



HB 0715

2003

1 A bill to be entitled

2 An act relating to court-appointed psychologists; creating
3 s. 490.0122, F.S.; providing that court-appointed
4 psychologists appointed to conduct a child custody
5 evaluation shall be deemed to be acting in good faith
6 under certain circumstances; providing criteria for suits
7 against a court-appointed psychologist; providing that
8 certain administrative complaints cannot be filed
9 anonymously; providing for the payment of attorney's fees
10 and certain costs; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 490.0122, Florida Statutes, is created
15 to read:

16 490.0122 Court-appointed psychologists; immunity; actions
17 against; attorney's fees.--

18 (1) Any psychologist participating in a judicial
19 proceeding who has been court appointed to conduct a child
20 custody evaluation shall be presumed to be acting in good faith
21 if the evaluation has been conducted pursuant to standards that
22 a reasonable psychologist would have used as recommended by The
23 American Psychological Association's Guidelines for Child
24 Custody Evaluation in Divorce Proceedings.

25 (2) In a child custody hearing, in order for a parent or
26 legal guardian to be able to file suit against a court-appointed
27 psychologist who has acted in good faith, the parent or legal
28 guardian must first petition the judge who presided over the
29 child custody hearing to appoint another psychologist, upon



HB 0715

2003

30 showing good cause, and shall be responsible for all court costs
31 and attorney's fees.

32 (3) Any administrative complaint filed against a
33 psychologist following a child custody evaluation shall not be
34 filed anonymously. The name, address, and phone number of the
35 party filing the complaint must be included as part of the
36 complaint.

37 (4) Once a suit is filed against a court-appointed
38 psychologist in a child custody hearing in civil, criminal, or
39 administrative court, the claimant shall be responsible for all
40 attorney's fees associated with said suit for both parties to
41 the extent that the psychologist is not held liable in civil,
42 criminal, or administrative court. The claimant must pay
43 administrative fees at the prevailing state hourly rate and must
44 reimburse the psychologist for all reasonable fees associated
45 with loss of work that was necessary in defending the claim if
46 the psychologist is found not guilty.

47 (5) If the psychologist is held liable in civil court, the
48 psychologist must pay all attorney's fees and court costs for
49 the claimant.

50 Section 2. This act shall take effect upon becoming a law.