

STATE OF NEW YORK

8952

IN SENATE

May 2, 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 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 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) 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.