

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

Bonding Isn't Always Secure: What Psychological Reports Should Reveal About the Parent–Child Relationship

Under s 60CC(2)(c) of the *Family Law Amendment Act 2023*, the Court must consider the child's emotional and psychological development, including the child's relationships with each parent and other significant persons. In some reports, there is a tendency to place substantial emphasis on observable warmth, such as a child sitting closely with a parent or engaging in affectionate conversation during sessions. While such behaviours may offer useful insights, they do not, in isolation, demonstrate that a parent provides the emotional security, consistency, and responsiveness a child needs, particularly in the context of family separation.

A thorough psychological evaluation should explore the overall emotional tone of the relationship, the parent's capacity to respond to distress, maintain appropriate boundaries, provide consistent caregiving, and support the child's broader emotional development.

Adjunct Note: Why We Use the Term “Bonding” Instead of “Attachment”

The term *attachment* has a specific clinical meaning, referring to enduring emotional bonds formed through consistent caregiving and assessed using specialised tools not typically included in court reports. However, it is sometimes used more loosely to describe brief observations, such as a child appearing settled or affectionate, which may give an impression of diagnostic certainty that the assessment does not support.

In this tip sheet, we use the term *bonding* to refer to visible relational dynamics—such as emotional warmth, responsiveness, and support for the child's needs—without implying a formal attachment assessment.

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

Bonding ≠ Psychological Security

Just because a child appears bonded to a parent – showing affection, familiarity, or loyalty – does not necessarily mean that the relationship meets their emotional needs. Children may seek closeness even in relationships where they feel anxious, burdened, or responsible for a parent’s wellbeing. These dynamics can look “warm” on the surface but may mask deeper issues.

When assessing whether a parent provides psychological safety, it’s important to go beyond how the child behaves in front of them. Legal readers should expect psychological reports to offer insight into the emotional quality of the relationship, including how the parent helps the child feel safe, understood, and supported over time.

This might include comment on:

- Whether the child feels able to express upset or disagreement without fear
- How the parent responds to the child’s distress
- Whether the child can engage in age-appropriate independence
- Signs that the child feels responsible for managing the parent’s emotions
- Consistency and predictability of care, especially during stress

Example

A child who cuddles a parent during observation may seem securely bonded. However, if they later say, “I have to keep Mum happy or she gets upset”, or “Dad doesn’t like it when I talk about Mum”, this may suggest emotional pressure or divided loyalty. The bond may be present, but it may not provide the psychological safety needed for healthy development.

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

Transitions Are Clinically Significant Moments

Moments of transition between parents – such as farewells, handovers, and reunions – often carry important emotional information. These events can highlight how the child manages separation and change, and how each parent supports the child through those moments. While such transitions are not always directly observed, information from interviews, collateral sources, or behavioural descriptions can still offer meaningful insight.

Psychological reports that do not explore these contexts may inadvertently present a simplified view of the parent-child dynamic, particularly if the child appears settled during only one part of the assessment. For legal professionals, understanding how the child responds to transitions may help differentiate between situational stress and relational strain.

What may be informative:

- How the child is reported to behave before and after transitions
- Whether the child shows signs of distress, avoidance, or heightened emotionality
- How the parent is said to manage the child's emotional needs during transitions
- *Any consistent patterns across time or settings*

Example

A child who appears warm and engaged during contact may still demonstrate heightened anxiety or clinginess during reunions or separations. These behaviours that can signal relational stress even in the presence of an affectionate bond.

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

When Closeness Masks Over-Involvement

Not all strong bonds are healthy. In some cases, what appears to be closeness may in fact reflect psychological over-involvement: Where the child feels responsible for managing the parent's emotions, or fears separation to an excessive degree. This pattern, sometimes described clinically as *enmeshment*, can limit a child's autonomy and emotional development.

For legal professionals, it's important to understand that a child who appears intensely loyal or emotionally dependent may not be experiencing a secure or protective relationship. These dynamics can manifest in subtle ways and may not be immediately obvious through observation alone.

What may be informative:

- Whether the child expresses concern about the parent's wellbeing when apart
- If the child avoids expressing their own preferences or emotions
- Reports of difficulty separating, even in familiar or safe environments
- Signs that the child feels overly responsible for maintaining the parent-child bond

Example

A child might say, "Mum needs me or she'll be sad", or "Dad gets upset if I don't want to stay". While these comments may seem like expressions of closeness or loyalty, they may also signal that the child feels responsible for managing a parent's emotions. This kind of emotional over-reliance can interfere with the child's ability to form independent relationships and feel secure across both households.

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

Emotional Security Needs More Than Warmth

Effective psychological evaluation goes beyond noting affection or positive interactions. It should consider whether the relationship fosters emotional growth and resilience. Emotional security is built through patterns, not moments.

Reports should comment on:

- **Emotional attunement:** Does the parent notice subtle emotional cues (e.g. anxiety, frustration) and respond in a way that helps the child feel seen and safe?
- **Consistency under pressure:** Is the parent's support present even when the child is distressed, oppositional, or when the parent is under stress?
- **Encouragement of independent thinking:** Can the child express preferences or discomfort without fear of upsetting the parent?
- **Effective co-regulation:** Does the parent scaffold the child's ability to manage intense emotions without escalating or withdrawing?

Example 1:

A child is observed hugging their father and laughing during play. However, when asked about what happens when they're upset, the child says, "Dad just tells me to stop crying and go to my room". This suggests a lack of emotional containment, even if affection is present.

Example 2:

A child describes feeling close to their mother, but adds, "If I say I miss Dad, she goes quiet and then cries in her room". This dynamic may inhibit the child's emotional expression and create confusion around loyalty, despite overt signs of closeness.

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

Children Can Have Safe Bonds With Both Parents

Children don't need identical relationships with each parent to thrive. What matters is whether each relationship meets their emotional and developmental needs. Psychological reports should avoid implying that a strong relationship with one parent inherently lessens the value of the other. Instead, variation in relational style is expected and normal.

What matters most is whether each parent provides emotional safety, supports the child's sense of identity, and encourages developmentally appropriate autonomy.

Example 1:

A child is energetic and talkative with Mum but quieter and more task-focused with Dad. Both relationships may be emotionally secure, simply expressed differently.

Example 2:

A report notes that a child prefers one household due to relaxed rules and more recreational activities. However, further exploration reveals they also feel safe and emotionally supported in the other parent's home, where routines and structure are more consistent. Differences in style should not be mistaken for deficits unless they impact the child's wellbeing.

FAMILY LAW INSIGHT SERIES

s 60CC(2) Framework | 6 of 10

Interpreting the Report: What Might Be Helpful to Consider

Under s 60CC(2)(c) of the *Family Law Amendment Act 2023*, reports that explore the emotional and psychological needs of a child should ideally move beyond observations of comfort or visible closeness. While these are important, they are not always enough to understand whether a parent-child relationship provides the kind of emotional stability and support a child needs, particularly after separation.

When reviewing a report, it may be useful to consider whether it comments on:

- How the child's emotional wellbeing is supported; not just how comfortable they appeared during an observation
- Whether transitions (e.g., handovers or reunions) were explored through observation or reliable collateral information
- The child's emotional functioning with each parent across settings, especially under stress or in response to boundaries
- Any relational patterns that might indicate emotional burden, role reversal, or limited autonomy
- Whether the child seems able to express their needs and maintain emotional independence, or whether relational closeness appears contingent on pleasing the parent

If a report places significant emphasis on observable bonding, it may be worth reflecting on whether that impression has been examined across different contexts and supported by a broader understanding of emotional functioning. Strong conclusions about relational quality are more helpful when they draw on consistent patterns, not just brief or harmonious moments.