STATE OF NEW YORK

532

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. HEVESI, EPSTEIN, DINOWITZ, STIRPE -- 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 visitation 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 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 order or allow into evidence a forensic report in the context of a custody or visitation proceeding.

(2) For the purposes of this subdivision:

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

(ii) "forensic evaluator" shall mean a forensic mental health professional, a probation service employee, a child protective service employee or any other person 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.

§ 2. Paragraph (a-3) of subdivision 1 of section 240 of the domestic relations law is REPEALED and a new paragraph (a-3) is added to read as follows:

(a-3) (1) No court shall order or allow into evidence a forensic report in the context of a custody or visitation proceeding.

(2) For the purposes of this paragraph:

(i) "forensic report" shall mean any report or evaluation prepared by a forensic evaluator which includes such evaluator's recommendations, 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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(ii) "forensic evaluator" shall mean a forensic mental health professional, a probation service employee, a child protective service employee or any other person 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.

§ 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 order or allow into evidence a forensic report in the context of a custody or visitation proceeding.

(2) For the purposes of this subdivision:

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

(ii) "forensic evaluator" shall mean a forensic mental health professional, a probation service employee, a child protective service employee or any other person 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.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.