

STATE OF NEW YORK

8578

IN SENATE

March 16, 2022

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

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 report prepared by such forensic child custody eval-
6 uator, in the context of a custody or visitation proceeding, when such
7 forensic child custody evaluator has had their employment terminated for
8 cause.

9 (2) For the purposes of this subdivision:

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

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

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

19 (a-3) (1) No court shall permit a forensic child custody evaluator to
20 appear as an expert witness nor shall such court order or allow into
21 evidence a forensic report prepared by such forensic child custody eval-
22 uator, in the context of a custody or visitation proceeding, when such
23 forensic child custody evaluator has had their employment terminated for
24 cause.

25 (2) For the purposes of this paragraph:

26 (i) "forensic child custody evaluator" shall mean a licensed psychia-
27 trist, psychologist or social worker authorized by statute or the court

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

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

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

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

8 (g) 1. No court shall permit a forensic child custody evaluator to
9 appear as an expert witness nor shall such court order or allow into
10 evidence a forensic report prepared by such forensic child custody eval-
11 uator, in the context of a custody or visitation proceeding, when such
12 forensic child custody evaluator has had their employment terminated for
13 cause.

14 2. For the purposes of this subdivision:

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

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

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