

By the Committee on Judiciary; and Senator Aronberg

308-2123-03

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

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

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

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

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

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1 (3) A parent who wishes to file a legal action against
2 a court-appointed psychologist who has acted in good faith in
3 conducting a child custody evaluation must petition the judge
4 who presided over the child custody proceeding to appoint
5 another psychologist. Upon the parent's showing of good cause,
6 the court shall appoint another psychologist, and the parent
7 is responsible for all court costs and attorney's fees
8 associated with making such an appointment.

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

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

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 2050

23 Clarifies that an administrative complaint filed against a
24 psychologist regarding a child custody evaluation requires
25 identification of the complainant only when the psychologist
26 is court-appointed.
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