

# STATE OF NEW YORK

860

2023-2024 Regular Sessions

## IN SENATE

January 6, 2023

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the domestic relations law, in relation to mandatory training of a forensic evaluator in relation to court ordered forensic evaluations involving child custody and visitation when the child is living out-of-state; to amend the executive law, in relation to training in the prevention and intervention of domestic violence required for forensic investigators; and to amend a chapter of the laws of 2022 amending the domestic relations law and the executive law, relating to court ordered forensic evaluations involving child custody and visitation, as proposed in legislative bills numbers S. 6385-B and A. 2375-C, relating to the effectiveness thereof

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

1 Section 1. Paragraph (a-3) of subdivision 1 of section 240 of the  
2 domestic relations law, as added by a chapter of the laws of 2022 amend-  
3 ing the domestic relations law and the executive law, relating to court  
4 ordered forensic evaluations involving child custody and visitation, as  
5 proposed in legislative bills numbers S. 6385-B and A. 2375-C, is  
6 amended by adding a new subparagraph 5 to read as follows:

7 (5) A court shall appoint a forensic evaluator who has completed the  
8 training program pursuant to paragraph (o) of subdivision three of  
9 section five hundred seventy-five of the executive law when the child is  
10 living out-of-state and is farther than one hundred miles from the New  
11 York state border; provided, however, that such forensic custody evalu-  
12 ation may be conducted remotely utilizing videoconferencing technology.  
13 The evaluator must take all steps reasonably available to protect the  
14 confidentiality of the child's disclosures for any evaluation conducted  
15 remotely utilizing videoconferencing technology, as needed.

16 § 2. Paragraph (o) of subdivision 3 of section 575 of the executive  
17 law, as added by a chapter of the laws of 2022 amending the domestic

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

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1 relations law and the executive law, relating to court ordered forensic  
2 evaluations involving child custody and visitation, as proposed in  
3 legislative bills numbers S. 6385-B and A. 2375-C, is amended to read as  
4 follows:

5 (o) (i) [~~Contracting, within amounts appropriated for such purpose,~~  
6 ~~with the not for profit entity the New York State Coalition Against~~  
7 ~~Domestic Violence, to develop a training program as described in this~~  
8 ~~paragraph. Such entity shall be responsible for providing such training~~  
9 ~~to psychiatrists, psychologists and social workers who are licensed in~~  
10 ~~the state of New York, so that such individuals may conduct court~~  
11 ~~ordered forensic evaluations involving child custody and visitation~~  
12 ~~pursuant to paragraph (a-3) of subdivision one of section two hundred~~  
13 ~~forty of the domestic relations law; and for reviewing and updating~~  
14 ~~training topics at least once every two years.] Within amounts appropri-  
15 ated for such purpose, the office shall contract with an organization  
16 designated by the federal department of health and human services to  
17 coordinate statewide improvements within local communities, social  
18 services systems, and programming regarding the prevention and inter-  
19 vention of domestic violence in New York state to mutually develop a  
20 training program as described in this paragraph. The office and such  
21 organization shall be responsible for providing such training to psychi-  
22 atrists, psychologists and social workers who are licensed in the state  
23 of New York, so that such individuals may conduct court ordered forensic  
24 evaluations, involving child custody and visitation pursuant to para-  
25 graph (a-3) of subdivision one of section two hundred forty of the  
26 domestic relations law; for consulting with domestic violence service  
27 providers and representative organizations in the field of domestic  
28 violence when such training is provided in their communities; and for  
29 reviewing and updating training topics at least once every two years.~~

30 Such training shall include, but not be limited to, a review of: rele-  
31 vant statutes; case law and psychological definitions of domestic  
32 violence; coercive control and child abuse; the dynamics and effects of  
33 domestic violence and child abuse, including but not limited to,  
34 emotional, financial, physical, technological and sexual abuse; the  
35 barriers and fears associated with reporting domestic violence and child  
36 abuse and why victims may not have documented evidence of abuse; tactics  
37 commonly used by one party to induce fear in another party or child,  
38 including verbal, emotional, psychological, and/or economic abuse,  
39 isolating techniques, coercive control, and monitoring of a partner's  
40 location and activities; litigation abuse and demands for custody or  
41 joint custody in order to pressure the partner to return or punish the  
42 partner for leaving; trauma, particularly as it relates to sexual abuse  
43 and the risks posed to children and the long-term dangers and impacts  
44 imposed by the presence of adverse childhood experiences; the increased  
45 risk of escalating violence that occurs during child custody  
46 proceedings; and the danger of basing child custody decisions on claims  
47 that a child's deficient or negative relationship with a parent is  
48 caused by the other parent.

49 (ii) The office, in consultation with the [~~New York State Coalition~~  
50 ~~Against Domestic Violence]~~ organization designated by the federal  
51 department of health and human services to coordinate statewide improve-  
52 ments within local communities, social services systems, and programming  
53 regarding the prevention and intervention of domestic violence in New  
54 York state, shall determine a reasonable number of training-hours that  
55 shall be required for the first instance such program is provided to  
56 psychiatrists, psychologists and social workers and a reasonable number

1 of training-hours that shall be required for subsequent refresher courses  
2 provided to such individuals.

3 (iii) The [~~New York State Coalition Against Domestic Violence~~] organ-  
4 ization designated by the federal department of health and human  
5 services to coordinate statewide improvements within local communities,  
6 social services systems, and programming regarding the prevention and  
7 intervention of domestic violence in New York state shall be responsible  
8 for providing a certification of completion to each psychiatrist,  
9 psychologist or social worker who satisfies the requirements of such  
10 training program, so that such individuals may conduct court ordered  
11 forensic evaluations involving child custody and visitation pursuant to  
12 paragraph (a-3) of subdivision one of section two hundred forty of the  
13 domestic relations law; and

14 § 3. Section 4 of a chapter of the laws of 2022 amending the domestic  
15 relations law and the executive law, relating to court ordered forensic  
16 evaluations involving child custody and visitation, as proposed in  
17 legislative bills numbers S. 6385-B and A. 2375-C, is amended to read as  
18 follows:

19 § 4. This act shall take effect [~~on the one hundred eightieth day~~] one  
20 year after it shall have become a law. Effective immediately, the addi-  
21 tion, amendment and/or repeal of any rule or regulation necessary for  
22 the implementation of this act by the chief administrator of the courts,  
23 with the approval of the administrative board of the courts, on its  
24 effective date are authorized to be made and completed on or before such  
25 effective date.

26 § 4. This act shall take effect on the same date and in the same  
27 manner as a chapter of the laws of 2022 amending the domestic relations  
28 law and the executive law, relating to court ordered forensic evalu-  
29 ations involving child custody and visitation, as proposed in legisla-  
30 tive bills numbers S. 6385-B and A. 2375-C, takes effect.