

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15 relations law is REPEALED and a new paragraph (a-3) is added to read as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

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

19 (2) For the purposes of this paragraph:

20 (i) "forensic report" shall mean any report or evaluation prepared by
21 a forensic evaluator which includes such evaluator's recommendations,
22 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.

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1 (ii) "forensic evaluator" shall mean a forensic mental health profes-
2 sional, a probation service employee, a child protective service employ-
3 ee or any other person authorized by statute or the court to perform a
4 forensic evaluation relating to a party or a child in order to assist
5 the court in 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 order or allow into evidence a forensic report
9 in the context of a custody or visitation proceeding.

10 (2) For the purposes of this subdivision:

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

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

19 § 4. This act shall take effect on the ninetieth day after it shall
20 have become a law.