



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Privato e di Famiglia

2021-2-E3901N012

Learning objectives

Knowledge and understanding

The course aims to provide the basic legal knowledge of private law and family and child law, necessary in regard to the training of social workers, with particular interest to the interventions focused on the Services to protect and to support the family in its widest sense, and to safeguard the weak subjects, especially the minors.

Ability to apply knowledge and understanding

The acquired knowledge will allow the social workers to orientate themselves effectively in the sphere of the family's protection and of the weak subjects, quickly identifying the regulatory context, as well as the judicial authorities to address reports and requests.

The contents learned will help to understand and solve the legal problems that may arise in the performance of the profession of social worker, with usefulness in relations with users and with judicial authorities operating in family and child-related matters

The course aims to provide the methodological instruments to stay up to date on legislative reforms and judicial developments concerning the family and minors' subject.

Contents

Advanced study of Private and Family Law institutes.

Ample space will be reserved to the focus of the family's legal perspectives, to the protection's measures of children and weak subjects, and to the relevant court proceedings.

Notes will be provided on the under-age criminal trial and on the relevance of

the role of the social child services.

Detailed program

General notions of private law

- *the sources of law*
- *rights: general classification and forms of protection*
- *principles and forms of civil liability*
- *the contract and its vicissitudes. Notes on the succession due to death*

The persons

- *the inviolable rights into domestic and international law*
- *the rights of personality; legal capacity, the ability to act*
- *the institutions for the protection of incapacitated persons*

The family

** marriage and the discipline of its crisis: the constitution, personal and property relations between spouses, the measures to protect children in the process of separation and divorce*

** the civil unions between persons of the same sex and the cohabitation outside marriage*

** the filiation*

** parental responsibility: from the powers over their children to the powers for their children, restriction and decay of liability*

** protection interventions in situations of domestic violence*

The child

- * *the child from object to subject: from the paradigm of protecting the child to the promotion and participation of the subject in training*
- * *the administrative and judicial system of child protection: the courts, the distribution of powers; relationship between judicial and administrative authorities*
- * *institutions for protection and promotion: the protection and guardianship; the child's right to a family, foster care, adoption, the rehabilitative process*
- * *the child who commits crimes: notes on the juvenile criminal proceedings and on the relevance of the role of child social services*

Prerequisites

Sufficient educational skills in logic, social culture and reasonable capacities in learning, writing and communication.

Teaching methods

The teaching is divided into classroom lectures, analysis, and discussions based on concrete cases, even judicial, real or plausible.

Should the Covid-19 emergency persist during the reference semester, the lessons will take place

partially in attendance and partially videotaped.

Any changes relating to the methods of the lessons will be published on the e-learning portal.

Assessment methods

The exam will be oral.

The oral exam will be focused on 3 topics (one about private law in general and two about

family law), related to the course program, with reference to the recommended texts and classroom lectures.

For attending students only (75% of lessons), one of the two family law topics may be indicated to their choice.

This method will not be adopted if the lessons have not taken place in the presence of the students.

It will be evaluated the learning of fundamental notions of common private law

and the ability to express them with appropriate language; the understanding

which regards the institutions of family and child law, also in their legislative

and judicial evolution; the acquisition of adequate knowledge to guide the social worker

within the protection's institutions conceived for the vulnerable individuals.

If the Covid-19 emergency persists, the oral exam will take place remotely, using the WebEx platform. **Co p**

Any changes relating to the examination procedures will be published on the e-learning portal.

Textbooks and Reading Materials

- **LENTI L.**, "Diritto di famiglia e servizi sociali", Giappichelli, Edizione 2018
- **CASCONE - ARDESI - GIONCADA**, "Diritto di famiglia per operatori sociali e sanitario, Cedam, Edizione 2017, **SOLO IL CAPITOLO XIV** (La Giustizia Penale Minorile)
- Altri materiali (provvedimenti giudiziari, articoli da riviste, aggiornamenti legislativi) che saranno disponibili in piattaforma *e-learning*

Nuovo Codice della Famiglia, Giuffrè 2018; oppure altro Codice contenente la normativa aggiornata relativa alla famiglia e ai minori
