

## MEMORANDUM OF SUPPORT

### REQUIRE COURT APPOINTED FORENSIC EVALUATORS TO COMPLETE BIENNIAL DOMESTIC VIOLENCE RELATED TRAINING

A.2375C Dinowitz/S.6385B Hoylman

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation, which would require court appointed forensic evaluators to complete biennial domestic violence related training developed and provided by domestic violence advocates.

Family court proceedings center on issues of great significance to New York's families -- those directly relating to the safety and well-being of children. When courts require additional information related to the needs of a family involved in a custody or visitation proceeding, they often order a forensic child custody evaluation which is intended to be an in-depth analysis from a mental health professional or social worker providing detailed psychological information about each member of the family as it relates to their respective roles in the parent/child relationship.

Currently in New York, there are no standards, certification process, or training requirements for individuals who serve as forensic child custody evaluators. As a result, forensic evaluation reports are often fraught with bias and inequalities, as described in the 2021 Report of the Governor's Blue-Ribbon Commission on Forensic Custody Evaluations.<sup>1</sup> Not requiring forensic evaluators to be properly trained to recognize domestic violence related behaviors, dynamics, and patterns can lead to disastrous consequences for families and children. Since 2016, twenty children have been killed by a parent during custody proceedings in New York.

This bill would amend the Domestic Relations Law and Executive Law to:

- Require all child custody evaluators appointed by courts in child custody and visitation proceedings to undergo mandatory biennial domestic violence training in order to become certified to serve as a forensic child custody evaluator in New York's courts;
- Require the Office for the Prevention of Domestic Violence to contract with the New York State Coalition Against Domestic Violence to develop and offer the training program;
- Specify the domestic violence-related topics to be covered, including:
  - relevant statutes, case law, the effects and dynamics of domestic violence and child abuse, impacts of adverse childhood experiences, escalation, coercive control, power and control tactics, litigation abuse, and more.

This bill would better prepare forensic child custody evaluators for the heavily weighted role they play in child custody and visitation proceedings and would enhance the safety of New York's children and domestic violence survivors during custody proceedings.

#### ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

1. Blue Ribbon Commission on Forensic Custody Evaluations. (2021). *Report on the Blue-Ribbon Commission on Forensic Custody Evaluations*. <https://ocfs.ny.gov/programs/cwcs/assets/docs/Blue-Ribbon-Commission-Report-2022.pdf>

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