

**Department of Planning and Budget**  
**2026 General Assembly Session**  
**State Fiscal Impact Statement**

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**ORIGINAL**

**Bill Number:** HB768 ER

**Patron:** Herring

**Bill Title:** Custody and visitation arrangements for minor; custody evaluation, report.

**Bill Summary:** Provides that a circuit or district court may order a custody evaluation to assist with determining the custody or visitation arrangements for a minor. Current law provides that such custody evaluations can be ordered in a proceeding for custody or visitation before a juvenile and domestic relations district court. The bill also directs the Board of Psychology to convene a stakeholder advisory group no later than July 1, 2026 to study and make recommendations regarding the availability of qualified mental health professionals willing to serve as court-appointed experts in family law proceedings, including in custody evaluations, and to report any findings and recommendations to select committees of the General Assembly no later than November 1, 2026.

**Budget Amendment Necessary:** No

**Items Impacted:** n/a

**Fiscal Summary:** Minimal/absorbable fiscal impact.

**Fiscal Analysis:** This legislation provides authority for any circuit or district court to order a custody evaluation as part of the process to determine the custody or visitation arrangements for a minor; current law provides this authority to only juvenile and domestic relations district courts. The bill further requires the Board of Psychology to convene a stakeholder advisory group to assess the availability of qualified mental health professionals willing to serve as court-appointed experts in family law proceedings, including in custody evaluations, and to report any findings and recommendations to select committees of the General Assembly no later than November 1, 2026.

The Department of Health Professions (DHP) anticipates that the provisions of this bill related to the stakeholder advisory group will cause the Board of Psychology to divert existing resources otherwise used for regulatory and disciplinary activities. DHP estimates the nongeneral fund cost for any advisory group activities pursuant to this legislation to range between \$12,276 and \$16,368; this assumes a workgroup comprised of at least 10 members (not including Board staff) meeting three to four times between July 1, 2026, and November 1, 2026. It is expected that such costs can be absorbed within the Board's existing operating budget.

The Department of Social Services (DSS) maintains that the provisions of this legislation impact only private custody matters and not matters connected to foster care placements; therefore, there is no anticipated impact to DSS or local departments of social services. The Office of the Executive Secretary of the Supreme Court of Virginia does not anticipate an impact to the Courts system resulting from this legislation.

**Other:** n/a