# STATE OF NEW YORK

2750

2023-2024 Regular Sessions

# IN ASSEMBLY

January 27, 2023

Introduced by M. of A. HEVESI, EPSTEIN, FAHY, SILLITTI, SEAWRIGHT, DINOWITZ -- 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; and to repeal certain provisions of the domestic relations law relating thereto

**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. Paragraph (a-3) of subdivision 1 of section 240 of the domestic relations law is REPEALED and a new paragraph (a-3) is added to read as follows: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**

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

LBD05025-01-3

(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.

§ 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.