

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:

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 order or allow into evidence a forensic report
4 in the context of a custody or visitation proceeding.

5 (2) For the purposes of this subdivision:

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

9 (ii) "forensic evaluator" shall mean a forensic mental health profes-
10 sional, a probation service employee, a child protective service employ-
11 ee or any other person authorized by statute or the court to perform a
12 forensic evaluation relating to a party or a child in order to assist
13 the court in a child custody or visitation determination.

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

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

18 (2) For the purposes of this paragraph:

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

22 (ii) "forensic evaluator" shall mean a forensic mental health profes-
23 sional, a probation service employee, a child protective service employ-
24 ee 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.

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

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

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

7 (2) For the purposes of this subdivision:

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

11 (ii) "forensic evaluator" shall mean a forensic mental health profes-
12 sional, a probation service employee, a child protective service employ-
13 ee or any other person authorized by statute or the court to perform a
14 forensic evaluation relating to a party or a child in order to assist
15 the court in a child custody or visitation determination.

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