



HB 0715

2003
CS

CHAMBER ACTION

The Committee on Judiciary 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 presiding over the child custody proceeding to appoint another
42 psychologist. Upon the parent showing good cause, the court
43 shall appoint another psychologist prior to final disposition of
44 the child custody proceeding. The court shall determine who is
45 responsible for all court costs and attorney's fees associated
46 with making such an appointment.

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

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