

FOR OFFICE USE ONLY

HOUSE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Representative McMakin to Engrossed House Bill No. 236 by Representative McMakin

1 AMENDMENT NO. 1

2 On page 2, after line 26, insert the following:

3 "F. Mental health evaluations conducted pursuant to this Section are subject
4 to the following evidentiary restrictions:

5 (1) All opinion testimony offered by a licensed mental health professional
6 shall be subject to Code of Evidence Articles 702 and 703.

7 (2) No licensed mental health professional conducting an evaluation pursuant
8 to this Section shall undertake or perform any other role or function relative to the
9 parties or children.

10 (3) Every licensed mental health professional conducting an evaluation
11 pursuant to this Section shall comply with all statutory and administrative licensing
12 and ethical rules and regulations otherwise applicable to the profession.

13 (4) All parties shall have the right to full pretrial discovery of the entire file
14 of the licensed mental health professional regarding the case, including the right to
15 depose the licensed mental health professional.

16 (5) No indigent parent shall be denied the opportunity to depose,
17 cross-examine, or otherwise challenge a court-appointed licensed mental health
18 professional in the same manner as a non-indigent parent, and any fees and costs
19 incurred in any such deposition shall be considered within the purview of Code of
20 Civil Procedure Article 5185.

21 (6) No evidence concerning polygraphs, voice-stress analysis, or other such
22 physiological measures shall be admitted into evidence in any form.

23 (7) All psychological testing, principles, diagnoses, and concepts utilized by
24 a licensed mental health professional shall be limited to those which have been
25 empirically established and generally accepted in the mental health profession as
26 valid and reliable for the parameters and conditions purportedly tested or the issues
27 evaluated.

28 (8) No licensed mental health professional shall be permitted to testify to,
29 or base any opinion on, hearsay statements regarding disputed factual issues;
30 however, any admissions or statements against interest made to the licensed mental
31 health professional by a parent, and any statement made by a minor child if
32 admissible under Code of Evidence Article 803 or 804(B)(5), in the course of the
33 evaluation shall be considered."

34 AMENDMENT NO. 2

35 On page 4, between lines 17 and 18, insert the following:

36 "J. Child custody evaluations conducted pursuant to this Section are subject
37 to the following evidentiary restrictions:

38 (1) All opinion testimony offered by a child custody evaluator shall be
39 subject to Code of Evidence Articles 702 and 703.

40 (2) No child custody evaluator conducting an evaluation pursuant to this
41 Section shall undertake or perform any other role or function relative to the parties
42 or children.

1 (3) Every child custody evaluator conducting an evaluation pursuant to this
2 Section shall comply with all statutory and administrative licensing and ethical rules
3 and regulations otherwise applicable to the profession.

4 (4) All parties shall have the right to full pretrial discovery of the entire file
5 of the child custody evaluator regarding the case, including the right to depose the
6 child custody evaluator.

7 (5) No indigent parent shall be denied the opportunity to depose,
8 cross-examine, or otherwise challenge a court-appointed child custody evaluator in
9 the same manner as a non-indigent parent, and any fees and costs incurred in any
10 such deposition shall be considered within the purview of Code of Civil Procedure
11 Article 5185.

12 (6) No evidence concerning polygraphs, voice-stress analysis, or other such
13 physiological measures shall be admitted into evidence in any form.

14 (7) All psychological testing, principles, diagnoses, and concepts utilized by
15 a child custody evaluator shall be limited to those which have been empirically
16 established and generally accepted in the mental health profession as valid and
17 reliable for the parameters and conditions purportedly tested or the issues evaluated.

18 (8) No child custody evaluator shall be permitted to testify to, or base any
19 opinion on, hearsay statements regarding disputed factual issues; however, any
20 admissions or statements against interest made to the child custody evaluator by a
21 parent, and any statement made by a minor child if admissible under Code of
22 Evidence Article 803 or 804(B)(5), in the course of the evaluation shall be
23 considered."