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s 60CC(2) Framework | Bonus Tip Sheet

What Can (and Can't) Be Inferred from Children's Behaviour During Transitions

This tip sheet follows directly from *Tip Sheet 6: Bonding Isn't Always Secure* and responds to several requests from legal and psychological professionals seeking clearer guidance on how to interpret children's behaviour during transitions, particularly around handovers, reunions, and farewells.

These moments are often rich with emotional information, but they're also prone to misinterpretation if taken out of context.

Under s 60CC(2)(c) of the Family Law Amendment Act 2023, the Court must consider the emotional and psychological development of the child, including the nature and quality of their relationships with each parent or significant person. Transitional behaviours – such as clinginess, withdrawal, or emotional outbursts – can offer insight into relational dynamics and regulatory challenges. However, they must be interpreted cautiously and within a broader developmental and contextual framework.

This bonus tip sheet provides practical, evidence-informed guidance to help professionals understand what these behaviours may signal, what they don't necessarily indicate, and how such observations should (and should not) inform conclusions in psychological reports.

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1. Why Transitions Matter

Transitions – like moving between parents during handovers or reunions – can be emotionally intense for children. These moments often trigger a child's natural instinct to seek comfort and reassurance from the parent they feel most secure with. In plain terms, this means the child might cry, cling, or act out. Not necessarily because something is wrong, but because they are trying to manage big feelings about saying goodbye or switching environments.

These behaviours are shaped by how the child has learned to expect each parent to respond. They also involve the body's natural stress response: How quickly the child gets upset and how easily they settle again.

While transitions can offer important insights into how a child is coping, their reactions can also be influenced by many other things, like being tired, having a sensitive temperament, not knowing what to expect, or even being affected by the tension between parents.

Things to keep in mind:

- Children might feel torn between parents or anxious about the separation itself; not necessarily about one parent in particular.
- Strong emotions at changeover times can be normal for some children, especially younger ones, or those who have experienced stress or inconsistency before.

A note of caution:

Just because a child shows distress during a handover doesn't mean one parent is harming them or turning them against the other. It might simply reflect the challenge of the moment and their effort to regain balance.

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2. What Children's Behaviour During Transitions Might Tell Us

Children's behaviours during transitions can offer important insights into their emotional experiences and how they relate to each parent. However, these behaviours should not be taken at face value or judged in isolation. More reliable inferences come from observing patterns over time, supported by information from multiple sources.

Behaviours that may offer insight include:

- **Clinginess or reluctance to separate from a parent:** May indicate anxiety, emotional dependence, or fear about the upcoming transition.
- **Withdrawal or emotional flatness:** Might reflect emotional shutdown, overwhelm, or uncertainty about how to express distress.
- **Unusually heightened energy or enthusiasm:** While it can appear as joy, this may also reflect difficulty settling, nervous anticipation, or the child's attempt to manage complex emotions.
- **Noticeable mood changes around transitions:** Shifts in behaviour or mood before or after transitions may suggest internal conflict or stress that is not easily verbalised.

Key interpretive cautions:

- **Development matters:** The same behaviour may have different meanings depending on the child's age, emotional maturity, and developmental profile.
- **Patterns are more meaningful than moments:** Repeated behaviours across different settings and times are more clinically informative than isolated incidents.
- **Collateral information builds clarity:** Input from teachers, extended family, carers, or other observers can help confirm whether a behaviour reflects a broader trend or a context-specific response.

For example, if a child appears distressed during one handover but is later reported to settle quickly and enjoy their time with the other parent, the initial distress may reflect temporary uncertainty, fatigue, or a disrupted routine, not necessarily a sign of emotional harm or relational breakdown.

This is similar to how some children – despite having a warm, secure bond with a parent – may cry or cling when being dropped off at daycare. The distress often resolves quickly once the child settles into the familiar routine, and is not necessarily a reflection of poor parenting or a fractured relationship.

In both contexts, robust conclusions should rely on consistent patterns and corroborating information, rather than single-event reactions.

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3. What Reports Should Include

Well-constructed psychological reports will not overstate the meaning of a single observation. Instead, they will carefully situate transition-related behaviours within the wider context of the child's functioning and caregiving environment. Legal professionals should examine whether reports clarify:

- Whether the child's behaviour during transitions has been raised by multiple sources (e.g., carers, both parents, teachers, or through direct observation)
- Whether there is a consistent pattern across time, rather than isolated or context-dependent incidents
- How each parent responds to the child's distress or emotional needs during transition periods
- Whether the child appears to be offered emotional space, appropriate reassurance, and tools to manage difficult moments

These components allow the behaviour to be considered not simply as a reaction, but as part of a broader relational pattern.

What Legal Professionals Might Consider

Reports that offer strong conclusions based on a single event or brief observation should be interpreted cautiously. The following questions can assist in evaluating the depth and reliability of the report's analysis:

- Does the report avoid making definitive claims based on limited evidence?
- Has the report qualified its interpretations using appropriate language (e.g., "*may reflect*", "*is consistent with*", "*could indicate*") rather than overstating conclusions?
- Are protective and risk factors considered together? For example, signs of distress along with signs of resilience or coping.

By framing conclusions around consistent evidence and balanced reasoning, reports can provide more meaningful guidance to the Court, while also supporting the integrity of the assessment process. It is not about being definitive; it is about being thoughtful, measured, and grounded in sound clinical reasoning.

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4. What Should Not Be Concluded from Transitions Alone

It is not scientifically defensible to draw firm conclusions based solely on how a child behaves during transitions. Specifically, it would be inappropriate to assume:

- That the child is emotionally safer or more strongly bonded with one parent
- That one parent is the source of the child's distress
- That the behaviour confirms or disproves concerns about parenting quality

This is because transitions are complex moments, influenced by many variables unrelated to parenting capacity. A child's distress during a handover may stem from:

- Fatigue, hunger, or disrupted routines
- Emotional spill-over from interparental conflict, even if it's not visible at the time
- The child's temperament or coping style
- Environmental unpredictability, such as late pickups or unfamiliar surroundings
- General stress or trauma that accumulates over time and is not specific to one caregiver

In fact, children may behave differently depending on their level of familiarity or perceived safety. For example, some children may appear more compliant or withdrawn with unfamiliar adults (such as contact support workers), and more emotionally expressive (positively or negatively) with a primary caregiver. This variation reflects the child's stress regulation strategies, not necessarily the quality of the relationship.

The Importance of Context in Interpretation

The same behaviour can have very different meanings depending on the surrounding context. A child who clings to a parent during a handover might be showing emotional connection, or might simply be unsettled, overtired, or anxious about change. Without additional context, such as developmental history, prior relationship patterns, and input from multiple sources (e.g. carers, both parents, school staff), these behaviours are easily misread.

Even positive behaviours like enthusiastic greetings or tearful goodbyes are not always straightforward. Children often feel multiple things at once. They can feel close to a parent and still find transitions stressful. They can resist leaving a place they enjoy without it meaning they feel unsafe elsewhere.

In short, behaviour observed during transitions should never be interpreted in isolation. It is only meaningful when considered alongside a broader understanding of the child's experiences, needs, and relationships.

5. Examples in Context: When the Same Behaviour Tells a Different Story

A child's behaviour during transitions can look similar across families but mean something entirely different depending on the context. Observable actions like distress or withdrawal should not be over-interpreted in isolation, but should be evaluated in light of developmental expectations, family patterns, and collateral input.

Example A: Cautiously Interpreted (With Broader Context)

A six-year-old child becomes tearful and clingy when transitioning from Parent A to Parent B at the start of weekend contact. The child repeatedly says they don't want to go and physically resists the handover.

Collateral information includes:

- Reports from both parents confirming the child tends to settle within 10 minutes after arrival at Parent B's home.
- A teacher's observation that the child separates in a similar way at school drop-offs but settles quickly once in class.
- Historical notes indicating the child has a longstanding pattern of separation anxiety, particularly during periods of transition or change.

The report states:

"The child's behaviour during handover appears consistent with developmental separation anxiety rather than a specific concern about safety. While distress is present, it resolves predictably, and is observed across other environments. No current evidence suggests the child experiences discomfort or emotional insecurity within Parent B's care."

Here, the behaviour is recognised as valid and important, yet interpreted within a broader and developmentally appropriate framework. Collateral evidence supports the view the child is not at risk, but is experiencing transitional distress typical of their age and temperament.

Example B: Misinterpreted (Without Contextualisation)

A six-year-old becomes tearful and clingy during handover from Parent A to Parent B. The report, based on a single observation, concludes:

"The child's reluctance to attend contact and clear distress suggest they do not feel safe or supported with Parent B."

No collateral sources are cited. There is no reference to the child's adjustment across different environments, their history of transitions, or any exploration of temperament or emotional development. The interpretation leans heavily on one observed behaviour without triangulation or broader psychological reasoning.

This example demonstrates how similar behaviour – tearfulness, clinginess, reluctance – can be interpreted in dramatically different ways, depending on the quality of assessment and the depth of contextual understanding.

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6. What Parental Behaviour During Transitions Can Tell Us

Transitions are not just about the child's experience. They are relational moments that unfold within a system. The way a parent behaves during handovers, reunions, or farewells can significantly shape the child's emotional response. Observing these interactions can offer insight into the parent-child dynamic, the emotional environment surrounding transitions, and the supportiveness of the caregiving system as a whole.

A child's distress, for example, may be eased or amplified depending on how each parent manages their own emotions, communicates with the other parent, and supports the child through the change. In this sense, transitions are not simply "*child responses*" but co-regulated moments that reflect a broader relational context.

Psychological reports may comment on:

- How each parent prepares the child for transition (e.g., calm explanations, reassurance, or emotional withdrawal)
- Whether the parent responds to the child's distress with support, frustration, or minimisation
- How the parent manages their own emotional tone (e.g., remaining calm and steady vs. visibly anxious or upset)
- Whether conflict between parents is present, and how it impacts the handover
- How consistently the parent uses strategies to help the child regulate and adjust

Children are highly sensitive to the emotional cues of their caregivers. If one parent becomes dysregulated, criticises the other parent, or fails to acknowledge the child's distress, this may undermine the child's ability to feel secure. Conversely, when a parent remains emotionally available, uses soothing strategies, and models stability, the child may feel more able to manage transitions, even when these moments are difficult.

Legal readers might consider:

- Is the child's response to transitions influenced by how the parent sets the tone?
- Does the parent show insight into the child's emotional needs during these times?
- Are there patterns suggesting that transitions are handled differently by each parent?
- Has the report assessed whether the child is caught in a loyalty bind or is receiving conflicting messages?

In sum, transition moments should be assessed as part of a dynamic system involving both the child and the parent. Observations should reflect not just how the child behaves, but how the parent's behaviour contributes to – or mitigates – the emotional intensity of these moments.

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7. Implications for s 60CC(2)(c)

Under s 60CC(2)(c) of the Family Law Amendment Act 2023, courts must consider the child's psychological and emotional development, including their relationships with each parent or significant person. While a child's behaviour during transitions - such as handovers, farewells, or reunions - can provide meaningful information, such moments should not be treated as stand-alone evidence. They are one part of a larger picture.

A psychologically sound report will consider not just what the child does during transitions, but how these behaviours are supported, understood, and managed across time and by each parent.

Reports may helpfully comment on whether the child:

- Appears emotionally safe and supported across transitions
- Experiences transitions as predictable and manageable rather than chaotic or overwhelming
- Is offered age-appropriate emotional support and structure by each parent during moments of change
- Shows distress or withdrawal in a way that is patterned, developmentally expected, or relationally meaningful

Guidance for Legal Professionals:

- **Context is key:** A single behaviour at handover is not enough. Reports should explore the broader emotional tone, caregiving history, and coping responses over time.
- **Look for triangulation:** Strong reports will link behaviours to collateral information from other adults (e.g., teachers, carers), multiple settings, and patterns over time.
- **Note how parents respond:** A parent's ability to regulate and support their child during transitions can be just as important as the behaviour itself.
- **Prioritise caution and balance:** Favour assessments that clearly distinguish between observation and inference, and that are sensitive to the many developmental, relational, and situational factors that influence a child's behaviour.