

Parte I
Dottrina

- MARIA IRMA RICHTER, Sulla c.d. sindrome da alienazione parentale: tra assenza di validazione scientifica e prassi giudiziaria dopo la riforma Cartabia» 289
- During separation or divorce proceedings, particularly in child custody disputes, some parents may invoke Parental Alienation Syndrome (PAS). This term is generally used to describe a situation in which a child tends to reject one parent under the conscious or unconscious influence of the other parent. However, the concept has been the subject of considerable controversy. The absence of diagnostic validity have led major international organizations to reject its recognition as a legitimate syndrome. Nevertheless, the term continues to be widely used in civil courts across Europe, as well as in the United States. In Italy, the reforms introduced by d.lgs. 10 October 2022, n. 150 (Cartabia Reform) are provoking mixed reactions. This study aims to examine the history of the concept, the lack of scientific evidence supporting it, its criticisms and limitations, and its use in judicial practice.
- FRANCESCO MOLINARO, Le tecniche di procreazione artificiale e la tutela del nato.....» 313
- After highlighting how medically assisted reproduction techniques have broadened the traditional concept of the family, the essay analyses the issues arising from the failure of the intended parent to recognise the child in cases of heterologous fertilisation and surrogacy. The Author then examines the legal safeguards recognised by the law for the child and pro-poses ‘specific’ protection for children born through surrogacy, with a view to overcoming any disparity compared to children born through heterologous fertilisation and fully imple-menting the principle of the uniqueness of the status of a child.
- FLAVIO LA IACONA, Eredità digitale e mandato *post mortem* nell’evoluzione giurisprudenziale interna ed europea.....» 327
- This paper examines the legal classification and transferability of digital assets forming part of the estate of the *de cuius*, with particular reference to the interplay between succes-sion law and the protection of personal data pursuant to Article 2-terdecies of Legislative Decree No. 196/2003. It further analyses the admissibility of the mandato *post mortem* exequendum in relation to the management of digital assets, taking into account relevant Italian and European case law – including the decision of the Bundesgerichtshof concer-ning Facebook – from a comparative law perspective. The study concludes by identifying the principal interpretative and systematic issues arising in the field of digital inheritance.

Parte II
Giurisprudenza

- CARLO RIMINI, Il cambiamento di residenza: l’interesse del minore fra diritto dei genitori di fissare liberamente il proprio luogo di vita e tutela della bigenitorialità (Cass. civ., sez. I, ord. 24 febbraio 2026, n. 4110)» 359
- The relocation of one parent to a place far from where the family lived together, and where the other parent — who opposes the relocation of the minor child — continues to live, is an issue that arises frequently following the parents’ separation. In practice, relocation requests are very often denied on the grounds that the child’s best interests is to live close to both parents and to continue to live in the place where the child has always lived.

The Italian Supreme Court appropriately recalls that the issue must be approached in light of the fundamental freedom of each parent to establish his or her residence wherever he or she

chooses. Consequently, the balancing assessment concerning the child's best interests must be carried out taking into account the life choices made by both parents.

With regard to cases in which the relocation is implemented without prior authorization, the Supreme Court appears to hold that such conduct may be sanctioned only where the relocation was carried out for insignificant reasons or even motivated by malicious intent. This statement deserves some criticism and is not entirely persuasive, also in light of the most recent case law of the European Court of Human Rights.

PAOLO ROMEO, *Libertà testamentaria e stabilità dell'assetto successorio. Brevi note sulle disposizioni testamentarie a titolo di pena e sul divieto dei patti successori (obbligatori)* (Cass. civ., sez. II, 9 maggio 2025, n. 12268).....» 385

This paper examines the Italian Supreme Court decision no. 12268 of 9 May 2025, focusing on testamentary penalty clauses (*disposizioni testamentarie poenae nomine*) and their interplay with testamentary freedom, forced heirship rules, and the prohibition of succession agreements. Starting from a clause conditioning testamentary benefits upon the waiver of reduction actions, the paper analyses the admissibility of punitive testamentary devices, distinguishing between resolutive conditions and testamentary charges (*modus*), and assessing their compatibility with Articles 549 and 634 of the Italian Civil Code. The contribution further explores the limits between the legitimate preservation of the testator's intended succession scheme and the unlawful restriction of heirs' rights, also addressing the issue of obligatory succession agreements and their indirect implementation through interconnected transactions. Particular attention is devoted to the tension between testamentary autonomy and the quantitative protection afforded to forced heirs under Italian succession law.