STATE OF NEW YORK

3503

2021-2022 Regular Sessions

IN ASSEMBLY

January 27, 2021

Introduced by M. of A. HEVESI, EPSTEIN -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law and the family court act, in relation to prohibiting forensic evaluations in a custody or visitation proceeding

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

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

(c) (1) No court shall order or allow into evidence a forensic report in the context of a custody or visitation proceeding.

(2) For the purposes of this subdivision:

(i) "forensic report" shall mean any report or evaluation prepared by a forensic evaluator which includes such evaluator's recommendations, opinions or conclusions as to child custody or visitation; and

(ii) "forensic evaluator" shall mean a forensic mental health professional, a probation service employee, a child protective service employee or any other person authorized by statute or the court to perform a forensic evaluation relating to a party or a child in order to assist the court in a child custody or visitation determination.

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

(a-3) (1) No court shall order or allow into evidence a forensic report in the context of a custody or visitation proceeding.

(2) For the purposes of this paragraph:

(i) "forensic report" shall mean any report or evaluation prepared by a forensic evaluator which includes such evaluator's recommendations, opinions or conclusions as to child custody or visitation; and

(ii) "forensic evaluator" shall mean a forensic mental health professional, a probation service employee, a child protective service employee or any other person authorized by statute or the court to perform a

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

LBD01588-01-1

forensic evaluation relating to a party or a child in order to assist the court in a child custody or visitation determination.

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

(g) (1) No court shall order or allow into evidence a forensic report in the context of a custody or visitation proceeding.

(2) For the purposes of this subdivision:

(i) "forensic report" shall mean any report or evaluation prepared by a forensic evaluator which includes such evaluator's recommendations, opinions or conclusions as to child custody or visitation; and

(ii) "forensic evaluator" shall mean a forensic mental health professional, a probation service employee, a child protective service employee or any other person authorized by statute or the court to perform a forensic evaluation relating to a party or a child in order to assist the court in a child custody or visitation determination.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that effective immediately the chief administrator of the courts, with the approval of the administrative board of the courts, is authorized to promulgate any rules necessary to implement the provisions of this act on or before such effective date.