STATE OF NEW YORK

3435

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. SKOUFIS, CLEARE, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, in relation to eliminating judicial immunity or quasi-judicial immunity for certain third parties who provide a report or finding to the family court

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The family court act is amended by adding a new section 170 to read as follows:

§ 170. Judicial and quasi-judicial immunity. 1. The doctrine of judicial immunity or quasi-judicial immunity shall not apply to exonerate any private third party appointed by the court in an advisory capacity based on his or her professional expertise, who provides a report or findings to the court in a proceeding under this act, from liability for acts performed within the scope of his or her appointment in violation of law, rules of court, or professional standards.

2. This section shall apply to private individuals such as special masters, minor's counsel, investigators, therapists, evaluators, receivers, bankruptcy trustees, experts, factfinders, and other persons specifically appointed by the court in an advisory capacity based on their professional training or expertise.

3. This section shall not apply to any judicial officer, subordinate judicial officer, arbitrator, or public employee protected by the doctrine of judicial immunity or quasi-judicial immunity.

4. During a civil, criminal, or administrative investigation or proceeding in which a court appointee's alleged misconduct, as described in subdivision one of this section, is at issue, any statutes of limitation applicable to the underlying, or other related, civil litigation shall be tolled.

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

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5. Notwithstanding any other law, any applicable statutes of limitation shall be tolled in an action for recovery of damages for alleged misconduct perpetrated by a court appointee, as described in subdivision one of this section, while the person seeking relief was a minor.

§ 2. This act shall take effect immediately.