

Parte I
Dottrina

TOMMASO AULETTA, I modelli familiari dalla riforma del 1975 ad oggi» 413

In this work, the author highlights the profound transformations that have taken place, beginning in the early 1970 and continuing to the present day, in the fundamental characteristics defining the family. These transformations are largely attributable to significant legislative and jurisprudential developments, which have sought to incorporate and respond to broader social changes. Traditionally, the family was conceived as a unit based on marriage — a legally indissoluble bond — and the relationship with any children born within that union. The introduction of divorce, by allowing for the dissolution of the marital bond, made it possible to establish new family units composed, in part, of individuals from previous ones, thereby giving rise to a complex web of interpersonal relationships among the various members (the so-called “restructured family”). Law No. 219 of 2012 conferred legal recognition upon the family network formed between a child born outside of marriage and the relatives of the child’s parents. Subsequently, with the enactment of Law No. 76 of 2016, equal legal relevance was accorded to romantic partnerships constituted through civil unions and cohabitation.

Having analyzed these various forms of familial relationships and the principal issues they entail, the author concludes that, despite their differences, they share significant common features. These shared elements justify their classification within the same legal category, thereby permitting the application of the general provisions governing family relationships to their members.

ENRICO QUADRI, Considerazioni sulla “crisi” familiare.....» 445

The provision introduced by the procedural reform of 2022, which allows for the joinder of actions for legal separation and divorce, has completed the transition in our legal system from the principle of favor matrimonii to that of favor divortii. Indeed, the “biphasic” structure governing marital breakdown has been superseded, with a significant downsizing of the role of legal separation. The new structure of divorce proceedings also entails the inevitable abandonment of the jurisprudential approach that tended to consider as null and void any financial agreements entered into in view of divorce.

ENRICO AL MUREN, Gli accordi della crisi coniugale tra autonomia dei coniugi e tutela dei diritti indisponibili» 455

In a context marked by marital instability and by the growing significance of new family models, there emerges, on the one hand, the need to enhance the spouses’ autonomy in defining the economic consequences of divorce, and, on the other hand, the necessity of ensuring that such autonomy is exercised with full respect for the inalienable rights that constitute the essence of the current meaning of marriage.

From this perspective, the article focus on the recomposed family highlights the need to reconcile the inalienable protection deriving from post-marital solidarity with the rules governing forced heirship, and further emphasizes the importance of introducing tools capable of objectively assessing the value of the intra-family contribution, so as to enable the spouses to exercise their autonomy in a fully informed and deliberate way.

ARNALDO MORACE PINELLI, Su una proposta di riforma dell'affidamento condiviso (d.l. S.832, XIX^a Legislatura).....» 469

The author criticizes bill S832, which reforms shared custody and is currently being examined by the Senate of the Republic, arguing that it still reflects an adult-centric logic that has been superseded by the reform on filiation. In this context, the two main amendments proposed should be interpreted as follows: equal arithmetic time spent by parents with their children during the crisis and the denial of their habitual residence/domicile, since, if they are in shared custody, they must take on the domicile of both parents.

However, the bill contains positive ideas and further proposals for changes to the institution, for example with regard to the assignment of the family home, as suggested by the author, who is highly critical of the new figure of the special guardian of the child, frequently appointed in separation and divorce proceedings.

MARIA TERESA NURRA, Adozione del maggiorenne e dissenso dei figli tra sindacabilità giudiziale e questioni di costituzionalità» 489

This contribution examines the refusal of adult children of the adoptive parent in cases of adoption of an adult. The absence of specific rules regarding consent and refusal by descendants has led to questions being raised in jurisprudence about the possibility of applying the same rules to this specific case as those provided for the adoptive parent's spouse. This would allow the court to review dissent where the children are not cohabiting.

DIANA D'ALBERTI, Le progressive aperture del legislatore sulla disponibilità delle situazioni giuridiche soggettive nella disciplina della crisi familiare.....» 509

This paper analyses the increasing contractualization of subjective legal positions within Italian family law, highlighting a significant departure from its traditional mandatory nature. Driven by constitutional principles and recent legislative developments – most notably Law No. 206 of 2021 and Legislative Decree No. 149 of 2022 – this shift represents a profound transformation.

These reforms have markedly expanded the scope of assisted negotiation and family mediation, enabling parties to independently determine the terms of separation and divorce, including financial arrangements such as one-time allowances. This evolution reflects a growing acknowledgment of private autonomy, even challenging the conventional non-disposability of marital status. While protecting vulnerable parties and children remains a priority, these legislative changes clearly indicate a move towards privatized dispute resolution and signify a fundamental change in the landscape of family law relations.

Parte III

Giurisprudenza

DILETTA GIUNCHEDI, La madre intenzionale, il progetto procreativo e l'assunzione della responsabilità genitoriale (nota a Corte cost., 22 maggio 2025, n. 68)» 539

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