

# 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15 relations law is REPEALED and a new paragraph (a-3) is added to read as  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.