

STATE OF NEW YORK

10328

IN ASSEMBLY

May 13, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) --
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 establishing a moratorium on the use of forensic child
custody evaluators in family court proceedings

The People of the State of New York, represented in Senate and Assem-
bly, 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) Notwithstanding any provision of law to the contrary, there is
4 hereby established a moratorium on the use of forensic child custody
5 evaluators in family court proceedings. No court shall order or allow
6 into evidence a forensic custody report in the context of a custody or
7 visitation proceeding.

8 (2) For the purposes of this subdivision:

9 (i) "forensic custody report" shall mean any report, assessment or
10 evaluation prepared by a forensic child custody evaluator and used by
11 the court in a child custody or visitation determination; and

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

16 (3) Forensic child custody evaluators shall not be reinstated until
17 all eleven recommendations of the Blue-Ribbon commission on forensic
18 custody evaluations have been implemented.

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

21 (a-3) (1) Notwithstanding any provision of law to the contrary, there
22 is hereby established a moratorium on the use of forensic child custody
23 evaluators in family court proceedings. No court shall order or allow
24 into evidence a forensic custody report in the context of a custody or
25 visitation proceeding.

26 (2) For the purposes of this subdivision:

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

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1 (i) "forensic custody report" shall mean any report, assessment or
2 evaluation prepared by a forensic child custody evaluator and used by
3 the court in a child custody or visitation determination; and

4 (ii) "forensic evaluator" shall mean a licensed psychiatrist, psychol-
5 ogist or social worker authorized by statute or the court to perform a
6 forensic evaluation relating to a party or a child in order to assist
7 the court in a child custody or visitation determination.

8 (3) Forensic child custody evaluators shall not be reinstated until
9 all eleven recommendations of the Blue-Ribbon commission on forensic
10 custody evaluations have been implemented.

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

13 (g) 1. Notwithstanding any provision of law to the contrary, there is
14 hereby established a moratorium on the use of forensic child custody
15 evaluators in family court proceedings. No court shall order or allow
16 into evidence a forensic custody report in the context of a custody or
17 visitation proceeding.

18 2. For the purposes of this subdivision:

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

23 (ii) "forensic child custody evaluator" shall mean a licensed psychia-
24 trist, psychologist or social worker authorized by statute or the court
25 to perform a forensic evaluation relating to a party or a child in order
26 to assist the court in a child custody or visitation determination.

27 3. Forensic child custody evaluators shall not be reinstated until all
28 eleven recommendations of the Blue-Ribbon commission on forensic custody
29 evaluations have been implemented.

30 § 4. This act shall take effect immediately.