and duties of parents and children, limitations to and lapse of parental authority, removal from parental care

– Protection in cases of domestic violence

Minors

– The transformation of minors from objects into subjects: from the paradigm of the protection of vulnerable subjects to the one of the promotion and participation of the individual being taught; the international contribution to the implementation of juvenile law

– Protection and promotion legal arrangements: protection and curatorship; the minors’ right to family life - foster care and adoption

– The protection of unaccompanied foreign minors

The jurisdictional and administrative system for the protection of people, families, and minors.

– An outline of the ‘Cartabia’ Reform, task allocation.

– The system of the social services for families and minors; the necessary and possible interactions between judicial and administrative authorities

- Mandatory reporting for social workers

***READING LIST***

C. Cascone - S. Ardesi - M. Gioncada, *Diritto di famiglia e minorile per operatori sociali e sanitari,* Cedam, third (except the chapter on juvenile justice system)

***TEACHING METHOD***

Lectures with active participation; to develop the ability to read and interpret the law, students are strongly advised to bring legal reference texts with them to lectures.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam. During the exam, students will have to demonstrate their knowledge of the elements indicated in the course content and their ability to create links between the main principles of family and juvenile law. Assessment will be based on the following criteria: mastery of basic knowledge, internalisation of the fundamental principles, autonomy in orienting themselves among the normative sources, appropriateness and accuracy of technical language, and critical reflection skills. A superficial and mnemonic preparation of the principles referred to in the course content, lacking the necessary awareness of the principles and rationale underlying the rules, will be considered insufficient to pass the exam.

The final mark will be on a 30-point scale.

***NOTES AND PREREQUISITES***

Students are strongly invited to regularly consult codes and bodies of law while analysing regulations.

There are no prerequisites for attending 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.