



# CAMMINO DIRITTO

Rivista di informazione giuridica



## EQUAL STATUS BETWEEN NATURAL AND LEGITIMATE CHILDREN

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*Equality between natural and legitimate children according to Italian  
Legislative Decree 154/2013*

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**Mariaconcetta Sessa** (redattore Alessandra Parrilli)

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The Italian Legislative Decree 154/2013 (in accordance with the mandate given in Article 2 of Law 219 of 10 December 2012) completed the most radical amendment of family law: it is in regards to a subsequent amendment to the law 151 of 19 May 1975.

The primary aim of this Decree is to amend the legislation currently enforced, in order to eliminate any discrimination between children born in or out of wedlock, thereby ensuring a comprehensive legal equality. This way, any discrimination among children will be definitively abolished.

As a matter of fact, the new wording of Article 315 recognises that all children have the same legal status, without distinction between legitimate and natural children. Furthermore, this led to the repeal of the process through which children born out of wedlock acquired the status of legitimate child. In view of this, the words “legitimate child” and “natural child” were replaced by the words “child born in wedlock” and “child born out of wedlock”.

Thanks to this important amendment, the lawmaker showed his willingness to consider the child’s best interest as a prime value: he cannot be held responsible for his birth in or out of wedlock.

Another important change affected the existing relationship between parents and children. This relationship is no longer defined in terms of parental authority, that is referring to a relationship *de potestate* (as if parents had to totally command their children’s lives), but it is defined in terms of parental responsibility that implies a relationship based on equality and not on subordination.

As a result, the main obligations are imposed not only upon parents, but also upon the child himself who, according to the fourth paragraph of Article 315 bis, “must respect his parents and must help his family as long as he lives with them, according to his own capacities, wealth and income”.