# **-. Elements of Civil and Criminal Law of the Family and Minors**

## Prof. Maria Angela Torrente

***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) relating to minors, their family context, and the juvenile justice system.

The lectures aim to address the themes from a critical perspective, also focussing on the contribution of socio-pedagogical disciplines. Juvenile law is presented as a ‘model’ of democratic legal culture and as an interesting ‘laboratory’ of innovations that can be exported (and are exported) to other sectors of the legal system.

Finally, the course aims to open up to reality and field experience through case studies.

Intended learning outcomes:

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

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

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

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

- use of appropriate legal language.

***COURSE CONTENT***

* Juvenile law as a model of legal culture.
* The sources of juvenile legislation.
* The legal status of the minor.
* The minor and the family. The status of the child. Parental responsibility. Forfeiture and limitation of parental responsibility. Effects of parental legal separation and divorce on minor children. Adoption. Foster care of a minor with family problems.
* The minor and the right to health.
* The conceived child and the protection of unborn children.
* The protection of foreign minors.
* Juvenile justice: juvenile victim; juvenile offender.
* The current regulation of the criminal trial against minor defendants: criminal responsibility of minors; the role of the juvenile judiciary and social services; the defence of minors; response measures to the crime committed by a minor; criminal enforcement.
* Restorative justice and criminal mediation.

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

The exam preparation is based on the study of the following chapters of the textbook:

A. C. 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 lessons and teaching materials indicated by the lecturer during the course and made available through the Blackboard platform.[*Buy from VP*](https://librerie.unicatt.it/scheda-libro/alfredo-carlo-moro/manuale-di-diritto-minorile-9788808820365-689862.html)

Students are also expected 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 III, pages 207-268.

***TEACHING METHOD***

Frontal and participatory lessons in the classroom (both physical and virtual), case studies.

Due to the variety of topics addressed, regular attendance at lessons is particularly recommended.

***ASSESSMENT METHOD AND CRITERIA***

The exam is oral. The interview will verify the students’ acquisition of the essential legal notions and their critical understanding of the problems, also with reference to the study of any additional teaching materials (readings, etc.).

Each student will be asked to discuss the topic brought to their attention in a complete, consistent, and clear way; they will have to demonstrate knowledge of the basic legal institutions and their application; they will also have to demonstrate their ability to orient themselves among the “transversal” themes and issues concerning the subject.

***NOTES AND PREREQUISITES***

Prior legal knowledge is not essential.

Students are invited to regularly check the updates of the *online* notices on the lecturer's web page*.*

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

1. The textbooks indicated in the reading list can be purchased from university bookstores; they can also be purchased at other retailers. [↑](#footnote-ref-1)