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Senate Committee

Parliament House

Canberra

ACT 2600

Australia

29<sup>th</sup> April, 2011

**RE: Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 [Provisions].**

I am a registered clinical psychologist and PhD candidate in South Australia. I have worked in the area of child protection, and I am currently a private provider of psychological therapy to adults and children. I am also a private assessor for youth court child protection cases.

Regarding the proposed changes to current family laws, I fully support the following:

- in cases of abuse and violence, giving more weight to protecting a child from violence than to the child having a meaningful relationship with both parents.
- the broader definition of family violence.
- the broader definition of abuse.
- the filing of notices of child abuse and family violence with the court.
- obligations to alert the court to previous child protection notifications or care orders.
- removal of the 'friendly parent' provisions of the Family Law Act.
- removal of the mandatory cost order provision.
- courts should inquire about past or future risk of child abuse and family violence in applications for parenting orders.
- amendments to provide immunity from cost orders to authorities who intervene to become a party to proceedings under the Family Law Act.

However, in addition to the above changes, I believe changes need to be made to the family laws for children under the age of 4 years, even in cases with no risk of violence.

The cases that concern me are those where children are spending significant amounts of time away from their primary caregiver, whether this is the mother or father. The key developmental task for an infant is to develop a secure attachment to their primary caregiver. The literature documents that attachment in the early years is the foundation of a child's future psychological, physical and cognitive development and for their future relationships with others (e.g. Howes, 1999). Failing to develop a secure primary attachment can lead to

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developmental and emotional difficulties in childhood and adulthood. Separations during this time are more likely to negatively impact on the child.

At the same time, it is important for children to maintain a strong relationship with both parents, and frequent visits with the secondary attachment figure (the other parent) are important. Young children are less able to maintain a memory of the parent they do not live with and sustain the relationship over longer periods of time.

Therefore, the recommended pattern of access for young children is short and frequent visits – for infants, the ideal access pattern with the other parent would be daily contact for 1-2 hours, building up to several hours into toddlerhood. Overnight visitation is not recommended until the child has sufficient verbal understanding that their primary attachment figure will be returning, as this can cause children distress that they are not able to convey. Sufficient verbal ability usually occurs around age three. I have listed two studies as examples of the dangers of overnight visitation from too early in life (Lee, Kaufman & George, 1999; McIntosh, Smyth, Kelaher, Wells & Long, 2010).

Should there be clarification required about the contents of this letter, I am available to comment via the contact details attached.

Yours sincerely,

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Howes, C. (1999). Attachment relationships in the context of multiple caregivers. In J.Cassidy & P. Shaver (Eds.), *Handbook of Attachment: Theory, Research and Clinical Applications* (pp. 671-687). NY: Guilford Press.

Lee, SM, Kaufman, RL & George, C. (1999). Disorganized attachment in young children: manifestations, etiology and implications for child custody. *Journal of Child Custody*, 6(1), 62-90.

McIntosh, J., Smyth, B. Kelaher, M., Wells, Y. & Long, C. (2010). Post-separation parenting arrangements and developmental outcomes for infants and children: Collected reports. Report to the Australian Government Attorney-General's Department. Attorney-Generals' DEpartment: Canberra