Rule: 801.57. Child Custody Evaluations.

Action: Proposed Amendments

Comment: The proposed amendments are made to conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

§801.57. Child Custody Evaluations.

(a) Licensees must comply with all applicable statutes and rules, including but not limited to Texas Family Code, Chapter 107, Subchapters D, E, and F (relating to Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions).

(b) When a licensee who has conducted a court-ordered child custody evaluation or adoption evaluation receives any complaint relating to the outcome of the evaluation, the licensee must report the complaint to the court that ordered the evaluation. See council rules, found in §884.3 of this title (relating to Special Requirements for Complaints Alleging Violations Related to Court Ordered Evaluations).

(c) Disclosure of confidential information in violation of Texas Family Code~~,~~ §§107.111 (relating to Child Custody Evaluator Access to Investigative Records of Department of Family and Protective Services; Offense), 107.1111 (relating to Child Custody Evaluator Access to Other Records), or ~~§~~107.163 (relating to Adoption Evaluator Access to Investigative Records of Department of Family and Protective Services; Offense), or failure to redact any social security numbers or child’s birth date from records subject to disclosure under §107.112 (relating to Communications and Recordkeeping of Child Custody Evaluator) before making the records available, is grounds for disciplinary action, up to and including license revocation.

(d) A licensee may not provide any other type of service, neither sequentially nor simultaneously in the same case that he or she provides a child custody evaluation, unless required by court order.

(e) A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child in accordance with Texas Family Code, Chapter 107, Subchapter D.

(f) Before beginning child custody evaluations or adoption evaluations, a licensee must inform the parties in writing of:

(1) the limitations on confidentiality in the evaluation process; and

(2) the basis of fees and costs and the method of payment, including any fees associated with postponement, cancellation, and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

(g) An LMFT Associate may not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services or otherwise allowed by law.

(h) An LMFT who has completed a doctoral degree and at least 10 court-ordered child custody evaluations under the supervision of an individual qualified by the Texas Family Code, Chapter 107 to perform child custody evaluations is qualified to conduct child custody evaluations under Texas Family Code, Chapter 107. All other LMFTs must comply with the qualification requirements stipulated in Texas Family Code, Chapter 107.

(i) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.

(ii) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, 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.