

By: Metcalf

H.B. No. 2340

Substitute the following for H.B. No. 2340:

By: Leach

C.S.H.B. No. 2340

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications, communications, and recordkeeping of a child custody evaluator and the admissibility of a child custody evaluation under certain circumstances.

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

SECTION 1. Section 107.104(a), Family Code, is amended by adding Subdivisions (3) and (4) to read as follows:

(3) "Developmental disability" has the meaning assigned by Section 614.001, Health and Safety Code.

(4) "Intellectual disability" has the meaning assigned by Section 591.003, Health and Safety Code.

SECTION 2. Section 107.104, Family Code, is amended by adding Subsection (f) to read as follows:

(f) In addition to the qualifications prescribed by this section, to be qualified to conduct a child custody evaluation under this subchapter, an individual must 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. Section 107.112, Family Code, is amended by amending Subsections (c), (d), and (f) and adding Subsection (i) to

1 read as follows:

2 (c) Except for records obtained from the department in  
3 accordance with Section [107.111](#) or from an entity described by  
4 Section [107.1111](#)(a) in accordance with Section [107.1111](#), a private  
5 child custody evaluator shall, after completion of an evaluation  
6 and the ~~[preparation and]~~ filing of a notice ~~[child custody~~  
7 ~~evaluation report]~~ under Section [107.113](#)(b) ~~[[107.113](#)]~~, make  
8 available in a reasonable time the evaluator's records relating to  
9 the evaluation on the written request of an attorney for a party, a  
10 party who does not have an attorney, and any person appointed under  
11 this chapter in the suit in which the evaluator conducted the  
12 evaluation, unless a court has issued an order restricting  
13 disclosure of the records.

14 (d) Subject to Subsection (b-1) and except for records  
15 obtained from the department in accordance with Section [107.111](#) or  
16 from an entity described by Section [107.1111](#)(a) in accordance with  
17 Section [107.1111](#), records relating to a child custody evaluation  
18 conducted by an employee of or contractor with a domestic relations  
19 office shall, after completion of the evaluation and the  
20 ~~[preparation and]~~ filing of a notice ~~[child custody evaluation~~  
21 ~~report]~~ under Section [107.113](#)(b) ~~[[107.113](#)]~~, be made available  
22 according to the local rules and policies of the office on written  
23 request of an attorney for a party, a party who does not have an  
24 attorney, and any person appointed under this chapter in the suit in  
25 which the evaluator conducted the evaluation, unless a court has  
26 issued an order restricting disclosure of the records ~~[according to~~  
27 ~~the local rules and policies of the office]~~.

1 (f) A private child custody evaluator shall retain all  
2 records relating to a child custody evaluation conducted by the  
3 evaluator until the ending date of the retention period adopted by  
4 the licensing authority that issues the professional license held  
5 by the evaluator based on the date the evaluator filed the notice  
6 under Section 107.113(b) [~~child custody evaluation report prepared~~  
7 ~~under this section~~] with the court.

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

11 SECTION 4. Section 107.114, Family Code, is amended by  
12 adding Subsection (a-1) to read as follows:

13 (a-1) Unless the child custody evaluator is appointed under  
14 Section 107.106, the court may not admit into evidence a child  
15 custody evaluation report prepared under Section 107.113 if:

16 (1) the child who is the subject of the report has an  
17 intellectual disability or developmental disability; and

18 (2) on the date the evaluation that is the subject of  
19 the report was made, the child custody evaluator had not satisfied  
20 the training requirement under Section 107.104(f).

21 SECTION 5. Sections 107.104(f) and 107.114(a-1), Family  
22 Code, as added by this Act, apply only to a child custody evaluation  
23 that is conducted by a child custody evaluator appointed by a court  
24 on or after January 1, 2026. A child custody evaluation conducted by  
25 a child custody evaluator appointed by a court before January 1,  
26 2026, is governed by the law in effect immediately before the  
27 effective date of this Act, and the former law is continued in

1 effect for that purpose.

2 SECTION 6. Sections 107.112(c) and (d), Family Code, as  
3 amended by this Act, and Section 107.112(i), Family Code, as added  
4 by this Act, apply to a disclosure of information made on or after  
5 the effective date of this Act.

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

11 SECTION 8. This Act takes effect September 1, 2025.