

**COURSE OF STUDY: LM -87 – *Social Innovation and inclusion policies***
**ACADEMIC YEAR 2023-2024**
**ACADEMIC SUBJECT : FAMILY LAW (M/Z)**

General information	
Year of the course	I year
Academic calendar (starting and ending date)	I semester (18 September 2023-7 december 2023)
Credits (CFU/ETCS):	7
SSD	IUS / 01
Language	Italian
Mode of attendance	Not compulsory, but strongly recommended

Professor/ Lecturer	
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Department and address	Department of Political Sciences, Room n. 12, Floor I Adress, Corso Italia, n. 23
Virtual room	Platform Microsoft teams, Code ks8dep7
Office Hours (and modalities: e.g., by appointment, on line, etc.)	see the teacher's web page for the day of reception or on the Teams Platform, in any case by appointment via email Consult the web page: <a href="http://www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti">www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti</a>

Work schedule			
Hours			
Total	Lectures	Hands-on (seminars)	Out-of-class study hours/ Self-study hours
175 hours	40	16	119
CFU/ETCS			
7	5	2	

<b>Learning Objectives</b>	<p>The student will acquire an in-depth knowledge of personal and family law; he will be able to follow, even independently, as well as through the teaching material on the teacher's web page, the continuous updating of doctrine and jurisprudence on some topical issues of family law; to grasp and place the systematic and axiological links between the institutions of family law, the study of which will be conducted from a historical-social perspective and in a multidisciplinary dimension.</p> <p>The student will therefore be able to identify, analyze and propose solutions for emerging problems from a regulatory and application point of view in the family law sector.</p> <p>Among the ways in which the expected capacities are verified, the following are worthy of note: analysis of cases, dealt with by national, international and European doctrine and jurisprudence; presentation of research and organization of lectures and seminars on topics agreed with the teacher, during the course of the teaching activity, and implementation of group projects.</p>
	<b>Course prerequisites</b>

	<p>the field of skills, natural and legal persons, subjective legal situations, theory of goods, obligations and contracts, civil liability.</p> <p>It is also necessary a deep knowledge of Italian Constitution of the Republic (in particular, in the matter of principles and fundamental rights and of rights and obligations of citizens).</p>
<p><b>Teaching strategie</b></p>	<p>The course, structured in lectures with non-compulsory but highly recommended attendance, in supplementary seminars, including interdisciplinary ones, and exercises on practical cases, intends to reconstruct the matter of “family law”. The issues and problems of persons and family law are treated according to a problematic, systematic and axiological method, aware of the unity and complexity of the current legal system and of the priority of personalistic and solidarity values in the hierarchy of normative sources. The key to interpreting the various themes and issues of the persons and family law and to lead them to unity, both in national, European and international legislation, is given by the functional reference to the “full development of the human person”.</p> <p>Lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.</p>
<p><b>Expected learning outcomes in terms of</b></p>	<p>The student acquires the fundamental notions of the matter by attendance, not compulsory but highly recommended, organized in lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.</p>
<p><b>Knowledge and understanding on:</b></p>	<p>The student acquires an understanding of persons and family law also through the critical reading of contemporary events of public notoriety; is able to understand the matter, also in the perspective of its continuous legal scholarship and Italian jurisprudential evolution, through the close connection with the national and European political, economic, social dynamics</p>
<p><b>Applying knowledge and understanding on:</b></p>	<p>The student is able to apply the knowledge acquired during the educational activities to the concrete case, with particular regard to the protection of weak subjects, through the use of an appropriate legal lexicon.</p>
<p><b>Soft skills</b></p>	<ul style="list-style-type: none"> <li>• <i>Making judgements</i>:the student is able to apply the knowledge acquired, in the awareness of the need to redefine the notions and the classic categories of persons and family law in its historical evolution and in its connections with European law and international treaties; knows how to make the appropriate systematic and axiological connections between the various institutes; he uses law texts appropriately, critically reads the works of scientific literature and is also able to deepen case-law.</li> <li>• <i>Communication</i>:the student is able to apply the knowledge acquired to solve even complex practical cases; to communicate effectively, that is to convey information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector. Attending students, in the course of seminars and exercises, will be invited to speak with the teacher on the solutions adopted.</li> <li>• <i>Lifelong learning skills</i>: the student acquires in depth knowledge useful for entering to the labour market, as well as post-graduate study experiences (Ph.D., Master, Specialization).</li> <li>• <i>Working in groups</i>: students attending the seminars will be asked to coordinate with other people, including those of different cultures and professional specializations, integrating skills and forming a working group for the analysis and comment of cases and jurisprudential sources.</li> </ul>
<p><b>Syllabus</b></p>	
<p><b>Content knowledge</b></p>	<p>1) General part:</p>

	<p>Introductory notions - Marriage - Civil unions and de facto arrangement (e.g. concubine)- The personal regime - Notes on the property regime - The patrimonial fund, the trust and the acts of destination - The invalidity of the marriage - The separation - The divorce - The assisted negotiation - Filiation - Parental responsibility - Adoption - Foster placement - Maintenance - Protection orders against family abuse - The right to support - Reflections on l. 9 January 2004, n. 6 and its application.</p> <p>2) Special part: The special part of the course will dedicate particular attention to the acts of destination <i>ex art. 2645-ter</i> of the Italian civil code and to similar institutions such as the patrimonial fund, the acts of destination to protect the personal and social interest in the family habitat, the bonds established in the family crisis and to protect the weak subject, totally or partially devoid of autonomy.</p>
<b>Texts and readings</b>	<p>1) C.M. Bianca, <i>Diritto civile</i>, 2.1, <i>La famiglia</i>, 6<sup>a</sup> ed., Milano, Giuffrè, 2017 (with exclusion of pp. 69-131; 144-150; 545-569).</p> <p>2) V. Corriero, <i>Autonomia negoziale e vincoli negli atti di destinazione patrimoniale</i>, Napoli, Edizioni scientifiche italiane, 2015 (with exclusion of pp. 155-221; 296-302).</p>
<b>Notes, additional materials</b>	<p>The study of the program requires the consultation of a civil code updated and accompanied by the main regulatory sources, as well as the in-depth study and continuous updating of some themes of actuality in the law of persons and the family, through the study of judgments, comments on jurisprudence and essays, downloadable from DIDACTIC MATERIAL present on the web page of professor.</p>
<b>Repository</b>	<p><i>Published on the teacher's web page, which integrate and update the Manual</i></p>

<b>Assessment</b>	
Assessment methods	<p>The candidate is required to show, in the oral exam, systematic and analytical learning of principles, rules and of family law institutions, according to the Italian-European system and the international sources, in the light of the most recent guidelines of the legal scholarship and national jurisprudence and of European courts and international. The final grade is awarded by evaluating, in addition to the complete preparation on the contents of the matter, also the ability to effective understanding of them, critical reasoning skills and systematic around the topics covered, as well as the mastery of exhibition concepts. Oral exam only.</p>
Assessment criteria	<ul style="list-style-type: none"> <li>• <i>Knowledge and understanding on: students should have the ability to analyze and synthesize information, i.e. to acquire, organize and reformulate data and knowledge from different sources. Attending students will be invited, during the seminar and during the examination, to grasp and summarize the meaning of some judgments of jurisprudence, in turn an expression of synthesis between the description of the case in point of the judicial order and the reasons for the decision.</i></li> <li>• <i>Applying knowledge and understanding on: students must have the ability to solve problems, that is to apply what they have learned to a concrete case, selecting the knowledge that allows them to solve it in the most appropriate way. Attending students will apply, in the analysis of legal problems and concrete cases agreed with the teacher, the method and argumentative techniques studied, possibly even through written exercises.</i></li> <li>• <i>Making judgements: students must be able to formulate judgments independently, i.e. interpret information with a critical sense and make consequent decisions. Attending students will have to take a stand on the</i></li> </ul>

	<p>adequacy and reasonableness of the judicial orders examined.</p> <ul style="list-style-type: none"> <li>• <i>Communication skills:</i> students must be able to communicate effectively, to transmit information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector. Attending students, during seminars and exercises, will be invited to speak with the teacher on the solutions adopted.</li> <li>• <i>Lifelong learning skills:</i> students must be able to recognize their own gaps and identify effective strategies aimed at acquiring new knowledge and skills.</li> </ul>
Final exam and grading criteria	<p>The final grade will be attributed through the evaluation of the level of preparation demonstrated by the student during the exam in relation to the hermeneutical orientations of the doctrine and jurisprudence on the most complex, debated and current cases that may arise during the professional activity of social worker, in matters of personal and family law.</p> <p>The method of verifying the expected learning outcomes is the oral test, which consists of a minimum of three questions on the teaching programme. The vote shall be expressed out of thirty (from 18/30 to 30/30 with honors). If the candidate/candidate does not demonstrate the knowledge, at least sufficient, of basic subjects in the context of teaching, the examiner should not proceed with subsequent questions. For the assignment of honors an ad hoc question will be formulated, through which the student will have to demonstrate that he is able to autonomously interpret the rules, justify his adherence to doctrinal and jurisprudential streams relating above all to new problems that have emerged in the application and argue on any qualifications that differ from what is being analyzed in doctrinal and jurisprudential contexts, with particular regard to the themes and problems subject to in-depth analysis in the special part and in the didactic material. Oral exam only.</p> <p>The criteria for the evaluation of learning outcomes expressed in thirtieth are:</p> <p><b>Insufficient: 0-17</b> Lacking, inadequate knowledge of the topics contained in the program, use of a non-legal lexicon by candidates</p> <p><b>Sufficient: 18-20</b> Sufficient knowledge of the topics contained in the programme and overall adequacy of the legal lexicon used by the candidates</p> <p><b>Discreet: 21-23</b> Discrete knowledge of the topics contained in the program, discrete ability to argue and make connection between the various topics, through the use of an adequate legal lexicon by candidates</p> <p><b>Good: 24-26</b> Good knowledge of the topics contained in the program, good ability to deepen and critique, through the use of an adequate legal lexicon by candidates.</p> <p><b>Distinguished: 27-28</b> More than good knowledge of the topics contained in the program, more than good ability to deepen and argue on the links between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p><b>Very good: 29-30</b> Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p><b>Excellent: 30L</b> Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise and excellent</p>

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	mastery of legal lexicon. .
<b>Further information Auxiliary teaching</b>	President: Prof. Valeria Corriero; Components: Proff. Francesco Di Giovanni, Mauro Pennasilico, Ferdinando Parente, Salvatore Giuseppe Simone; dr. Adriano Buzzanca, Serena Persia, Rocco Lombardi, Tiziana Perillo e Loretta Moramarco.
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