**THIRD SECTOR LAW OF ASSOCIATIONS AND ORGANISATIONS**

(Prof.ssa Alessandra Cordiano)

6 credits – 36 hours

**Objectives**

This course intends to analyse the role of associations and organisations, part of the so-called “third sector”, in civil operations in the constitutional and civil code framework, including special legislation and prospects for reform.

Students will have the opportunity to analyze one of the specific non-profit area of intervention, in the field of family protection and childcare. This course generally intends to introduce the students in these juridical problems, which they can address in their professional activity: knowledge of administrative jurisdiction, social services administration and public intervention focused on minors’ protection.

This course, in other words, will give students instruments to see how they could insure family and child protection in emergency operations, caused by immigration uncontrolled because of humanities reasons, wars or climatic events. This way, students will be able to understand the juridical context of non-profit operations, their guidelines and limits in order to manager of the principal types of risks.

**Program**

1) Regulations of juridical persons (corporations sole and unincorporeted associations) and Third sector system

- Study of juridical persons and collective entities: associations, foundations, committees; the setting-up and modification of juridical persons; the liability profiles of the bodies and management.

- No-profit sector: legal framework of the institutional bodies, no-profit associations, foundations and temporary associations, “Onlus” (NGO, voluntary organisation, social cooperatives) and hypotheses for reform them.

- Areas of actions: particular in “private social sector”, family law and childhood protection.

2) Dynamic interplay between private social sector, social service administrationand jurisdiction in the field of individual, family and child protection

- The competent supervisory authority: Tribunale civile e penale ordinario; Giudice Tutelare; Tribunale per i minorenni; Procura (prosecutor office).

- Civil action law regarding family and minors law.

- The role of Social services (ordinary and specialist one) in juridical decisions: skills, organization and limits of them. The role of “private social sector”.

- Processual actors: tutore, curatore and minor right of defense. The “Autorità garante dei diritti dei minori”.

3) Public intervention in childhood protection

- Best interest of the child and his fundamental rights.

- Control of parental responsibilities: limitingmeasures, revocation, juvenile justice (ordinary jurisdictional protection and urgently proceeding, executions). Temporary care and adoption.

- Administrative urgently protection: urgently removal procedure by social services and the role of private social sector. Childcare proceeding carry out by social services.

4) Family law and “migrations pathways”

- International adoption. Solidarity-related childcare. The kafalah.

- The protection of foreign minors**,** accompanied or unaccompanied: the entrance of the territory, protection measures and residence permit.

- Aspects of international child abduction.

**Methods**

Lectures regarding basic elements indispensable in terms of giuridical and cultural understanding, complemented by self-assessment tests enabling each students to assess the level of knowledge acquired. Also, several clarifications will be provided on e-learning through scholarly articles and case law. Anyway, students have the possibility to resolve uncertainties during the weekly student meeting according the timetable published in the professor’s webpage.

**Texts:**

F. Ruscello, *Istituzioni di diritto privato*, Volume primo, Parte prima, Capitolo XIII (pp.227-244);

L. Lenti-J. Long, *Diritto di famiglia e servizi sociali*, Giappichelli, 2014, Parte seconda, Capitoli VIII (pp. 121-140), XVII e XXVIII (pp. 277-344);

F. Ruscello, *Compendio di diritto di famiglia*, Amon, 2014, Capitolo VIII e IX (pp. 153-186);

A. Cordiano, *Diritti sociali e diritto privato: il caso dei minori stranieri non accompagnati fra istituti di protezione e complessi intrecci istituzionali*, in *Minori e immigrazione: quali diritti?*, a cura di C. Fratea e I. Quadranti, Esi, Napoli, 2015, pp. 57-87;

A.C. Moro, *Manuale di diritto minorile*, Zanichelli, 2008, Parte Terza, Capitolo 15, paragrafo 15.5 (pp. 450-455).

Further materials available to students during the course on *e-learning*.

**Examination:**

Verbal examination.

**Notes:**

Suggest use of the last edition of civil Code and legal framework.