

By: Metcalf

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, and 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) the child custody evaluator has not satisfied the
19 training requirement under Section 107.104(f).

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

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

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

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