

1-1 By: Harris of Anderson (Senate Sponsor - Hughes) H.B. No. 4062
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 9, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to creating an audiovisual recording of an interview of a
 1-22 child by a child custody evaluator in certain suits affecting the
 1-23 parent-child relationship.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 107.112, Family Code, is amended by
 1-26 amending Subsections (a) and (d) and adding Subsection (b-1) to
 1-27 read as follows:

1-28 (a) Subject to Subsection (b-1), notwithstanding
 1-29 ~~[Notwithstanding]~~ any rule, standard of care, or privilege
 1-30 applicable to the professional license held by a child custody
 1-31 evaluator, a communication made by a participant in a child custody
 1-32 evaluation is subject to disclosure and may be offered in any
 1-33 judicial or administrative proceeding if otherwise admissible
 1-34 under the rules of evidence.

1-35 (b-1) A child custody evaluator shall create an audiovisual
 1-36 recording of each interview the evaluator conducts with a child who
 1-37 is the subject of a suit seeking conservatorship of, possession of,
 1-38 or access to the child. A recording created under this subsection
 1-39 is confidential and may not be released after the completion of the
 1-40 suit in which the evaluator conducted the evaluation, except by
 1-41 court order for good cause shown.

1-42 (d) Subject to Subsection (b-1) and except ~~[Except]~~
 1-43 records obtained from the department in accordance with Section
 1-44 107.111, records relating to a child custody evaluation conducted
 1-45 by an employee of or contractor with a domestic relations office
 1-46 shall, after completion of the evaluation and the preparation and
 1-47 filing of a child custody evaluation report under Section 107.113,
 1-48 be made available on written request according to the local rules
 1-49 and policies of the office.

1-50 SECTION 2. The changes in law made by this Act apply only to
 1-51 an interview conducted by a child custody evaluator in a suit
 1-52 affecting the parent-child relationship on or after the effective
 1-53 date of this Act. An interview conducted before the effective date
 1-54 of this Act is governed by the law in effect on the date the
 1-55 interview was conducted, and the former law is continued in effect
 1-56 for that purpose.

1-57 SECTION 3. This Act takes effect September 1, 2023.

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