STATE OF NEW YORK

2084

2023-2024 Regular Sessions

IN SENATE

January 18, 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 prohibiting certain forensic child custody evaluators from appearing as an expert witness in family court

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

Section 1. Section 70 of the domestic relations law is amended by adding a new subdivision (c) to read as follows:

(c) (1) No court shall permit a forensic child custody evaluator to appear as an expert witness nor shall such court order or allow into evidence a forensic custody report prepared by such forensic child custody evaluator, in the context of a custody or visitation proceeding, when such forensic child custody evaluator has been removed from the panel of forensic custody evaluators by the mental health professionals certification committee or other supervisory body, has offered to step down from the panel, or has negotiated a settlement with the committee or other supervisory body and such forensic child custody evaluator will no longer be on the panel of forensic custody evaluators.

(2) For the purposes of this subdivision:

(i) "forensic child custody evaluator" shall mean a licensed psychiatrist, psychologist or social worker authorized by statute or the court to perform a forensic evaluation relating to a party or a child in order to assist the court in a child custody or visitation determination.

(ii) "forensic custody report" shall mean any report, assessment or evaluation prepared by a forensic child custody evaluator and used by the court in a child custody or visitation determination.

§ 2. Subdivision 1 of section 240 of the domestic relations law is amended by adding a new paragraph (a-4) to read as follows:

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

LBD06769-01-3

(a-4) (1) No court shall permit a forensic child custody evaluator to appear as an expert witness nor shall such court order or allow into evidence a forensic custody report prepared by such forensic child custody evaluator, in the context of a custody or visitation proceeding, when such forensic child custody evaluator has been removed from the panel of forensic custody evaluators by the mental health professionals certification committee or other supervisory body, has offered to step down from the panel, or has negotiated a settlement with the committee or other supervisory body and such forensic child custody evaluator will no longer be on the panel of forensic custody evaluators.

(2) For the purposes of this paragraph:

(i) "forensic child custody evaluator" shall mean a licensed psychiatrist, psychologist or social worker authorized by statute or the court to perform a forensic evaluation relating to a party or a child in order to assist the court in a child custody or visitation determination.

(ii) "forensic custody report" shall mean any report, assessment or evaluation prepared by a forensic child custody evaluator and used by the court in a child custody or visitation determination.

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

(g) 1. No court shall permit a forensic child custody evaluator to appear as an expert witness nor shall such court order or allow into evidence a forensic custody report prepared by such forensic child custody evaluator, in the context of a custody or visitation proceeding, when such child custody evaluator has been removed from the panel of forensic custody evaluators by the mental health professionals certification committee or other supervisory body, has offered to step down from the panel, or has negotiated a settlement with the committee or other supervisory body and such forensic child custody evaluator will no longer be on the panel of forensic custody evaluators.

2. For the purposes of this subdivision:

(i) "forensic child custody evaluator" shall mean a licensed psychiatrist, psychologist or social worker authorized by statute or the court to perform a forensic evaluation relating to a party or a child in order to assist the court in a child custody or visitation determination.

(ii) "forensic custody report" shall mean any report, assessment or evaluation prepared by a forensic child custody evaluator and used by the court in a child custody or visitation determination.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the chief administrator of the courts, with the approval of the administrative board of the courts, is authorized to promulgate any rules necessary to implement the provisions of this act on or before such effective date.