

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:

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

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

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

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

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

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

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1 5. Notwithstanding any other law, any applicable statutes of limita-
2 tion shall be tolled in an action for recovery of damages for alleged
3 misconduct perpetrated by a court appointee, as described in subdivision
4 one of this section, while the person seeking relief was a minor.
5 § 2. This act shall take effect immediately.