

Parte I Dottrina

FILIPPO ROMEO, I diritti del minore nelle controversie familiari fra novità giurisprudenziali e prospettive di riforma.....» 633

Abstract. Although the «parent-child» relationship is increasingly focused on the primacy of the child, in some proceedings involving his essential interests, he has no way of making his voice heard. Moreover, repeated conflicts between former spouses or between former life partners seriously jeopardise the protection of children's rights. Many parents seem to forget that their children are the first to be damaged by the separation of their parents. Starting from this premise, the essay - after focusing on the right of children to two parenting - analyzes the key issue of the judicial protection of the child also in the light of the prospects of reform in the field of family proceedings. A final reflection is also dedicated to the protection of the child in the negotiated agreements.

MARTA CENINI, Contratti *inter vivos* con effetti *post mortem* nella successione dell'impresa.....» 659

Abstract. The business succession presents difficulties due to the presence in Italian law of the prohibition of succession agreements and other mandatory principles such as the protection of forced heirs (including those who came after the agreements) and the principle that assets must be valued at the time of the opening of the succession. The so-called inter vivos contracts with post-mortem effects, which also include trust with the function of succession planning and company charter providing for inheritance clauses, only partly helps remedy these problems. The category thus appears useful, but does not solve the problems of business succession.

RACHELE ZAMPERINI, La tensione tra autonomia e protezione nella tutela dei minori *gender variant*....» 677

Abstract. Gender-variant children are often ignored by national legislations on gender reassignment. For this reason, the examination of the case law is essential to understand how the law deals with their special needs. This paper aims to analyse some relevant issues emerging from the High Court decision on the Bell vs Tavistock case. First, it focuses on informed consent as a mean to enhance the autonomy and self-determination of children. Then it highlights which kind of problems arise from the Court application of the best interests of the child principle to the case. Finally, the High Court decision is compared with the Italian case law on that matter. Notably this last part seeks to address how courts from different jurisdictions strike a balance between the support of children's autonomy and their particular need of protection.

Parte II Giurisprudenza

CHIARA INGENITO, Il bilanciamento tra interessi spesso confliggenti nella tutela dello *status filiationis* (nota a Corte cost., 25 giugno 2021, n. 133).....» 695

Abstract. This paper analyzes the sentence of the Italian Constitutional Court n. 133/2021 that, respect the art. 263, comma 3, c.c., outlines some important coordinates aimed at achieving balance between the favor veritatis and favor filiationis, aimed at evaluating any violation of the principle of equality. Compared to the latter, the conflict concerns, on the one hand, the art. 263 c.c. respect, both at the dies a quo, relating to the annual forfeiture period, and at the term of five years which starts from the annotation of the recognition and therefore beyond the real knowledge of non-paternity. Correlatively, for the Court, there is a first evident difference in treatment between the author of the recognition who can prove impotence and who is not impotent but already knows the untruthfulness of his paternity when the annual term has elapsed, from the moment of noting the acknowledgment. There is another difference in treatment between the father who intends to

assert the biological truth, challenging the recognition made and the father who instead acts for the denial of paternity pursuant to the art. 244 c.c.

LUCA COLLURA, La natura del trasferimento liberale di denaro mediante bonifico bancario (nota a Cass. civ., sez. trib., 30 marzo 2021, n. 8720).....» 721

Abstract. With sentence no. 8720 of 30.03.2021 Section V of the Supreme Court returned to the diatribe relating to the legal nature to be recognized for the liberal transfer of money by bank (in this case by bank transfer), subverting the reading that most of the doctrine had given of the operation after the intervention of the United Sections a little less than four years ago and qualifying it as an indirect donation and not as an indirect execution direct donation.

GIULIA TRAVAN, Assegno divorzile e nuova convivenza stabile alla luce della funzione perequativo-compensativa (nota a Cass. civ., sez. I, ord. 17 dicembre 2020, n. 28995).....» 743

Abstract. The present paper deals with the problem of post-marital alimony in case of a new stable relationship. The structures of new families, multiple functions of post-marital alimony and the related importance of giving recognition to beneficiary's sacrifices determine the necessity of a different perspective. One of the main questions is to clarify the interferences between compensative nature and economic imbalance, in order to keep the interpreter from recognizing a permanent obligation even if not appropriate and equitable for the specific case.

LEOPOLDO VIGNUDELLI, Ancora sull'incerto confine tra *affectio maritalis* e *affectio societatis* nell'estensione del fallimento al coniuge dell'imprenditore (nota a App. Genova, sez. I, 18 agosto 2020)» 761

Abstract. The present decision excludes that, the completion of non-managerial acts of the company (such as the simple aid to contractual negotiations, the mere delivery of documents or money and the contribution of work aid, as a cook for the restaurant business), compatible with the figure of the "family assistant", may be sufficient for the extension of the entrepreneur's bankruptcy to the family member who has contributed to the entrepreneurial activity.