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Equal Time and the Myth of Neutrality: What Psychological Evidence Should Show

Following the *Family Law Amendment Act 2023*, the presumption of equal shared parental responsibility has been removed. Parenting time must now be determined under the revised s 60CC best interests framework, which directs focus to the child's safety, developmental needs, views, relationships, and relevant history—not parental symmetry.

Yet, some psychological reports continue to treat equal time as a default or neutral arrangement—often couched in language of fairness or “*supporting both relationships*”.

This tip sheet unpacks why equal time is not developmentally neutral, what psychological evidence should support time recommendations, and how to identify reports that risk conflating parity with best interests.

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1. Equal Time Is Not Developmentally Neutral

Equal time is not automatically balanced or appropriate. It depends on the child's developmental stage, temperament, neurodevelopmental profile, and capacity to manage transitions.

Example: A four-year-old with emerging separation anxiety may exhibit emotional dysregulation, sleep disturbance, and clinginess with alternating care every 3–4 days. A recommendation for equal time, absent any discussion of this, overlooks the child's regulation capacity and misrepresents developmental fit.

2. Parental Fairness ≠ Child-Centred Planning

The best interests of the child must take precedence over adult perceptions of fairness. Reports should distinguish between parental desire for equal time and clinical indicators of psychological benefit to the child.

Example: A parent may request 50/50 time to “*stay equal*” or avoid marginalisation post-separation. But if the child presents with a strong primary attachment, heightened distress during transitions, and an observable preference for stability, recommending equal time solely to preserve adult parity risks undermining the child's emotional security.

3. Time ≠ Relationship Quality

More time does not automatically translate to a stronger or healthier parent-child relationship. Reports should address the quality of relational engagement—emotional responsiveness, boundary setting, attunement—not just time allocation.

Example: A parent may have significant contact hours but use permissive or avoidant parenting strategies, rarely engage in emotion coaching, or rely heavily on screens. If these dynamics are not examined, a report may inadvertently equate quantity with benefit, misleading the Court about the developmental quality of the relationship.

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4. Transitions Tell You More Than Static Observations

A child's behaviour around changeovers is often a more sensitive barometer of distress than their presentation in-session or within a single household.

Example: A child may appear settled during interview, but cry, stall, or engage in defiant behaviour when changing homes. If these moments are unreported, they can falsely signal adaptability and mask the child's internal distress.

5. Beware Reports That Presume Equal Time Is the Starting Point

Some reports subtly imply that equal time is the default unless disproven; a logical reversal of what the law requires. Under the 2023 reforms, the starting point is the individual child's needs.

Example: A report states, *"There is no reason equal time should not occur"* or *"Equal time supports both parents"*. Without developmental analysis, such conclusions rest on presumption, not evidence, and should be treated with caution.

Ask the Right Questions

To test the evidentiary strength of a time recommendation, consider:

- Has the report evaluated the child's age, attachment relationships, regulation capacity, and tolerance for transitions?
- Is the reasoning grounded in psychological evidence. or simply parental fairness?
- Were changeovers observed or discussed in behavioural terms?
- Is there evidence that time allocation aligns with relational benefit, not just contact hours?

If these elements are missing or superficially addressed, the recommendation may reflect convention rather than a child-centred analysis.