

## FAMILY LAW INSIGHT SERIES

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### Safe Relationships Matter: Balancing Connection and Protection in Family Court Reports

Under s 60CC(2)(a) of the Family Law Act 1975 (as amended in 2023), decision-makers must consider *“the benefit to the child of having a relationship with the child’s parents, and other people who are significant to the child, where it is safe to do so”*. This wording reinforces the long-standing principle that meaningful relationships are a key part of a child’s wellbeing. But not at the expense of safety. Legal professionals should expect family reports and psychological assessments to engage explicitly with this benefit-risk tension, using clear, contextualised reasoning.

### Theme 1: The “Benefit” Cannot Be Assumed. It Must Be Evidenced

The benefit of a relationship is not a default presumption. Report writers should identify the actual nature and impact of the relationship for the child, rather than relying on generic statements about parental importance. A vague assertion that *“it is in the child’s best interests to maintain a relationship with both parents”* is insufficient if the report fails to explore whether that relationship has been safe, nurturing, or developmentally positive.

**Example:** A report writer states the child has *“a positive relationship with both parents”*, but provides no evidence of how the relationship affects the child’s emotional security or daily functioning. A stronger formulation might explain that the child seeks out the parent during times of distress, responds to the parent’s efforts at regulation, or expresses a desire for contact that is consistent over time.

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### Theme 2: Safety Must Be Interpreted Broadly and Practically

Safety is not limited to physical harm. The amended provision explicitly requires evaluators to consider whether the relationship can be maintained “*where it is safe to do so*”. This includes psychological safety, emotional predictability, exposure to conflict, and the child’s capacity to regulate after contact. Reports should avoid narrowly interpreting safety as the absence of overt risk and instead assess the relational dynamics holistically.

**Example:** A report that notes “*no substantiated child protection concerns*” but fails to explore ongoing exposure to coercive behaviours or emotional enmeshment misses key psychological safety considerations.

### Theme 3: Reports Must Address Both Ends of the Equation—Benefit and Risk

A legally useful report should weigh the benefits of connection alongside the risks to the child. This means not only identifying strengths but also describing how potential harms might play out if contact is expanded, restricted, or supervised. An absence of integrated reasoning can leave the Court with unbalanced or incomplete evidence.

**Example:** A report recommends reintroducing unsupervised contact based on the parent’s expressed remorse. However, it does not reconcile this with the child’s observed anxiety following previous visits, nor does it consider what supports or safeguards are needed to maintain psychological safety. A more robust report would consider gradual transitions, child-led pace, or therapeutic contact pathways.

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### Theme 4: The Role of Other Significant People Must Be Contextualised

The Act now requires consideration of relationships beyond parents. This includes siblings, grandparents, extended kin, or other key carers. Reports should evaluate not just whether these individuals are “significant”, but how the child experiences and prioritises these relationships. Lawyers should look for evidence of relational importance from the child’s perspective, not simply adult reports of closeness.

**Example:** A child may show distress when separated from a maternal grandmother who has been the primary caregiver. A report that treats this relationship as peripheral because “*the mother is now available*” would miss the developmental and attachment significance of that caregiving history.

### Implications for Legal Practice

Lawyers reviewing reports post-reform should:

- Expect evaluators to move beyond generic references to parental relationships.
- Query whether both the quality and safety of relationships have been assessed.
- Look for reports that integrate the child’s observed behaviour, relational signals, and preferences. Not just adult accounts.
- Challenge recommendations that do not logically reconcile relational benefits with safety-based limitations.