# Private and Family Law

## Prof. Roberta Dell’Oro

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

*Course aims*

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 know the main principles of civil law, in particular of family and juvenile law

– will know the evolution of civil law, in particular of family and juvenile law

– 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 in order to carry out what indicated

– will be able to gather and interpret the necessary information to be able to intervene in the social sphere.

– will be able to communicate with other experts and professionals in order to identify the best methods of intervention in different situations.

***COURSE CONTENT***

The course content is structured as follows:

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 and the changes occurred.

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 changes taking place during trials, 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.

Further information will be provided at the beginning of the course since, as regulatory changes are underway, the texts are not being updated.

***TEACHING METHOD***

A 60-hour course taught through lectures with slides and alternating analysis 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***

*Assessment method*

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.

*Assessment criteria*

During the examination students must demonstrate that they have acquired a general overview of private law and in-depth knowledge of family and juvenile civil 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***

***Notes***

Attendance, although not compulsory, is strongly recommended.

Material will be made available before the lesson, so that students can use it during the lesson.

More detailed information on the texts and on the parts of the texts to be studied, will be provided by the lecturer during the lessons and on the Blackboard platform.

***Prerequisites***

There are no content prerequisites for the course. However, a basic knowledge of fundamental law for community living as well as interest and curiosity towards the topics of the course are expected.

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.