

Committee Substitute for
Committee Substitute for Senate Bill No. 2050

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's bringing a legal action against the psychologist; providing for the award of 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's filing suit; award of fees, 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 would have used as recommended by the American Psychological Association's guidelines for child custody evaluation in divorce proceedings.

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

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

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

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

Approved by the Governor June 5, 2003.

Filed in Office Secretary of State June 5, 2003.