

By: Harris of Anderson

H.B. No. 4062

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating an audiovisual recording of an interview of a
3 child by a child custody evaluator in certain suits affecting the
4 parent-child relationship.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 107.112, Family Code, is amended by
7 amending Subsections (a) and (d) and adding Subsection (b-1) to
8 read as follows:

9 (a) Subject to Subsection (b-1), notwithstanding
10 ~~[Notwithstanding]~~ any rule, standard of care, or privilege
11 applicable to the professional license held by a child custody
12 evaluator, a communication made by a participant in a child custody
13 evaluation is subject to disclosure and may be offered in any
14 judicial or administrative proceeding if otherwise admissible
15 under the rules of evidence.

16 (b-1) A child custody evaluator shall create an audiovisual
17 recording of each interview the evaluator conducts with a child who
18 is the subject of a suit seeking conservatorship of, possession of,
19 or access to the child. A recording created under this subsection
20 is confidential and may not be released after the completion of the
21 suit in which the evaluator conducted the evaluation, except by
22 court order for good cause shown.

23 (d) Subject to Subsection (b-1) and except ~~[Except]~~ for
24 records obtained from the department in accordance with Section

1 107.111, records relating to a child custody evaluation conducted
2 by an employee of or contractor with a domestic relations office
3 shall, after completion of the evaluation and the preparation and
4 filing of a child custody evaluation report under Section 107.113,
5 be made available on written request according to the local rules
6 and policies of the office.

7 SECTION 2. The changes in law made by this Act apply only to
8 an interview conducted by a child custody evaluator in a suit
9 affecting the parent-child relationship on or after the effective
10 date of this Act. An interview conducted before the effective date
11 of this Act is governed by the law in effect on the date the
12 interview was conducted, and the former law is continued in effect
13 for that purpose.

14 SECTION 3. This Act takes effect September 1, 2023.