

STATE OF NEW YORK

10087--A

IN ASSEMBLY

April 29, 2022

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the family court act, in relation to prohibiting certain forensic child custody evaluators from appearing as an expert witness in family court

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 70 of the domestic relations law is amended by
2 adding a new subdivision (c) to read as follows:

3 (c) (1) No court shall permit a forensic child custody evaluator to
4 appear as an expert witness nor shall such court order or allow into
5 evidence a forensic custody report prepared by such forensic child
6 custody evaluator, in the context of a custody or visitation proceeding,
7 when such forensic child custody evaluator has been removed from the
8 panel of forensic custody evaluators by the mental health professionals
9 certification committee or other supervisory body, has offered to step
10 down from the panel, or has negotiated a settlement with the committee
11 or other supervisory body and such forensic child custody evaluator will
12 no longer be on the panel of forensic custody evaluators.

13 (2) For the purposes of this subdivision:

14 (i) "forensic child custody evaluator" shall mean a licensed psychia-
15 trist, psychologist or social worker authorized by statute or the court
16 to perform a forensic evaluation relating to a party or a child in order
17 to assist the court in a child custody or visitation determination.

18 (ii) "forensic custody report" shall mean any report, assessment or
19 evaluation prepared by a forensic child custody evaluator and used by
20 the court in a child custody or visitation determination.

21 § 2. Subdivision 1 of section 240 of the domestic relations law is
22 amended by adding a new paragraph (a-3) to read as follows:

23 (a-3) (1) No court shall permit a forensic child custody evaluator to
24 appear as an expert witness nor shall such court order or allow into
25 evidence a forensic custody report prepared by such forensic child
26 custody evaluator, in the context of a custody or visitation proceeding,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 when such forensic child custody evaluator has been removed from the
2 panel of forensic custody evaluators by the mental health professionals
3 certification committee or other supervisory body, has offered to step
4 down from the panel, or has negotiated a settlement with the committee
5 or other supervisory body and such forensic child custody evaluator will
6 no longer be on the panel of forensic custody evaluators.

7 (2) For the purposes of this paragraph:

8 (i) "forensic child custody evaluator" shall mean a licensed psychia-
9 trist, psychologist or social worker authorized by statute or the court
10 to perform a forensic evaluation relating to a party or a child in order
11 to assist the court in a child custody or visitation determination.

12 (ii) "forensic custody report" shall mean any report, assessment or
13 evaluation prepared by a forensic child custody evaluator and used by
14 the court in a child custody or visitation determination.

15 § 3. Section 651 of the family court act is amended by adding a new
16 subdivision (g) to read as follows:

17 (g) 1. No court shall permit a forensic child custody evaluator to
18 appear as an expert witness nor shall such court order or allow into
19 evidence a forensic custody report prepared by such forensic child
20 custody evaluator, in the context of a custody or visitation proceeding,
21 when such child custody evaluator has been removed from the panel of
22 forensic custody evaluators by the mental health professionals certif-
23 ication committee or other supervisory body, has offered to step down
24 from the panel, or has negotiated a settlement with the committee or
25 other supervisory body and such forensic child custody evaluator will no
26 longer be on the panel of forensic custody evaluators.

27 2. For the purposes of this subdivision:

28 (i) "forensic child custody evaluator" shall mean a licensed psychia-
29 trist, psychologist or social worker authorized by statute or the court
30 to perform a forensic evaluation relating to a party or a child in order
31 to assist the court in a child custody or visitation determination.

32 (ii) "forensic custody report" shall mean any report, assessment or
33 evaluation prepared by a forensic child custody evaluator and used by
34 the court in a child custody or visitation determination.

35 § 4. This act shall take effect on the ninetieth day after it shall
36 have become a law, provided, however, that effective immediately the
37 chief administrator of the courts, with the approval of the administra-
38 tive board of the courts, is authorized to promulgate any rules neces-
39 sary to implement the provisions of this act on or before such effective
40 date.