



HB 0715

2003  
CS

CHAMBER ACTION

The Committee on Health Care recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to child custody evaluations; providing a presumption of good faith for the actions of a court-appointed psychologist who conducts a child custody evaluation; prohibiting anonymous complaints; providing prerequisites to a parent bringing a legal action against the psychologist; providing for the award of reasonable attorney's fees and reasonable court costs; providing an effective date.

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

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

(1) A psychologist who has been appointed by the court to conduct a child custody evaluation in a judicial proceeding is presumed to be acting in good faith if the evaluation has been conducted pursuant to standards that a reasonable psychologist



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29 would have used as recommended by the American Psychological  
30 Association's guidelines for child custody evaluation in divorce  
31 proceedings.

32 (2) An administrative complaint against a court-appointed  
33 psychologist which relates to a child custody evaluation  
34 conducted by the psychologist may not be filed anonymously. The  
35 individual who files such an administrative complaint must  
36 include in the complaint his or her name, address, and telephone  
37 number.

38 (3) A parent who wishes to file a legal action against a  
39 court-appointed psychologist who has acted in good faith in  
40 conducting a child custody evaluation must petition the judge  
41 who presided over the child custody proceeding to appoint  
42 another psychologist. Upon the parent showing good cause, the  
43 court shall appoint another psychologist, and the parent is  
44 responsible for all court costs and attorney's fees associated  
45 with making such an appointment.

46 (4) If a legal action, whether it be a civil action, a  
47 criminal action, or an administrative proceeding, is filed  
48 against a court-appointed psychologist in a child custody  
49 proceeding, the claimant is responsible for all reasonable costs  
50 and reasonable attorney's fees associated with the action for  
51 both parties if the psychologist is held not liable. If the  
52 psychologist is held liable in civil court, the psychologist  
53 must pay all reasonable costs and reasonable attorney's fees for  
54 the claimant.

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