# Private and Family Law

## Prof. Roberta Dell’Oro

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

The course aims:

1. to introduce students to basic legal concepts, the main tenets of private law and the principal notions of family and juvenile law;

2. to provide an in-depth understanding of the main legal issues of interests to providers of social services;

3. to provide an overview of the general regulatory framework governing the family and juveniles as well as to enable students to follow and understand regulatory developments over time;

*Intended learning outcomes*

At the end of the course, students

– will be able to understand and use legal terminology;

– will be able to resolve cases relating to civil law and in particular family and civil juvenile law, applying the regulations in force;

– will be able to examine legal measures and to understand what is established by the judicial authority.

***COURSE CONTENT***

1. Introduction to private law: private law and international private law.

2. Judicial civil and administrative protection of rights in general and the rights of families and juveniles in particular.

3. The parties covered by law: individuals, capacity, the rights of the person, the rights of Italian juveniles and notions of foreign children’s rights, natural, legal and judicially - declared incapacity, tutorship and guardianship, administration of support, address.

4. Succession upon death and donation contract, “DAT”.

5. Property rights: property, rights of enjoyment and guarantees, and their protection.

6. Obligations: general principles, contracts, torts, contractual and tortious liability.

7. Family law: historical overview of the evolution of family law, formation, separation and the dissolution of the family, the civil unions, the living together, personal and property aspects, filiation, the exercise of parental authority, limitations to and lapse of parental authority, removal from parental care, the right of children to a family, placement in care and adoption, mutual rights and duties of parents and children, the protection of children in international conventions and in Italian law, family proceedings before the Juvenile Court and the Ordinary Court, and the role of social services in family and juvenile law.

***READING LIST***

G. De Nova, *Codice civile e leggi collegate,* Zanichelli, latest edition.

A. Costagliola-L. Nacciarone, *Compendio di Diritto civile,* Maggioli, latest edition.

S. Ardesi-C. Cascone-M. Gioncada, *Diritto di famiglia e minorile per operatori sociali e sanitari*, Cedam, latest edition.

***TEACHING METHOD***

A 60-hour course taught through lectures, with a focus on discussions of concrete cases with the help of legislative sources and following latest legal and jurisprudential developments.

***ASSESSMENT METHOD AND CRITERIA***

Generally a final oral examination, without any preliminary or interim tests.

During the examination there will be questions on general aspects of private law, the rights of the person, succession, actual rights, obligations, contracts, tort, the adult relationship, filiation, parental responsibility, foster care and/ or adoption, rights of minors and the role of social workers towards family rights; on completion of the examination students will be required to focus on a judicial problem related to family law using the civil code. During the examination students must demonstrate that they have acquired a general overview of private law and in-depth knowledge of family law as well as the ability to identify the judicial norms of the civil code and relating them to the individual case.

The evaluation will take into consideration relevance of the answers, appropriate use of legal terminology, coherent structuring of answers, ability to make connections between hypotheses and real situations.

***NOTES AND PREREQUISITES***

There are no content prerequisites for the course. However, a basic knowledge of fundamental law for community living is expected.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching and assessment will be carried out following procedures that will be promptly notified to students.

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.