By the Committees on Health, Aging, and Long-Term Care; Judiciary; and Senator Aronberg

317-2389-03

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A bill to be entitled 1 An act relating to child custody evaluations; 2 providing a presumption of good faith for the 3 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 action against the psychologist; providing for 8 9 the award of reasonable attorney's fees and reasonable court costs; providing an effective 10 date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Child custody evaluations; presumption of 15 psychologist's good faith; prerequisite to parent's filing 16 17 suit; award of fees, costs, reimbursement.--(1) A psychologist who has been appointed by the court 18 19 to conduct a child custody evaluation in a judicial proceeding 20 is presumed to be acting in good faith if the evaluation has been conducted pursuant to standards that a reasonable 21 22 psychologist would have used as recommended by the American Psychological Association's guidelines for child custody 23 evaluation in divorce proceedings. 24 25 (2) An administrative complaint against a 26 court-appointed psychologist which relates to a child custody evaluation conducted by the psychologist may not be filed 27

anonymously. The individual who files such an administrative

complaint must include in the complaint his or her name,

address, and telephone number.

1	(3) A parent who wishes to file a legal action against
2	a court-appointed psychologist who has acted in good faith in
3	conducting a child custody evaluation must petition the judge
4	who presided over the child custody proceeding to appoint
5	another psychologist. Upon the parent's showing of good cause,
6	the court shall appoint another psychologist. The court shall
7	make a determiation as to who is responsible for all court
8	costs and attorney's fees associated with making such an
9	appointment.
10	(4) If a legal action, whether it be a civil action, a
11	criminal action, or an administrative proceeding, is filed
12	against a court-appointed psychologist in a child custody
13	proceeding, the claimant is responsible for all reasonable
14	costs and reasonable attorney's fees associated with the
15	action for both parties if the psychologist is held not
16	liable. If the psychologist is held liable in civil court, the
17	psychologist must pay all reasonable costs and reasonable
18	attorney's fees for the claimant.
19	Section 2. This act shall take effect July 1, 2003.
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21	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR CS for SB 2050
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24	The Committee Substitute for CS/SB 2050 provides that when a parent successfully petitions for appointment of another psychologist, the court shall make a determination as to who is responsible for court costs and attorneys fees associated with the subsequent appointment.
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