

**Parte I  
Dottrina**

## GIOVANNI DI ROSA, Casa familiare e convivenza del figlio con il genitore assegnatario.....» 419

*Abstract. The twenty years since the introduction of Law No. 40 of 19 February 2004 on medically assisted procreation have been marked by significant judicial arrests, in particular (but not only) by the Constitutional Court, that have substantially redesigned the structure of the original normative system, also in the permanence of some aspects that have not been object of the dark of unconstitutionality. In the overall picture thus outlined, some fundamental issues remain unresolved, such as the fate of cryopreserved embryos (formally abandoned or not) and not intended for subsequent implantation; questions never really dormant are also re-proposed, such as, for example, with regard to the generalization or otherwise of the prohibition of surrogacy, which is sometimes considered to be justifiable when supported by reasons of self-interest and not motivated by economic intentions. The examination of these two issues thus allows, beyond the solutions represented in this regard, some reflections on the principles and rules of the subject investigated.*

## STEFANIA PIA PERRINO, A “walking contradiction”: il consenso informato irrevocabile alla PMA .....» 439

*Abstract. An informed consent is a legal act, personal and revocable at any time. There is no free and informed determination without the patient's power of withdrawal. Yet, in the Italian Medically Assisted Procreation regulation, unlike other European regulatory models, consent becomes irrevocable after the fertilization of the oocyte, even after the decision over the admissibility of the embryo cryopreservation. Nevertheless, the law does not address the contingencies that may occur from the time of fertilization until the blastocyst transfer, throughout the period of cell cryopreservation, such as crisis of the couple, surgical modification of primary sexual characteristics, or patient's death. For this reason, the case law is called upon to play a supplanting role and has provided, as was the case with a recent ruling of the Constitutional Court, new exegetical coordinates, which are, however, accompanied by significant application repercussions.*

## AFRANCESCA DI LELLA, Forme e pubblicità delle DAT. Fenomenologia di un negozio in crisi.....» 459

*Abstract. The paper goes over the debate that preceded the enactment of Law No. 219 of 2017, which introduced the advance healthcare directives. Attention is, therefore, focused on the forms and the disclosure regime chosen for this act of private autonomy, in order to evaluate its merits and critical aspects, also in the light of what emerged from the first law cases. Afterwards, the two hypotheses of the lack of any advance directive and of the non-compliance with the prescribed forms of them are examined, trying to give answers which may be coherent with the systematic structure of the law and with the consolidated principles and values on the subject. Finally, in the face of the documented scant use of ADs in real experience, a reflection is offered on the ways to overcome interpretative doubts and critical points that have emerged in the practical field, in order to enhance this important tool for the protection of the person.*

## GIORGIA ANNA PARINI, Negoziazione assistita da avvocati in ambito alimentare.....» 487

*Abstract. With the reform of the civil procedure, the legislator has included aliment disputes (Art. 433 et seq. of the Civil Code) among those that can be settled by means of negotiation with the assistance of a lawyer: however, certain critical aspects risk jeopardizing the effective use of the procedure in this area. This refers to the choices made with regard to the regulation of legal aid in this field. Moreover, it is felt that the legislator has not fully considered the underlying and implicit consequences of extending assisted negotiation in a very specific matter.*

LIVIA AULINO, Rimedi civilistici nell'ambito del revenge porn in un'ottica comparata .....» 499

*Abstract. This paper examines the civil remedies of revenge porn - whether compensatory or inhibitory - accessible to the affected parties, encompassing both inheritance law and individual rights. Moreover, this analysis considers recent European legislation, the Digital Service Act (DSA), which has augmented the accountability of digital service providers. In addition, this examination employs a comparative law methodology to enhance understanding of the protective measures accessible to the involved party.*

**Parte II**  
**Giurisprudenza**

CATERINA MURGO, I recenti orientamenti della Consulta in tema di “residenza qualificata”: categorie fragili e profili discriminatori (nota a Corte cost., 14 marzo 2024, n. 42 e Corte cost., 22 aprile 2024, n. 67). .....» 519

*Abstract. The paper aims to make a focus on the latest Italian Constitutional Court's rules about the way to have access to the public social tools that can help the families in economic need. The local laws ask for an actual and continuous link between the people and the public area where the families live, because that means they'll stay there also in the future and they'll take a part to the public life. The Italian Constitutional Court says that, for the country and the other public organizations, the most important thing is to check the effective needs and the state of the families, due to the disabilities, the old aged people or to the social and economic troubles. The public organizations have always to make a balance between the country's spending because of the social tools and the real needs of the people in very poor economic state.*