

1-1 By: Metcalf (Senate Sponsor - Zaffirini) H.B. No. 2340
1-2 (In the Senate - Received from the House April 30, 2025;
1-3 May 1, 2025, read first time and referred to Committee on
1-4 Jurisprudence; May 15, 2025, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 15, 2025, sent to printer.)

1-6 COMMITTEE VOTE

| 1-7 | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the qualifications, communications, and recordkeeping
1-16 of a child custody evaluator and the admissibility of a child
1-17 custody evaluation under certain circumstances.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 107.104(a), Family Code, is amended by
1-20 adding Subdivisions (3) and (4) to read as follows:

1-21 (3) "Developmental disability" has the meaning
1-22 assigned by Section 614.001, Health and Safety Code.

1-23 (4) "Intellectual disability" has the meaning
1-24 assigned by Section 591.003, Health and Safety Code.

1-25 SECTION 2. Section 107.104, Family Code, is amended by
1-26 adding Subsection (f) to read as follows:

1-27 (f) In addition to the qualifications prescribed by this
1-28 section, to be qualified to conduct a child custody evaluation
1-29 under this subchapter, an individual must complete, during the
1-30 two-year period preceding the evaluation, at least three hours of
1-31 initial or continuing training, as applicable, related to the care
1-32 of a child with an intellectual disability or developmental
1-33 disability, including education, therapy, preparation for
1-34 independent living, or methods for addressing physical or mental
1-35 health challenges.

1-36 SECTION 3. Section 107.112, Family Code, is amended by
1-37 amending Subsections (c), (d), and (f) and adding Subsection (i) to
1-38 read as follows:

1-39 (c) Except for records obtained from the department in
1-40 accordance with Section 107.111 or from an entity described by
1-41 Section 107.1111(a) in accordance with Section 107.1111, a private
1-42 child custody evaluator shall, after completion of an evaluation
1-43 and the ~~[preparation and]~~ filing of a notice ~~[child custody~~
1-44 ~~evaluation report]~~ under Section 107.113(b) ~~[107.113]~~, make
1-45 available in a reasonable time the evaluator's records relating to
1-46 the evaluation on the written request of an attorney for a party, a
1-47 party who does not have an attorney, and any person appointed under
1-48 this chapter in the suit in which the evaluator conducted the
1-49 evaluation, unless a court has issued an order restricting
1-50 disclosure of the records.

1-51 (d) Subject to Subsection (b-1) and except for records
1-52 obtained from the department in accordance with Section 107.111 or
1-53 from an entity described by Section 107.1111(a) in accordance with
1-54 Section 107.1111, records relating to a child custody evaluation
1-55 conducted by an employee of or contractor with a domestic relations
1-56 office shall, after completion of the evaluation and the
1-57 ~~[preparation and]~~ filing of a notice ~~[child custody evaluation~~
1-58 ~~report]~~ under Section 107.113(b) ~~[107.113]~~, be made available
1-59 according to the local rules and policies of the office on written
1-60 request of an attorney for a party, a party who does not have an
1-61 attorney, and any person appointed under this chapter in the suit in

which the evaluator conducted the evaluation, unless a court has issued an order restricting disclosure of the records ~~[according to the local rules and policies of the office]~~.

(f) A private child custody evaluator shall 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) ~~[child custody evaluation report prepared under this section]~~ with the court.

(i) A child custody evaluator shall 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. Section 107.114, Family Code, is amended by adding Subsection (a-1) to read as follows:

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

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

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

SECTION 6. 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, apply to a disclosure of information made on or after the effective date of this Act.

SECTION 7. 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. This Act takes effect September 1, 2025.

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