

BILL ANALYSIS

Senate Research Center
88R16536 PRL-F

H.B. 891
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a need to clarify that a rebuttal expert can testify and challenge the qualifications and methodology of a child custody evaluation expert without conducting their own child custody evaluation. H.B. 891 clarifies the grounds on which a testifying expert offered to critique the foundation of the custody expert's opinion can testify concerning another expert's opinion. This is standard procedure in all areas of law in Texas. The challenge to the foundation of the custody expert's opinion is based upon a critical review of their qualifications and reliance on research and methodology, and the reviewing expert must be qualified as an expert in child custody evaluations.

H.B. 891 amends current law relating to the use of expert testimony in certain suits affecting the parent-child relationship.

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 104.008, Family Code, by adding Subsection (a-1), as follows:

(a-1) Provides that Subsection (a) (relating to prohibiting a person from offering an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child at issue in a suit unless the person has conducted a child custody evaluation relating to the child under Subchapter D (Child Custody Evaluation), Chapter 107) does not prohibit a person from offering an expert opinion regarding the qualifications of, reliability of the methodology used by, or relevance of the information obtained by a person who has conducted a custody evaluation relating to the child under Subchapter D, Chapter 107, as long as the person's testimony does not violate Subsection (a).

SECTION 2. Makes application of the changes in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2023.