

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 attorney's fees and reasonable
10 court 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
25 court-appointed psychologist which relates to a child custody
26 evaluation conducted by the psychologist may not be filed
27 anonymously. The individual who files such an administrative
28 complaint must include in the complaint his or her name,
29 address, and telephone number.

30 (3) A parent who wishes to file a legal action against
31 a court-appointed psychologist who has acted in good faith in

1 conducting a child custody evaluation must petition the judge
2 who presided over the child custody proceeding to appoint
3 another psychologist. Upon the parent's showing of good cause,
4 the court shall appoint another psychologist. The court shall
5 make a determination as to who is responsible for all court
6 costs and attorney's fees associated with making such an
7 appointment.

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

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