

## **BILL ANALYSIS**

Senate Research Center  
89R21266 AMF-D

H.B. 2340  
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Jurisprudence  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law prescribing the qualifications of child custody evaluators does not require evaluators to receive specific training regarding the needs of children with intellectual and developmental disabilities, which may lead to improper recommendations. The bill's author, for example, informed the house committee of concerns raised by stakeholders who encountered cases where custody evaluations failed to account for specific needs of children with disabilities. H.B. 2340 seeks to strengthen state law governing child custody evaluations by adding a new training requirement for evaluators, improving record transparency, and restricting the use of evaluations in certain cases.

H.B. 2340 would require child custody evaluators to complete at least three hours of training regarding intellectual and developmental disabilities within two years before conducting evaluations involving such children. Courts would be barred from admitting evaluations in these cases unless the evaluator met the training requirement or qualified for a county-specific exemption. What's more, the bill would also update rules for accessing evaluator records by excluding certain law enforcement and criminal justice files, shifting the disclosure and retention timeline to the notice of report completion, and mandating the redaction of sensitive information like Social Security numbers and birthdates.

H.B. 2340 amends current law relating to the qualifications, communications, and recordkeeping of a child custody evaluator and the admissibility of a child custody evaluation under certain circumstances.

### **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 107.104(a), Family Code, by adding Subdivisions (3) and (4) to define "developmental disability" and "intellectual disability."

SECTION 2. Amends Section 107.104, Family Code, by adding Subsection (f), as follows:

(f) Requires an individual, in addition to the qualifications prescribed by Section 107.104 (Child Custody Evaluator: Minimum Qualifications), to be qualified to conduct a child custody evaluation under Subchapter D (Child Custody Evaluation), to complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.

SECTION 3. Amends Section 107.112, Family Code, by amending Subsections (c), (d), and (f) and adding Subsection (i), as follows:

(c) Requires a private child custody evaluator, except for records obtained from the Department of Family and Protective Services (DFPS) in accordance with Section

107.111 (Child Custody Evaluator Access to Investigate Records of Department; Offense) or from an entity described by Section 107.1111(a) (relating to entitling a child custody evaluator appointed by a court to obtain certain records) in accordance with Section 107.1111 (Child Custody Evaluator Access to Other Records), to, after completion of an evaluation and the filing of a notice under Section 107.113(b) (relating to requiring the person conducting a child custody evaluation to file with the court on a date set by the court notice that the report under Section 107.113 (Child Custody Evaluation Report Required) is complete), rather than after the preparation and filing of a child custody evaluation report under Section 107.113, make available in a reasonable time the evaluator's records relating to the evaluation on the written request of certain persons, unless a court has issued an order restricting disclosure of the records.

(d) Requires that records relating to a child custody evaluation conducted by an employee of or contractor with a domestic relations office, subject to Subsection (b-1) (relating to requiring a child custody evaluator to create an audiovisual recording of each interview the evaluator conducts with certain children) and except for records obtained from DFPS in accordance with Section 107.111 or from an entity described by Section 107.1111(a) in accordance with Section 107.1111, after completion of the evaluation and the filing of a notice under Section 107.113(b), be made available according to the local rules and policies of the office on written request of an attorney for a party, a party who does not have an attorney, and any person appointed under Chapter 107 (Special Appointments, Child Custody Evaluations, and Adoption Evaluations) in the suit in which the evaluator conducted the evaluation, unless a court has issued an order restricting disclosure of the records, rather than on written request according to the local rules and policies of the office. Makes conforming changes.

(f) Requires a private child custody evaluator to retain all records relating to a child custody evaluation conducted by the evaluator until the ending date of the retention period adopted by the licensing authority that issues the professional license held by the evaluator based on the date the evaluator filed the notice under Section 107.113(b), rather than the child custody evaluation report prepared under Section 107.112 (Communications and Recordkeeping of Child Custody Evaluator) with the court.

(i) Requires a child custody evaluator to redact any social security number or child's birth date from records subject to disclosure under this section before making the records available.

SECTION 4. Amends Section 107.114, Family Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the court, unless the child custody evaluator is appointed under Section 107.106 (Exception to Qualifications Required to Conduct Child Custody Evaluation), from admitting into evidence a child custody evaluation report prepared under Section 107.113 if the child who is the subject of the report has an intellectual disability or developmental disability and on the date the evaluation that is the subject of the report was made, the child custody evaluator had not satisfied the training requirement under Section 107.104(f).

SECTION 5. Makes application of Sections 107.104(f) and 107.114(a-1), Family Code, as added by this Act, prospective to January 1, 2026.

SECTION 6. Makes application of Sections 107.112(c) and (d), Family Code, as amended by this Act, and Section 107.112(i), Family Code, as added by this Act, prospective.

SECTION 7. Provides that Section 107.112(f), Family Code, as amended by this Act, applies to all records in the possession of a child custody evaluator on or after the effective date of this Act, regardless of whether the records were created before, on, or after that date.

SECTION 8. Effective date: September 1, 2025.