

BILL ANALYSIS

Senate Research Center
87R19884 MLH-F

H.B. 3009
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State Affairs
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Texas Education Agency, there are over 120 languages spoken by students enrolled in Texas public schools. For many of these students, members of their household do not speak English as their primary language, or at all.

H.B. 3009 would require a court to ensure that a child custody evaluator appointed in a suit in which a party subject to the evaluation does not speak English as a primary language is able either to effectively communicate in the party's primary language or be assisted by a licensed or certified interpreter. The interpreter may accompany the evaluator in person or assist through use of audio or video conferencing technology.

H.B. 3009 amends current law relating to child custody evaluations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 107.103, Family Code, by adding Subsections (e), (f), and (g), as follows:

(e) Requires the court, in appointing a child custody evaluator in a suit in which a party subject to the child custody evaluation does not speak English as a primary language, to ensure that the child custody evaluator:

- (1) is able to effectively communicate in the primary language of the party; or
- (2) will be assisted by a licensed or certified interpreter.

(f) Authorizes a licensed or certified interpreter assisting a child custody evaluator under Subsection (e)(2) to accompany the evaluator in person or assist through use of audio or video conferencing technology.

(g) Authorizes the court to require the parties to pay any costs associated with obtaining assistance for a child custody evaluator from a licensed or certified interpreter.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.