Parte I
Dottrina

TOMMASO AULETTA, Metodo, orientamenti e centralità del diritto di famiglia negli studi di Salvatore Patti.....p. 333

In the paper, the Author highlights the importance of Prof. Salvatore Patti's contribution to the development of family law at national and European level. In this perspective, the fundamental lines of his thought are outlined regarding the function of the legal framework aimed at regulating the family in its multiple manifestations. Ample space is dedicated to the examination of his writings on the main legal institutions which the field of law consists of.

GIOVANNI DE CRISTOFARO, Il diritto del minore capace di discernimento di esprimere le sue opinioni e il c.d. ascolto fra c.p.c. riformato, convenzioni internazionali e diritto UE.....» 363

The essay addresses some of the interpretative and applicative issues raised by the text of the new provisions of the Code of Civil Procedure governing the so-called hearing of the child. First of all, an in-depth analysis is conducted of the provisions of EU law and of the international conventions ratified by Italy concerning the child's right to express his or her views and to see that they are given due weight by the subjects and/or public authorities entitled to take and implement decisions concerning his or her person and/or property. Subsequently, the novelties that characterise the discipline contained in the new provisions of the Code of Civil Procedure are critically examined, their inconsistencies and ambiguities are highlighted and, in conclusion, their incompatibility with the text, ratio and objectives of EU law and international conventions is argued.

STEFANO BENZONI, Resist/refuse of the child to meet a parent. Challenges and perspectives for parental and expert's responsibility.....» 389

The paper addresses the issue of resist /refuse cases, which is subject of fierce debate in several countries. The "figure" of the resist/refuse is considered on the background of both parental and expert's responsibility. The paper highlights the importance of considering resist/refuse as a form of decision, that is not identical to the internal motivation of the child. "Good choices" may be triggered by emotions connected – to some extent – to objective facts but should always depend on a triangulation with contextual values and norms. Minors who dysfunctionally refuse a parent, show very poor capacity to ponder alternatives, by relating them to these values and norms. This raises doubts regarding their capacity to autonomously discern. Furthermore, is suggested that parental responsibility is the major instance that promotes this capacity in children. The withdraw of parents from their role is often the precursor of a dysfunctional refuse. Finally, it is stressed that – in order to treat this matter with a scientific approach – experts should rigorously commit to the ethics of responsibility, i.e. setting evaluation strategies that are oriented towards defining reliable prognostic criteria, are value and strength centred, and propose realistic actions and alternatives.

BENEDETTA AGOSTINELLI, Minori in rete: l'illusione del consenso e l'equivoco della *privacy*.....» 397

Minors are particularly exposed on the web, a virtual place where they can develop their personality but that's also full of risk linked to browsing that's not always aware and safe. At 14, then, consent for the processing of personal data in information society services (therefore also social networks) is provided directly by the child and parental control systems are interrupted abruptly and can not be maintained by parents without the will of the child. That reduces parents' ability to control and guide and affects the very exercise of parental responsibility. The problem of minors on line is not only a problem of privacy but of protection of fundamental rights that can be more easily damaged in the internet for the inexperience and immaturity and for the lack of age verification. The physical and mental development of the browsing child can be compromised in the absence of an adequate monitoring system also by the platforms, that's now at the heart of the new EU legislation.

Alberto Maria Benedetti, Il «fiduciario» nelle DAT è titolare di un «ufficio di diritto privato»?.....» 417

The essay addresses the issue of the legal nature and regulation of the "fiduciary" in advance directives; in particular, the author wonders whether and to what extent the "fiduciary" holds an "power of private law" and whether the regulation of the executor of a living will can be used for a broader regulation.

Francesco Rossi, Prelazione sull'azienda e convivente *ex* art. 230-*ter* c.c.....» 429

The essay examines the possible reasons for and the effects of the absence, in the regulation of Article 230-ter of the Civil Code, of the provision of a right of pre-emption for the benefit of the de facto cohabitee who works permanently in the partner's business.

Roberta Bendinelli, Revocazione del testamento per sopravvenienza di figli e valutazione legale tipica .....» 439

The present paper focuses on Article 687 of the Italian Civil Code. According to our interpretation, this provision refers to a valid will which, despite that, cannot produce any effects, since the testator finds out that he has a child he didn't know about. According to our interpretation, as explained in the paper, Article 687 applies if the following conditions are met: a) the birth takes place after the will is perfected or, alternatively, it already happened at the time without the testator knowing; and b) after the will is perfected, the child is legally recognised as the testator's son or daughter. We also argue that Article 687 is rooted on what, in the legislator's view, the testator would have wanted under the circumstances the provision refers to (i.e., valutazione legale tipica). As pointed out in the paper, the last remark doesn't mean that it needs to be ascertained what the testator actually wanted in each specific case.

Parte II
Giurisprudenza

Luca Zagli, La tassatività delle cause di indegnità a succedere: il delicato rapporto tra esigenza formale e *ratio legis* dell'istituto (nota a Cass. civ., sez. II, ord. 28 aprile 2022, n. 13266).....» 455

This paper, beginning from the decision of Italian Supreme Court, deals with a delicate issue like the numerus clausus of the causes of unworthiness to succeed. In the light of non-negligible exegetic problems as regards this issue, the paper tries to analyze the doctrinal and jurisprudential debate with the objective to make, keeping in mind the ratio legis behind this institute, some critical remarks about the solution provided by the Supreme Court regarding the configurability of a hypothesis of unworthiness to succeed in the case of neglecting of the de cuius from the descendant.