

**Free choice courses in the juridical-economic area**

**Family law**

**2021/2022, II Semester, 6 ECTS**

**Prof. Giusy Cosco**

<b>Course Information</b>	<p>FAMILY LAW</p> <p>Free choice courses in the juridical-economic area</p> <p>SSD IUS/01</p> <p>Academic Year 2021-2022</p> <p>II semester</p> <p>6 ECTS, 42 hours</p>
<b>Teacher information</b>	<p>Prof. Giusy Cosco, Private law researcher (Department of Law, Economic and Sociology)</p> <p>Contacts: <a href="mailto:giusycosco@unicz.it">giusycosco@unicz.it</a>, 0961.3694926</p> <p>The student receptions will be held at the end of each lesson and according to the calendar that will be published periodically on the teacher's page.</p>
<b>Course Description</b>	<p>The course deals with a specialized in-depth study and updating of family law.</p>
<b>Course objectives and expected learning outcomes (in particular: knowledge and understanding; applied knowledge and understanding; independent judgment; communication skills; learning ability)</b>	<p>The aim of the course is the consolidation, by the students, of the knowledge of family law in the light of the innovations that have emerged on the legislative and jurisprudential level in recent years, considering the social evolution of the phenomenon and its transnational dimension.</p> <p><b>Knowledge and understanding</b></p> <p>The student will have to: acquire a high level of knowledge of the fundamental principles and institutions of family law, as they emerge in the international and national legal system; know the procedures for judicial and extrajudicial resolution of family disputes;</p> <p>understand the purposes, contexts and consequences of family law policies, as well as being able to draw up legal documents in the context of negotiation, out-of-court and judicial contexts relating to the matter of family</p>

relationships.

### **Applied knowledge and understanding**

The student must: correctly interpret and apply the rules of family law belonging to the national and international legal system; be able to find, also through databases, to understand and use the sources of family law, as well as to analyze the jurisprudence on the subject.

### **Autonomy of judgment**

The student will have to acquire interpretative skills, case analysis and qualification of the relationship between facts of reality and legal case, in order to be able to identify, represent and solve problems related to the protection of people's rights in family and emotional relationships and management of conflicts.

### **Communication skills**

The student must have:

ability to describe and investigate the legal problems relating to family law in the relationship both with operators and professional subjects, and with potential customers or subjects in any case interested; ability to illustrate the logical-legal paths that lead to the solution of the theoretical and applicative problems posed; ability to convince and present arguments, even in contradiction with other qualified subjects.

### **Learning ability**

The student will have to acquire: the basic skills and tools for constant updating and deepening of their skills in the field of personal and family rights; the ability to understand the complexity of related legal phenomena; ability to independently follow the jurisprudential evolution of family law.

**Program (contents, procedures). Possible distinction between**

The sources of family law. The family in the discipline of the 1942 code: the constitutional principles on family matters. The reform of family law.

Civil marriage. The concordat marriage. The modification of the Lateran Concordat. Civil unions (law of 20 May 2016,

<p><b>attending and non-attending programs.</b></p>	<p>n. 76). The rights and duties arising from marriage. The duty of contribution. The agreement between the spouses and the family government. The judge of the family. The discipline of the property relations between the spouses. The legal regime and marriage agreements.</p> <p>The family business. The invalidity of the marriage and the putative marriage regime. Relations between civil jurisdiction and ecclesiastical jurisdiction in the matter of matrimonial nullity. The separation of the spouses. Divorce. The parentage relationship and the single status of a child after the law of 10 December 2012, n. 219. Adoption. Parental responsibility. Artificial insemination: current profiles.</p>
<p><b>Estimate of the hourly commitment required for individual study</b></p>	<p>Given that the amount of study actually required to prepare for an exam is subjective and varies according to the learning ability of each student, the indicated program requires on average an individual study equal to 200 hours.</p>
<p><b>Teaching Methods</b></p>	<p>Lectures, simulation of cases and exercises.</p>
<p><b>Learning resources (Recommended reference texts, any further recommended reading for further information, other didactic material)</b></p>	<p>We recommend using one of the following texts, alternatively: AULETTA, <i>Il diritto di famiglia</i>, Torino, latest edition; BONILINI, <i>Manuale di diritto di famiglia</i>, Torino, latest edition; FERRANDO, <i>Diritto di famiglia</i>, Bologna, latest edition; SESTA, <i>Manuale di diritto di famiglia</i>, Padova, latest edition.</p> <p>For attending students, the exam will focus on the topics addressed during the lessons; the subject must be studied on:</p> <p>AMAGLIANI, <i>Autonomia privata e diritto di famiglia</i>, Torino, 2005 (1 – 46, 109 – 129, 153 – 167); AMAGLIANI, <i>Patti prematrimoniali</i>, in <i>Enc. Dir. I tematici, Il contratto</i> (directed by G. D’Amico), 779 – 798 and, for the institutional part, on one of the texts recommended for the examination of Private Law.</p> <p>Further texts for the possible in-depth study of the subject,</p>

or of individual institutions, may be agreed with the teacher. Knowledge of the constitutional rules and the main special, EU and international laws regarding family law is essential.

Any civil code with complementary laws can be used for the direct study of the normative texts; for example: PERLINGIERI - TROISI (edited by), Codice civile, Napoli E.S.I., latest edition; DI MAJO (edited by), Codice civile con la Costituzione, i Trattati dell'U.E. e le principali norme complementari, Milano, Giuffrè (ult. ed.); DE NOVA (edited by), Codice civile e leggi complementari, Bologna, Zanichelli (latest edition).

<b>Support activities</b>	Student reception.															
<b>Methods of attendance</b>	Attendance of the course is optional.															
<b>Methods of assessment</b>	<p>The final exam will be held orally. The criteria on the basis of which the student will be judged are those indicated in the following grid:</p> <table border="1" data-bbox="454 1424 1500 2076"> <thead> <tr> <th data-bbox="454 1424 587 1709"><b>Vote</b></th> <th data-bbox="587 1424 900 1709"><b>Knowledge and understanding of the topic</b></th> <th data-bbox="900 1424 1217 1709"><b>Ability to analyze and synthesize</b></th> <th data-bbox="1217 1424 1500 1709"><b>Use of references, especially bibliographic references</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="454 1709 587 1991">Fail</td> <td data-bbox="587 1709 900 1991">Important shortcomings. Significant inaccuracies</td> <td data-bbox="900 1709 1217 1991">Irrelevant. Frequent generalizations. Inability to synthesize</td> <td data-bbox="1217 1709 1500 1991">Completely inappropriate</td> </tr> <tr> <td data-bbox="454 1991 587 2076">18-</td> <td data-bbox="587 1991 900 2076">At the threshold level.</td> <td data-bbox="900 1991 1217 2076">Just enough capacity</td> <td data-bbox="1217 1991 1500 2076">Just appropriate</td> </tr> </tbody> </table>				<b>Vote</b>	<b>Knowledge and understanding of the topic</b>	<b>Ability to analyze and synthesize</b>	<b>Use of references, especially bibliographic references</b>	Fail	Important shortcomings. Significant inaccuracies	Irrelevant. Frequent generalizations. Inability to synthesize	Completely inappropriate	18-	At the threshold level.	Just enough capacity	Just appropriate
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20	Obvious imperfections		
21-23	Routine knowledge	It is able to carry out correct analyzes and syntheses. Argue logically and consistently	Use standard references
24-26	Good knowledge	He has good analysis and synthesis skills. The arguments are expressed consistently	Use standard references
27-29	More than good knowledge	He has considerable skills in analysis and synthesis	He deepened the arguments
30-30L	Excellent knowledge	He has excellent analysis and synthesis skills	Important insights