

By Senator Aronberg

27-631B-03

1                                   A bill to be entitled  
2           An act relating to child custody; providing a  
3           presumption of good faith for the actions of a  
4           court-appointed psychologist who conducts a  
5           child custody evaluation; prohibiting anonymous  
6           complaints; providing prerequisites to a  
7           parent's bringing a legal action against the  
8           psychologist; providing for the award of  
9           reasonable attorney's fees and reasonable court  
10          costs; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Child custody evaluations; presumption of  
15 psychologist's good faith; prerequisite to parent's filing  
16 suit; award of fees, costs, reimbursement.--

17           (1) A psychologist who has been appointed by the court  
18 to conduct a child custody evaluation in a judicial proceeding  
19 is presumed to be acting in good faith if the evaluation has  
20 been conducted pursuant to standards that a reasonable  
21 psychologist would have used as recommended by the American  
22 Psychological Association's guidelines for child custody  
23 evaluation in divorce proceedings.

24           (2) An administrative complaint against a psychologist  
25 which relates to a child custody evaluation conducted by the  
26 psychologist may not be filed anonymously. The individual who  
27 files such an administrative complaint must include in the  
28 complaint his or her name, address, and telephone number.

29           (3) A parent who wishes to file a legal action against  
30 a court-appointed psychologist who has acted in good faith in  
31 conducting a child custody evaluation must petition the judge

1 who presided over the child custody proceeding to appoint  
2 another psychologist. Upon the parent's showing of good cause,  
3 the court shall appoint another psychologist, and the parent  
4 is responsible for all court costs and attorney's fees  
5 associated with making such an appointment.

6 (4) If a legal action, whether it be a civil action, a  
7 criminal action, or an administrative proceeding, is filed  
8 against a court-appointed psychologist in a child custody  
9 proceeding, the claimant is responsible for all reasonable  
10 costs and reasonable attorney's fees associated with the  
11 action for both parties if the psychologist is held not  
12 liable. If the psychologist is held liable in civil court, the  
13 psychologist must pay all reasonable costs and reasonable  
14 attorney's fees for the claimant.

15 Section 2. This act shall take effect July 1, 2003.

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18 SENATE SUMMARY

19 Provides that a court-appointed psychologist is presumed  
20 to be acting in good faith in conducting a child custody  
21 evaluation if the psychologist follows certain  
22 guidelines. Prohibits anonymously filing against a  
23 psychologist an administrative complaint that relates to  
24 such an evaluation. Provides that a parent who wishes to  
25 file a legal action against such a psychologist must  
26 first petition the court to appoint another psychologist.  
27 Provides for the award of reasonable attorney's fees and  
28 reasonable costs.  
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