-. Elements of Family and Juvenile Civil and Criminal Law

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COURSE AIMS AND INTENDED LEARNING OUTCOMES

The course aims to provide students with a general knowledge of the current regulations (international, constitutional, civil, criminal, administrative) concerning the child, his family background and the juvenile justice system.

Lectures are aimed at addressing the issues from a critical perspective, paying attention also to the contribution of socio-educational disciplines. Juvenile law is presented as a ''model" of democratic legal culture and as an interesting "laboratory" of exportable (and exported) innovation to other sectors of law.

The course, finally, aims to deal with on the ground reality and experiences through case studies.

Intended learning outcomes:

- knowledge of the multilevel regulatory system (national, supranational and international) which constitutes the legal status of minors as well as the procedures and instruments for protecting minors who are in a situation of hardship;

- knowledge of the fundamental institutions of juvenile criminal proceedings and an understanding of the underlying *rationale*;

- the ability to frame the different situations of discomfort and/or juvenile deviance and to identify the legal rules intended to regulate specific cases as well as the competent judicial authority;

- the ability to re-elaborate the principles and rules being studied and the ability to apply this knowledge to specific cases;

- use of appropriate legal language.

COURSE CONTENT

* Juvenile law as a model of legal culture.
* The sources of juvenile law.
* The legal status of the child.
* The child and the family. The state of being a child. Parental responsibility. Forfeiture and limitation of parental responsibility. Effects of legal separation of parents and divorce on minor children. Adoption. Foster care for the child with family difficulties.
* The child and the right to health.
* The unborn child and protection of prenatal life.
* The protection of foreign minors.
* Criminal justice for minors: the minor victim of crime; the minor offender.
* The current discipline of the criminal trial against underage defendants: criminal responsibility of minors; the role of the juvenile judicial and social services; defence of the minor; measures for responding to offences committed by minors; penal execution.
* Restorative justice and criminal mediation.

***READING LIST[[1]](#footnote-1)***

Preparation for the exam should be based on the following chapters of the textbook:

AC Moro, *Manuale di diritto minorile*, edited by M. Dossetti et al, Zanichelli, Bologna, 2019 (or the latest available edition): chapters 1 and 2, from 5 to 11, from 15 to 20; the exam will also be based on the lectures and teaching materials indicated by the lecturer during the course and made available through the Blackboard platform.[*Bought from VP*](https://librerie.unicatt.it/scheda-libro/alfredo-carlo-moro/manuale-di-diritto-minorile-9788808820365-689862.html)

Students will also have to prepare the following in-depth reading:

C. Mazzucato, *Verso una giustizia dialogico-educativa: il modello minorile*, in Id., *Consenso alle norme e prevenzione dei reati: studi sul sistema sanzionatorio penale*, Aracne, Rome 2005, Chapter 3, pp. 207-268.

TEACHING METHOD

Frontal and participatory lectures (both in-person and remotely), case studies.

The diversity of topics makes regular attendance at lectures particularly important.

ASSESSMENT METHOD AND CRITERIA

Oral exam. The interview will seek to verify the student's essential legal knowledge and critical understanding of the problems, including references to any supplementary materials studied (readings, etc.).

Students will be asked to argue the topic submitted for their attention in a complete, coherent and clear way; they will have to demonstrate knowledge of the basic legal institutions and their application; they will also have to demonstrate an ability to orient themselves among the “transversal” topics and issues inherent to the subject.

NOTES AND PREREQUISITES

Previous legal knowledge is not essential.

Students are invited to constantly consult the *online* alert updates on the lecturer's webpage*.*

**Should the current Covid-19 health emergency not allow face-to-face teaching, remote teaching will be guaranteed using methods that will be communicated in good time to students**.

Information on office hours available on the teacher's personal page at http://docenti.unicatt.it/.

1. The texts indicated in the reading list may be purchased at the University bookstores; they may also be bought from other outlets. [↑](#footnote-ref-1)