

**IN COLLABORATION WITH
The professional training Centre for Lawyers of the National Council
of the Legal Profession**

Faculty of Law

FAMILY AND JUVENILE LAW

2nd LEVEL MASTER DEGREE

Academic Year 2006/2007

V Edition

The master meets the requirements for the training and refresher courses for lawyers as foreseen by Art. 13 of the Deontological Code of the Legal Profession



DIRECTION AND SCIENTIFIC COMMITTEE

Director: Prof. Angelo Rinella

Coordinators: Prof. Guido Mussini, Prof. Maria Giovanna Ruo

Scientific Committee: Prof. Giuseppe Dalla Torre, Prof. Luigi Fadiga, Anna Galizia Danovi, Prof. Giovanni Giacobbe, Dr. Giorgio Lattanzi, Dr. Gabriella Luccioli, Alarico Mariani Marini, Prof. Angelo Rinella, Prof. Ferdinando Santosuosso.

PROFESSIONAL PROFILE

Lawyers, magistrates and professionals of the sector specialised in family and juvenile law.

PROGRAMME

The Master gives the theoretical and methodological instruments needed to deal with juridical questions on family relations and relative to the person of the minor who is also the perpetrator of crime, with the necessary emphasis on the international aspects which the transformation of the civil society in a multi-ethnic direction demands. The participants will acquire a systematic knowledge of the laws and regulations and their contractual, jurisdictional and administrative applications, with detailed study also of the psycho-social disciplines.

ENTRY REQUIREMENTS

Specialist degree, degree from the old system or a degree from a foreign university recognised as being equivalent.

APPLICANTS

Graduates in law and connected subjects. In particular, lawyers and trainee lawyers. Applications from graduates in other subjects will also be considered.

STRUCTURE

- Maximum number of students: 60
- Minimum number of students: 30
- Total number of 1,500 hours in course of which 300 hours in the lecture hall (divided into lectures and practical exercises)
- Written and/or oral assessment tests during the course and final exams.

LECTURERS

University lecturers, magistrates, lawyers, psychiatrists and psychologists working in the sector.

SYLLABUS

MODULE I

TRASFORMATION OF SOCIAL MODELS, FAMILY AND PRIVITY

1. Introduction

- Presentation of the course
- The evolution of family law
- The constitution and the family
- The evolution of the concept of family in the Italian Constitution and the European “Constitution”
- The family law sources
- Family, state, society: philosophy of family law
- Elements of family sociology
- The family lawyer and deontology
- Elements of psychology of the age of development
- Elements of family relationship psychology

2. The family: marriage

- The promise
- Marriage conditions
- Inexistence and invalidity of marriage and relative defects
- Simulation
- Putative marriage

3. The rights and duties of husband and wife deriving from marriage

- The personal relationships
- The patrimonial relationships

4. The patrimonial regime of the family

- Joint property
- Marriage settlement: the modifying or derogatory of marriage
- The separation of property
- Property
- The family business
- Trust and family
- Family settlements

5. Common law cohabitation

- Transformation of the family model
- Family settlements
- Forms of protection in legislation and jurisprudence
- The PACS – Pacte Civile de Solidarité

6. Characteristics and psychological demands of the person at the age of development

- Psychology of the unborn child

7. Filiation

- Legitimate: the presumption, the proof
- Natural: the acknowledgement, the legitimisation
- Juridical: outline on adoption and in particular the adoption of persons of age
- Adoption in particular cases
- Assisted procreation: bioethical and bio-juridical aspects

- Assisted procreation in the Italian legal system and an outline of comparative law
- The juridical statute of the unborn child
- Abortion

8. Interest and rights of the person at the age of development

- From the interest of the minor to the minor as the subject of rights

9. The actions of the state

- Disclaimer of paternity
- Contestation and claim of legitimacy
- The contests of acknowledgement: for want of veracity, violence, interdiction
- The judicial declaration of paternity
- The authorisation to acknowledgement

10. The rights and duties in the filiation relationship

- Rights and duties of parents: parental authority and responsibility: The contents, the attribution, the exercise
- Rights and duties of children
- The family abode

11. The relationships of family solidarity

- The right to moral assistance
- The right to material assistance: Alimony and maintenance
- The administrator of support

MODULE II

THE CRISIS OF THE RELATIONS IN THE FAMILY NUCLEUS AND JURISDICTIONAL PROTECTION

12. The crisis of family relations (Psyc.)

13. The family crisis

- Assistance and mediation: family mediation
- Social Services assistance
- Poly-functional centres for parental assistance and neutral areas
- Benefits and allowances
- Protection orders and outline of comparative law

14. The parental capacity (Psyc.)

15. Crisis in the parent-child relationship

- Ablation and limitation of parental authority: case in point
- The procedures
- Impugnments/revocation and modification of provisions

16. Crisis of the parent-child relationship: the substitution

- The substitute figures: Guardian, Deputy Guardian, Trustee
- The trustee, the lawyer and the representative of the minor
- Hetero-family foster care

17. Abandonment and declaratory judgement of availability for adoption

- The case in point
- The deprived child (Psyc.)
- 1st Degree proceedings

- Impugnments
- The revocation
- The enforcement
- The role of the Public Prosecutor in parental authority and adoption proceedings.
- The proceedings for minors: characteristics of the proceedings

18. Adoption in general

- The historical-juridical evolution of the institution

19. Adoption, the couple applying for adoption and the adoption procedure

- The conditions
- The psychological suitability
- National adoption: the proceedings
- International adoption: the Hague convention system of 1991
- International adoption in the Italian system: proceedings, authorised organisations, Commission for the A.I.

20. The adopted child. Integration. Failure of adoption (Psyc.)

21. Crisis of the husband-wife relationship: separation

- The failure of the material and moral communion and the separation of husband and wife
- Separation by mutual consent: the proceedings and the validation
- The pre-separation settlements
- The non-confirmed settlement
- Judicial separation: the main demand, the accessory demands
- The charge
- The 1st degree proceeding
- The provisions of the president of the Court: the provisions regarding the children and patrimonial provisions
- The reclaimability of the president's provisions
- The allocation of the family home
- The enforcement of the president's provisions and the committal proceedings
- The sentence
- The provisions concerning the children and the patrimonial provisions
- The impugment system
- The effects of separation on personal and patrimonial relations
- The disputes following the separation: the modification of the title and the conditions
- The reconciliation: publicity and effects

22. Crisis in the husband-wife relationship: dissolution and termination of the civil status of marriage

- The causes of divorce. The relationship between separation and divorce decrees
- Mutual consent divorce: the proceedings
- Judicial divorce: the introductory act and the defence
- Judicial divorce: preliminary proceedings and sentence
- The Impugnments
- The provision on children
- The enforcement in brief and the sanctions
- The provisions of patrimonial content. In particular alimony: the criteria
- The further rights and actions following the attribution (survivorship pension and TFR - severance pay)
- The system of guarantees in separation and divorce
- The modifications

23. Crisis of unmarried parents

- The provision relative to the family home
- The proceedings regarding child custody
- The settlements or provisions of patrimonial contents
- Patrimonial guarantees

24. The proceedings relative to the family

- Compensation, existential damages and family mobbing
- The competences of the Juvenile Court
- The competences of the Ordinary Court
- The competences of the Tutelary Judge
- Appeal to the Supreme Court of the provisions concerning family law
- The family defence and the law on the legal representation of the needy
- Hearing the evidence of a minor

25. The European Courts and the family

- The Convention of Rome
- The proceedings
- The jurisprudence of the European courts with regard to family
- The European network

26. Privacy and family

- The law on privacy and the proceedings regarding family

27. Work and family

- The protection of child labour
- The protection of parenthood in the work relationship

MODULE III

INTERNATIONAL FAMILY LAW

28. Multi-national marriages (the marriage of foreigners; the marriage of Italians abroad; marriage between Italians and foreigners) and multi-national common law relationships

- The legislation of private international law concerning the family
- The husband-wife relationship
- The filiation relationship
- The international protection of minors (Hague Convention)

29. The international abduction of minors

- Convention of Luxemburg
- Convention of the Hague
- The central authority
- The proceedings on the international abduction and protection of minors

30. Coordination of ratified and non-ratified international conventions

31. The European regulations

- Separation and divorce
- Parental responsibility
- Recognition and enforcement

32. The effectiveness of foreign sentences

- The recognition of foreign sentences

- The relationship between ecclesiastic jurisdiction and civil jurisdiction
- The enforcement of the canon sentences of nullity of marriage
- The relation between the final divorce sentence and the nullity sentence.

MODULE IV

CRIMINAL TUTELAGE OF THE FAMILY AND MINOR

33. Crimes against the family. First part

- Offences against the family in general
- Violation of the obligations of family assistance
- Incest
- Maltreatment of the minor in the family home (Psyc.)

34. Crimes against the family. Second part

- Maltreatment in the family or of children
- Aggravated hypotheses as in Art. 571 penal code
- Abuse of corrective measures and discipline
- Abduction of minors by mutual consent and the abduction of the legally incompetent
- Protection orders against family abuse
- Diagnostic aspects of abuse of minors

35. Sexual violence

- Sexual violence offences
- Sexual violence to the detriment of minors
- Sexual acts with a minor
- Corruption of a minor
- Group sexual violence to the detriment of a minor
- Psychology and psychopathology of the perpetrator of sexual offences (Psyc.)
- Satanic sects and minors (Psyc.)
- Analysis of judicial cases
- Simulation of a criminal trial for sexual violence

36. Sexual exploitation of the minor

- Criminological and psychiatric-forensic aspects of paedophilia
- Child prostitution
- Internet and minors: what are the risks? (Psyc.)
- The use of minors in pornography
- Internet and paedophilia: investigative and psychological aspects (Psyc.)
- Paedo-pornography and eye-catching sites
- Criminal profiling of the child sex offender
- Illegal possession of pornographic material
- Virtual pornography
- Tourism for the exploitation of child prostitution
- Analysis of judicial cases
- Investigation of offences committed to the detriment of minors
- Paedophilia: grounds and limits of the Internet service providers responsibility
- Computer crime and Internet paedo-pornography: outlines of international criminal law
- Paedophilia: treatment of sexual offenders
- comparative outlines

37. The trade of minors for sexual purposes

- Child prostitution and new forms of trade of human beings
- Slavery

MODULE V

THE MINOR IN THE ORDINARY CRIMINAL TRIAL

38. The regulations

- Procedure, the minor as the injured party and plaintiff, legal action, notice, publicity of hearing
- Minor's evidence and probative incident. Protected examination
- Probatory assessment of the minor's declaration
- Examination of disabled minor, victim of sexual abuse (Psyc.)
- Protection of the minor's privacy in the criminal trial

39. The expert's report on the minor, victim of an offence

- Methods of examination and verification of the minor's credibility (Psyc.)
- Assessment of psychological damage

MODULE VI

THE CRIMINAL TRIAL AGAINST MINORS

40. The accused minor

- Psychological and sociological profiles of minor deviance (Psyc.)
- The mental capacity and the imputability
- Psychological examination of the accused minor (Psyc.)
- Analysis of small groups of deviant minors (the so-called baby gangs)

41. Criminal proceedings against minors

- General principles
- Organs
- Preliminary investigation
- Pre-precautionary measures
- Precautionary measures
- Preliminary hearing
- Conclusions of the preliminary hearing
- Hearing
- Impugnments
- Criminal enforcement and alternative measures to detention
- Mediation and juvenile criminal proceedings
- Function and role of the minor's defence
- Role of the social services
- Analysis of judicial cases
- Simulation of a juvenile criminal trial

ADDRESS

LUMSA – Facoltà di Giurisprudenza

Via Pompeo Magno, 22 - 00192 Roma

DURATION AND TIMETABLE OF LECTURES

January - December 2007

Friday 14.30-19.30 / Saturday 9.00-12.30

ENROLMENT

Last day for enrolment: 20 December 2006

Admission to the Master, until the maximum number of places is reached, will be decided following to the assessment of the documents received, according to the order in which the enrolment applications are received by the Master's Office

Candidates will be informed of their admission/non-admission to the Master by e-mail

The go-ahead for the Master and the beginning of lectures will be published on the LUMSA site

The application for enrolment, together with documentary evidence of qualifications must be sent to the following address:

**LUMSA - Segreteria Master e Corsi di Perfezionamento
Via Pompeo Magno, 22 – 00192 Roma**

Applications without the requested documentary evidence of qualifications enclosed will not be taken into consideration.

The application for enrolment can be found at www.lumsa.it or at the Masters and Specialisation Courses Office

Enrolment for the Master is incompatible with other degree courses, Masters, Specialisation Courses, Specialisation Schools and Ph. D. Courses

ENROLMENT FEES AND PAYMENT

Cost: € 300000 payable in five instalments

I instalment: € 600.000 at the time of enrolment

reimbursable in the case of failure to start/non-admission to Master

II instalment: € 600.00 (by 31.01.07)

III instalment: € 600.00 (by 31.03.07)

IV instalment: € 600.00 (by 31.05.07)

V instalment: € 600.00 (by 31.07.07)

Payments can only be made by bank transfer to:

LUMSA

UniCredit PB

Reference: 7485 – ROMA Parioli

Account No. 60005491 ABI 03223 CAB 03202 CIN J

specifying in the description of payment your name, surname and title of Master.

Copies of the bank receipt of the bank transfers must be taken to the Master and Courses Office.

Once enrolled for the Master, no refund of the instalments already paid is due in the case of

renunciation. (The payment of the enrolment fees by instalments is only a concession for

students: therefore, any renunciation does not exempt students from the whole amount of the

enrolment fee).

AWARDS

- **60 University Credits**
- Title of 2nd level Master in “Family and Juvenile Law” (attendance not less than 80% of the total number of lectures, written papers and final exams)

The master meets the requirements for the training and refresher courses for lawyers as foreseen by Art. 13 of the Deontological Code of the Legal Profession

INFORMATION

LUMSA - Masters and Specialisation Courses Office

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