

## **FAMILY LAW INSIGHT SERIES**

### **s 60CC(2) Framework | 10 of 10**

### **Tip Sheet 10 – Final Checklist: Reviewing Family Law Psychological Reports**

#### **A Summary of Key Recommendations from the Family Law Insight Series**

This final checklist distils the core insights from the previous tip sheets to assist legal professionals in reviewing psychological reports prepared for family law proceedings. It is designed to ensure that reports are consistent with the Family Law Amendment Act 2023 (Cth), which commenced on 6 May 2024 and amended Section 60CC of the Family Law Act 1975(Cth). The revised framework replaces the previous 'primary' and 'additional' considerations with a unified list of best interest factors. Reports should demonstrate sound clinical reasoning aligned with these legislative changes and current forensic standards.

I hope the series has proven useful in navigating the complex intersection between psychological evidence and family law. This final summary brings together the key takeaways, offering a concise reference point to support the evaluation of psychological reports for integrity, clarity, and appropriateness within legal contexts.

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## **Section 60CC(2): General Considerations**

### **(a) Safety of the child and their carers**

- Does the report clearly identify any risks to the child's physical or psychological safety, and prioritise these over other considerations?
- Are examples of concerning behaviours (e.g., family violence, coercion, neglect) described using evidence from interviews, collateral sources, or observations?
- Are the risks to carers also considered, particularly if they affect the child's safety (e.g., a parent exposed to ongoing violence)?
- Do the recommendations directly respond to identified safety issues (e.g., proposing supervision, no contact, or graduated contact)?

### **(b) Child's views**

- Does the report explain exactly how the child's views were obtained and whether the method was developmentally appropriate?
- Are the child's views presented with relevant context (e.g. age, emotional state, relationship dynamics, and any external influences)?
- Has the practitioner explored whether the child's views might have been influenced (e.g., coached or rehearsed) and addressed this with care?
- Are the child's statements described with supporting detail (e.g., emotional tone, consistency, non-verbal cues)?

### **(c) Child's developmental, emotional, psychological and cultural needs**

- Does the report clearly describe the child's developmental stage and any psychological vulnerabilities or trauma history?
- Are the child's needs explained in relation to their behaviour, emotional regulation, and attachment, not just age?
- Are parenting arrangements recommended based on the child's actual psychological needs (e.g., avoiding overnight contact for a highly anxious child)?
- Where culture is relevant, has it been integrated meaningfully (not tokenistically) into the assessment and recommendations?

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#### **(d) Each parent's capacity to meet the child's needs**

- Does the report assess each parent's ability to meet the child's emotional, psychological, and relational needs, not just practical tasks?
- Are both parents evaluated using the same standards, and is the reasoning for any differences clearly explained?
- Does the report include examples of how each parent interacts with the child, supports regulation, and responds to distress?
- Are any concerns about parenting capacity clearly linked to observations or information, not left vague or speculative?

#### **(e) Benefit of a relationship with parents and significant others, where safe**

- Does the report explain how the child is affected emotionally by time with each parent or significant person?
- Is the quality of each relationship assessed, rather than assuming contact is always beneficial?
- Where risks exist in a relationship, are they clearly identified and addressed in the recommendations?
- Does the report consider whether the relationship provides the child with psychological stability or distress?

#### **(f) Other relevant circumstances**

- Has the report identified and explained any case-specific factors (e.g., grief, disability, frequent litigation) that may affect the child?
- Are these circumstances analysed in relation to the child's wellbeing, not simply listed as background?
- Are cumulative impacts described (e.g., multiple stressors contributing to emotional distress)?
- Does the report identify signs of role reversal, burden, or emotional over-responsibility in the child?

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#### **Section 60CC(2A): Additional Safety Considerations**

##### **History of family violence, abuse, neglect, or family violence orders**

- Has the practitioner reviewed and summarised any relevant police reports, court orders, or historical risk information?
- Does the report distinguish between allegations, sustained findings, and convictions?
- Where the evidence is unclear, does the report explain the basis for clinical concern or caution?
- Are historical patterns of harm analysed in terms of their likely ongoing impact on the child?

#### **Section 60CC(3): Aboriginal or Torres Strait Islander children**

- Does the report describe the child's cultural identity and connections (e.g., family, community, Country, language)?
- Has the practitioner consulted culturally appropriate sources or individuals where relevant (e.g., community representatives, elders)?
- Are the effects of proposed parenting arrangements on cultural identity clearly explained (e.g., loss of connection vs. cultural support)?
- Is cultural identity described as a central part of the child's wellbeing—not a peripheral issue?