

STATE OF NEW YORK

5385

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sens. HARCKHAM, CLEARE, COMRIE, COONEY, KRUEGER, PALUMBO, RAMOS -- 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-4) to read as follows:

21 (a-4) (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

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

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1 into evidence a forensic custody report in the context of a custody or
2 visitation proceeding.

3 (2) For the purposes of this subdivision:

4 (i) "forensic custody report" shall mean any report, assessment or
5 evaluation prepared by a forensic child custody evaluator and used by
6 the court in a child custody or visitation determination; and

7 (ii) "forensic evaluator" shall mean a licensed psychiatrist, psychol-
8 ogist or social worker authorized by statute or the court to perform a
9 forensic evaluation relating to a party or a child in order to assist
10 the court in a child custody or visitation determination.

11 (3) Forensic child custody evaluators shall not be reinstated until
12 all eleven recommendations of the Blue-Ribbon commission on forensic
13 custody evaluations have been implemented.

14 § 3. Section 651 of the family court act is amended by adding a new
15 subdivision (g) to read as follows:

16 (g) 1. Notwithstanding any provision of law to the contrary, there is
17 hereby established a moratorium on the use of forensic child custody
18 evaluators in family court proceedings. No court shall order or allow
19 into evidence a forensic custody report in the context of a custody or
20 visitation proceeding.

21 2. For the purposes of this subdivision:

22 (i) "forensic custody report" shall mean any report or evaluation
23 prepared by a forensic child custody evaluator which includes such eval-
24 uator's recommendations, opinions or conclusions as to child custody or
25 visitation; and

26 (ii) "forensic child custody evaluator" shall mean a licensed psychia-
27 trist, psychologist or social worker authorized by statute or the court
28 to perform a forensic evaluation relating to a party or a child in order
29 to assist the court in a child custody or visitation determination.

30 3. Forensic child custody evaluators shall not be reinstated until all
31 eleven recommendations of the Blue-Ribbon commission on forensic custody
32 evaluations have been implemented.

33 § 4. This act shall take effect immediately.