UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Civil Procedure in Family Matters

2425-5-A5810253-A581025302

Learning objectives

The course constitutes a module of teaching concerning "The protection of the family international" and intends to provide students with the basic knowledge that governs the new civil proceedings regarding persons, minors and families, also in the European and international dimension and therefore with a particular focus on international disputes.
From this perspective, the course aims to complete the training of the jurist, started with the course of civil procedural law and European Union law, through the examination of the specific discipline disposed of for family and juvenile justice, with special regard to its international elements.

Contents

In the first part of the course, the principles that regulate the new procedure regarding people, minors and families are examined, with particular reference to its subjective declination, investigating the specific characteristics, activities. powers and duties relating to the different subjects who act in the process.
In the second part of the course, the dynamic structure and rules of the procedure regarding people, minors and families are explored in detail.
In the third part of the course, the new forms of consensual justice, which are acquiring an increasing importance and diffusion in the legal systemare are then examined (proceedings upon joint request, family mediation and assisted negotiation).

Detailed program

The proceedings regarding persons, minors and families (articles 473-bis ss. c.p.c.).
Actors of the proceedings. The judge, the prosecutor, the parties, the defenders, the minor, the guardian, the curator, the special curator of the minor, the s.c. c.t.u. and further auxiliaries and experts, the social services.
The general principles.
The stages of judgment. The introductory phase. The first hearing. The investigation. The decision phase. The appeals.
The measures. Temporary and urgent measures, non-deferrable measures, definitive measures.
The implementation of the measures.
The hypotheses of domestic and gender violence.
The special regulations for individual sections of proceedings.
Consensual justice: joint application procedures, family mediation and
assisted negotiation.

Prerequisites

The course requires an institutional knowledge of both substantial and procedural civil law and of
European Union law, all without prejudice to the required prerequistes provided by the Department rules.

Teaching methods

10 lessons of 2 hours carried out in presence mode
1 "2-hour" lesson carried out remotely

Assessment methods

Oral test where the legal skills acquired in the civil family trial as provided by by Title IV-bis of Book II of the C.P.C. will be assessed.
Interview on the topics covered in class and on the exam handbook.

Textbooks and Reading Materials

1. Specific knowledge of the articles. 473-bis ss. c.p.c., as well as art. 6 legislative decree n. 132/2014, converted,
   with modifications, by law. n. 162/2014: an updated code with the s.c. Cartabia reform is required.
2. 10 chosen contributions taken from the volume M. Bianca, F. Danovi, The new family and juvenile justice, The new civil laws commented n. 4-5/2023, Wolters Kluwer 2023.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS