



103356

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/1/2008	.	
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	.	

1 The Committee on Children, Families, and Elder Affairs (Lynn)
 2 recommended the following **amendment**:

Senate Amendment

Delete line(s) 250-293

and insert:

7 61.122 Parenting plan recommendation ~~Child custody~~
 8 ~~evaluations~~; presumption of ~~psychologist's~~ professional's good
 9 faith; prerequisite to parent's filing suit; award of fees,
 10 costs, reimbursement.--

11 (1) A ~~psychologist~~ licensed mental health professional or
 12 any other individual designated by a court under s. 61.20 who has
 13 been appointed by the court to develop a parenting plan
 14 recommendation ~~conduct a child custody evaluation~~ in a
 15 dissolution of marriage, a case of domestic violence, or a
 16 paternity matter involving the relationship of a child and a
 17 parent, including time-sharing of children, judicial proceeding



18 is presumed to be acting in good faith if the recommendation of
19 the licensed mental health professional or any other individual
20 designated by a court under s. 61.20 ~~evaluation~~ has been reached
21 under ~~conducted pursuant to~~ standards that a reasonable
22 ~~psychologist~~ licensed mental health professional or any other
23 individual designated by a court under s. 61.20 would use to
24 develop a parenting plan recommendation ~~have used as recommended~~
25 ~~by the American Psychological Association's guidelines for child~~
26 ~~custody evaluation in divorce proceedings.~~

27 (2) An administrative complaint against a court-appointed
28 ~~psychologist~~ licensed mental health professional or any other
29 individual designated by a court under s. 61.20 which relates to
30 a parenting plan recommendation ~~child custody evaluation~~
31 conducted by the ~~psychologist~~ licensed mental health professional
32 or any other individual designated by a court under s. 61.20 may
33 not be filed anonymously. The individual who files ~~such~~ an
34 administrative complaint must include in the complaint his or her
35 name, address, and telephone number.

36 (3) A parent who desires ~~wishes~~ to file a legal action
37 against a court-appointed ~~psychologist~~ licensed mental health
38 professional or any other individual designated by a court under
39 s. 61.20 who has acted in good faith in developing ~~conducting~~ a
40 parenting plan recommendation ~~child custody evaluation~~ must
41 petition the judge who presided over the dissolution of marriage,
42 case of domestic violence, or paternity matter involving the
43 relationship of a child and a parent, including time-sharing of
44 children, ~~child custody proceeding~~ to appoint another
45 ~~psychologist~~ licensed mental health professional or any other
46 individual designated by a court under s. 61.20. Upon the
47 parent's showing of good cause, the court shall appoint another



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48 ~~psychologist~~ licensed mental health professional or any other
49 individual designated by a court under s. 61.20. The court shall
50 determine ~~make a determination~~ as to who is responsible for all
51 court costs and attorney's fees associated with making such an
52 appointment.

53 (4) If a legal action, whether it be a civil action, a
54 criminal action, or an administrative proceeding, is filed
55 against a court-appointed psychologist in a dissolution of
56 marriage, case of domestic violence, or paternity matter
57 involving the relationship of a child and a parent, including
58 time-sharing of children ~~child custody proceeding~~, the claimant
59 is responsible for all reasonable costs and reasonable attorney's
60 fees associated with the action for both parties if the
61 ~~psychologist~~ licensed mental health professional or any other
62 individual designated by a court under s. 61.20 is held not
63 liable. If the ~~psychologist~~ licensed mental health professional
64 or any other individual designated by a court under s. 61.20 is
65 held liable in civil court, the ~~psychologist~~ licensed mental
66 health professional or any other individual designated by a court
67 under s. 61.20 must pay all reasonable costs and reasonable
68 attorney's fees for the claimant.