



1 "Child-related dispute" means a family law dispute  
2 regarding child custody, visitation, or financial support  
3 regarding a child, under section 571-46, section 576D-7, or  
4 chapter 583A.

5 "Court" means the family court of this State.

6 "Family law dispute" means a contested issue arising under  
7 the family and domestic relations laws of this State.

8 "Party" means an individual who signs an arbitration  
9 agreement and whose rights will be determined by an award.

10 "Person" means an individual; estate; business or nonprofit  
11 entity; public corporation; government or governmental  
12 subdivision, agency, or instrumentality; or any other legal  
13 entity.

14 "Record", used as a noun, means information that is  
15 inscribed on a tangible medium or that is stored in an  
16 electronic or other medium and is retrievable in perceivable  
17 form.

18 "Sign" means, with present intent to authenticate or adopt  
19 a record:

20 (1) To execute or adopt a tangible symbol; or



1 (2) To attach to or logically associate with the record an  
2 electronic symbol, sound, or process.

3 "State" means a state of the United States, the District of  
4 Columbia, Guam, Puerto Rico, the United States Virgin Islands,  
5 or any territory or insular possession subject to the  
6 jurisdiction of the United States.

7 § -3 **Scope.** (a) This chapter governs arbitration of a  
8 family law dispute.

9 (b) This chapter does not authorize an arbitrator to make  
10 an award that:

- 11 (1) Grants a legal separation, divorce, annulment, or  
12 separation under chapter 580;
- 13 (2) Terminates parental rights under section 571-61 and  
14 section 587A-33;
- 15 (3) Grants an adoption under chapter 578 or a guardianship  
16 of a child under section 560:5-202 and section  
17 560:5-204 or incapacitated individual under section  
18 560:5-301 and section 560:5-304; or
- 19 (4) Determines the status of a child in need of protection  
20 under chapter 587A.



1           §   -4 **Applicable law.** (a) Except as otherwise provided  
2 in this chapter, the law applicable to arbitration is chapter  
3 658A.

4           (b) In determining the merits of a family law dispute, an  
5 arbitrator shall apply the law of this State, including its  
6 choice of law rules.

7           §   -5 **Arbitration agreement.** (a) An arbitration  
8 agreement shall:

- 9           (1) Be in a record signed by the parties;
- 10          (2) Identify the arbitrator, an arbitration organization,  
11           or a method of selecting an arbitrator; and
- 12          (3) Identify the family law dispute the parties intend to  
13           arbitrate.

14          (b) Except as otherwise provided in subsection (c), an  
15 agreement in a record to arbitrate a family law dispute that  
16 arises between the parties before, at the time, or after the  
17 agreement is made is valid and enforceable as any other contract  
18 and irrevocable except on a ground that exists at law or in  
19 equity for the revocation of a contract.

20          (c) An agreement to arbitrate a subsequent child-related  
21 dispute between the parties is unenforceable unless the parties



1 affirm the agreement at the time of the dispute or a court has  
2 approved or incorporated the agreement in an order issued in a  
3 prior family law proceeding.

4 (d) If a party objects to arbitration on the ground the  
5 arbitration agreement is unenforceable or the agreement does not  
6 include a family law dispute, the court shall decide whether the  
7 agreement is enforceable or includes the family law dispute.

8 § -6 **Notice of arbitration.** A party may initiate  
9 arbitration by giving notice to arbitrate to the other party in  
10 the manner specified in the arbitration agreement or, in the  
11 absence of a specified manner, under the law and procedural  
12 rules of this State other than this chapter governing  
13 contractual arbitration.

14 § -7 **Motion for judicial relief.** (a) A motion for  
15 judicial relief under this chapter shall be made to the court in  
16 which a proceeding is pending involving a family law dispute  
17 subject to arbitration or, if no proceeding is pending, a court  
18 with jurisdiction over the parties and the subject matter.

19 (b) Upon motion of a party, the court may compel  
20 arbitration if the parties have entered into an arbitration  
21 agreement that complies with section -5 unless the court



1 determines under section -12 that the arbitration should not  
2 proceed.

3 (c) Upon motion of a party, the court shall terminate  
4 arbitration if it determines that:

- 5 (1) The agreement to arbitrate is unenforceable;
- 6 (2) The family law dispute is not subject to arbitration;
- 7 or
- 8 (3) Under section -12, the arbitration should not
- 9 proceed.

10 (d) Unless prohibited by an arbitration agreement, upon  
11 motion of a party, the court may order consolidation of separate  
12 arbitrations involving the same parties and a common issue of  
13 law or fact if necessary for the fair and expeditious resolution  
14 of the family law dispute.

15 § -8 **Qualification and selection of arbitrator.** (a)

16 Except as otherwise provided in subsection (b), unless waived in  
17 a record by the parties, an arbitrator shall be trained in  
18 identifying domestic violence and child abuse and be:

- 19 (1) An attorney in good standing admitted to practice or
- 20 on inactive status; or
- 21 (2) A judge on retired status,



1 in a state.

2 (b) The identification in the arbitration agreement of an  
3 arbitrator, arbitration organization, or method of selection of  
4 the arbitrator controls.

5 (c) If an arbitrator is unable or unwilling to act or if  
6 the agreed upon method of selecting an arbitrator fails, upon  
7 motion of a party, the court shall select an arbitrator.

8 § -9 **Disclosure by arbitrator; disqualification.** (a)  
9 Before agreeing to serve as an arbitrator, an individual, after  
10 making reasonable inquiry, shall disclose to all parties any  
11 known fact that a reasonable person would believe is likely to  
12 affect:

13 (1) The impartiality of the arbitrator in the arbitration,  
14 including bias, a financial or personal interest in  
15 the outcome of the arbitration, or an existing or past  
16 relationship with a party, attorney representing a  
17 party, or witness; or

18 (2) The arbitrator's ability to make a timely award.

19 (b) An arbitrator, the parties, and the attorneys  
20 representing the parties have a continuing obligation to  
21 disclose to all parties any known fact that a reasonable person



1 would believe is likely to affect the impartiality of the  
2 arbitrator or the arbitrator's ability to make a timely award.

3 (c) An objection to the selection or continued service of  
4 an arbitrator and a motion for a stay of arbitration and  
5 disqualification of the arbitrator shall be made under the law  
6 and procedural rules of this State other than this chapter  
7 governing arbitrator disqualification.

8 (d) If a disclosure required by subsection (a) or (b) is  
9 not made, the court may:

10 (1) Upon motion of a party not later than thirty days  
11 after the failure to disclose is known or by the  
12 exercise of reasonable care should have been known to  
13 the party, suspend the arbitration;

14 (2) Upon timely motion of a party, vacate an award under  
15 section -19(a)(2); or

16 (3) If an award has been confirmed, grant other  
17 appropriate relief under law of this State other than  
18 this chapter.

19 (e) If the parties agree to discharge an arbitrator or the  
20 arbitrator is discharged or resigns, the parties by agreement



1 may select a new arbitrator or request the court to select  
2 another arbitrator as provided in section -8.

3 § -10 **Party participation.** (a) A party may:

4 (1) Be represented in an arbitration by an attorney;

5 (2) Be accompanied by an individual who will not be called  
6 as a witness nor act as an advocate; and

7 (3) Participate in the arbitration to the full extent  
8 permitted under the law and procedural rules of this  
9 State other than this chapter governing a party's  
10 participation in contractual arbitration.

11 (b) A party or representative of a party shall not  
12 communicate ex parte with the arbitrator except to the extent  
13 allowed in a family law proceeding for communication with a  
14 judge.

15 § -11 **Temporary order or award.** (a) Before an  
16 arbitrator is selected and able to act, upon motion of a party,  
17 the court may enter a temporary order under chapter 580.

18 (b) After an arbitrator is selected:

19 (1) The arbitrator may make a temporary award under  
20 chapter 580; and



1 (2) If the matter is urgent and the arbitrator is not able  
2 to act in a timely manner or provide an adequate  
3 remedy, upon motion of a party, the court may enter a  
4 temporary order.

5 (c) Upon motion of a party, before the court confirms a  
6 final award, the court under section -16, -18, or -19  
7 may confirm, correct, vacate, or amend a temporary award made  
8 under subsection (b) (1).

9 (d) Upon motion of a party, the court may enforce a  
10 subpoena or interim award issued by an arbitrator for the fair  
11 and expeditious disposition of the arbitration.

12 § -12 **Protection of party or child.** (a) As used in  
13 this section, "protection order" means an injunction or other  
14 order, issued under the domestic violence, family violence,  
15 stalking, or harassment laws of the issuing jurisdiction, to  
16 prevent an individual from engaging in a violent or threatening  
17 act against, harassment of, contact or communication with, or  
18 being in physical proximity to another individual who is a party  
19 or a child under the custodial responsibility of a party.

20 (b) If a party is subject to a protection order or an  
21 arbitrator determines there is a reasonable basis to believe a



1 party's safety or ability to participate effectively in  
2 arbitration is at risk, the arbitrator shall stay the  
3 arbitration and refer the parties to court. The arbitration  
4 shall not proceed unless the party at risk affirms the  
5 arbitration agreement in a record and the court determines that:

6 (1) The affirmation is informed and voluntary;

7 (2) Arbitration is not inconsistent with the protection  
8 order; and

9 (3) Reasonable procedures are in place to protect the  
10 party from risk of harm, harassment, or intimidation.

11 (c) If an arbitrator finds a reasonable basis to believe  
12 that a child who is the subject of a child-related dispute is  
13 abused or neglected, the arbitrator shall terminate the  
14 arbitration of the child-related dispute and report the abuse or  
15 neglect to the department of human services.

16 (d) An arbitrator may make a temporary award to protect a  
17 party or child from harm, harassment, or intimidation.

18 (e) Upon motion of a party, the court may stay arbitration  
19 and review a determination or temporary award under this  
20 section.



1 (f) This section supplements remedies available under law  
2 of this State other than this chapter for the protection of  
3 victims of domestic violence, family violence, stalking,  
4 harassment, or similar abuse.

5 § -13 Powers and duties of arbitrator. (a) An  
6 arbitrator shall conduct an arbitration in a manner the  
7 arbitrator considers appropriate for a fair and expeditious  
8 disposition of the family law dispute.

9 (b) An arbitrator shall provide each party a right to be  
10 heard, to present evidence material to the family law dispute,  
11 and to cross-examine witnesses.

12 (c) Unless the parties otherwise agree in a record, an  
13 arbitrator's powers include the power to:

- 14 (1) Select the rules for conducting the arbitration;
- 15 (2) Hold conferences with the parties before a hearing;
- 16 (3) Determine the date, time, and place of a hearing;
- 17 (4) Require a party to provide:
  - 18 (A) A copy of a relevant court order;
  - 19 (B) Information required to be disclosed in a family  
20 law proceeding under laws of this State other  
21 than this chapter; and



- 1 (C) A proposed award that addresses each issue in  
2 arbitration;
- 3 (5) Meet with or interview the child who is the subject of  
4 a child-related dispute;
- 5 (6) Appoint a private expert at the expense of the  
6 parties;
- 7 (7) Administer an oath or affirmation and issue a subpoena  
8 for the attendance of a witness or the production of  
9 documents and other evidence at a hearing;
- 10 (8) Compel discovery concerning the family law dispute and  
11 determine the date, time, and place of discovery;
- 12 (9) Determine the admissibility and weight of evidence;
- 13 (10) Permit deposition of a witness for use as evidence at  
14 a hearing;
- 15 (11) For good cause, prohibit a party from disclosing  
16 information;
- 17 (12) Appoint an attorney, guardian ad litem, or other  
18 representative for a child at the expense of the  
19 parties;
- 20 (13) Impose a procedure to protect a party or child from  
21 risk of harm, harassment, or intimidation;



1 (14) Allocate arbitration fees, attorney's fees, expert  
2 witness fees, and other costs to the parties; and

3 (15) Impose a sanction on a party for bad faith or  
4 misconduct during the arbitration according to  
5 standards governing imposition of a sanction for  
6 litigant misconduct in a family law proceeding.

7 (d) An arbitrator shall not allow ex parte communication  
8 except to the extent allowed in a family law proceeding for  
9 communication with a judge.

10 § -14 Recording of hearing. (a) Except as otherwise  
11 provided in subsection (b), an arbitration hearing need not be  
12 recorded unless:

13 (1) Otherwise required by law of this State other than  
14 this chapter;

15 (2) Required by the arbitrator;

16 (3) Provided by the arbitration agreement; or

17 (4) Requested by a party.

18 (b) An arbitrator shall cause to be made a verbatim record  
19 of any part of an arbitration hearing concerning a child-related  
20 dispute.



1           §   -15   **Award.** (a) An arbitrator shall make an award in  
2 a record, dated and signed by the arbitrator. The arbitrator  
3 shall give notice of the award to each party by a method agreed  
4 upon by the parties or, if the parties have not agreed upon a  
5 method, under the law and procedural rules of this State other  
6 than this chapter governing notice in contractual arbitration.

7           (b) Except as otherwise provided in subsection (c), the  
8 award under this chapter shall state the reasons on which it is  
9 based unless otherwise agreed by the parties.

10          (c) An award determining a child-related dispute shall  
11 state the reasons on which it is based as required by law for a  
12 court order in a family law proceeding.

13          (d) An award under this chapter is not enforceable as a  
14 judgment until confirmed under section   -16.

15          §   -16   **Confirmation of award.** (a) After an arbitrator  
16 gives notice under section   -15(a) of an award, including an  
17 award corrected under section   -17, a party may move the court  
18 for an order confirming the award.

19          (b) Except as otherwise provided in subsection (c), the  
20 court shall confirm an award under this chapter if:

21           (1) The parties agree in a record to confirmation; or



1 (2) The time has expired for making a motion, and no  
2 motion is pending, under section -18 or -19.

3 (c) If the award determines a child-related dispute, the  
4 court shall confirm the award under subsection (b) if the court  
5 finds, after a review of the record if necessary, that the award  
6 on its face:

7 (1) Complies with section -15 and the laws of this  
8 State other than this chapter governing child-related  
9 disputes; and

10 (2) Is in the best interests of the child.

11 (d) Upon confirmation, an award under this chapter is  
12 enforceable as a judgment.

13 **§ -17 Correction by arbitrator of unconfirmed award.**

14 Upon motion of a party made not later than thirty days after an  
15 arbitrator gives notice under section -15(a) of an award, the  
16 arbitrator may correct the award:

17 (1) If the award has an evident mathematical  
18 miscalculation or an evident mistake in the  
19 description of a person, thing, or property;

20 (2) If the award is imperfect in a matter of form not  
21 affecting the merits on the issues submitted; or



1 (3) To clarify the award.

2 § -18 Correction by court of unconfirmed award.

3 (a) Upon motion of a party made not later than ninety days  
4 after an arbitrator gives notice under section -15(a) of an  
5 award, including an award corrected under section -17, the  
6 court shall correct the award if:

7 (1) The award has an evident mathematical miscalculation  
8 or an evident mistake in the description of a person,  
9 thing, or property;

10 (2) The award is imperfect in a matter of form not  
11 affecting the merits of the issues submitted; or

12 (3) The arbitrator made an award on a dispute not  
13 submitted to the arbitrator and the award may be  
14 corrected without affecting the merits of the issues  
15 submitted.

16 (b) A motion under this section to correct an award may be  
17 joined with a motion to vacate or amend the award under section  
18 -19.

19 (c) Unless a motion under section -19 is pending, the  
20 court may confirm a corrected award under section -16.



1 § -19 Vacation or amendment by court of unconfirmed

2 award. (a) Upon motion of a party, the court shall vacate an  
3 unconfirmed award if the moving party establishes that:

4 (1) The award was procured by corruption, fraud, or other  
5 undue means;

6 (2) There was:

7 (A) Evident partiality by the arbitrator;

8 (B) Corruption by the arbitrator; or

9 (C) Misconduct by the arbitrator substantially  
10 prejudicing the rights of a party;

11 (3) The arbitrator refused to postpone a hearing on  
12 showing of sufficient cause for postponement, refused  
13 to consider evidence material to the controversy, or  
14 otherwise conducted the hearing contrary to section  
15 -13, so as to prejudice substantially the rights of  
16 a party;

17 (4) The arbitrator exceeded the arbitrator's powers;

18 (5) No arbitration agreement exists, unless the moving  
19 party participated in the arbitration without making a  
20 motion under section -7 no later than the beginning  
21 of the first arbitration hearing;



1 (6) The arbitration was conducted without proper notice  
2 under section -6 of the initiation of arbitration,  
3 so as to prejudice substantially the rights of a  
4 party; or

5 (7) A ground exists for vacating the award under law of  
6 this State other than this chapter.

7 (b) Except as otherwise provided in subsection (c), on  
8 motion of a party, the court shall vacate an unconfirmed award  
9 that determines a child-related dispute if the moving party  
10 establishes that:

11 (1) The award does not comply with section -15 or the  
12 laws of this State other than this chapter governing  
13 child-related disputes or is contrary to the best  
14 interests of the child;

15 (2) The record of the hearing or the statement of reasons  
16 in the award is inadequate for the court to review the  
17 award; or

18 (3) A ground for vacating an award under subsection (a)  
19 exists.

20 (c) If an award is subject to vacation under subsection  
21 (b) (1), on motion of a party, the court may amend the award if



1 amending rather than vacating is in the best interests of the  
2 child.

3 (d) The court shall determine a motion under subsection  
4 (b) or (c) based on the record of the arbitration hearing and  
5 facts occurring after the hearing.

6 (e) A motion under this section to vacate or amend an  
7 award shall be filed not later than ninety days:

8 (1) After an arbitrator gives the party filing the motion  
9 notice of the award or a corrected award; or

10 (2) For a motion under subsection (a)(1), after the ground  
11 of corruption, fraud, or other undue means is known or  
12 by the exercise of reasonable care should have been  
13 known to the party filing the motion.

14 (f) If the court under this section vacates an award for a  
15 reason other than the absence of an enforceable arbitration  
16 agreement, the court may order a rehearing before an arbitrator.  
17 If the reason for vacating the award is that the award was  
18 procured by corruption, fraud, or other undue means or there was  
19 evident partiality, corruption, or misconduct by the arbitrator,  
20 the rehearing shall be before another arbitrator.



1 (g) If the court under this section denies a motion to  
2 vacate or amend an award, the court may confirm the award under  
3 section -16 unless a motion is pending under section -18.

4 § -20 **Clarification of confirmed award.** If the meaning  
5 or effect of an award confirmed under section -16 is in  
6 dispute, the parties may:

- 7 (1) Agree to arbitrate the dispute before the original  
8 arbitrator or another arbitrator; or
- 9 (2) Proceed in court under law of this State other than  
10 this chapter governing clarification of a judgment in  
11 a family law proceeding.

12 § -21 **Judgment on award.** (a) Upon granting an order  
13 confirming, vacating without directing a rehearing, or amending  
14 an award under this chapter, the court shall enter judgment in  
15 conformity with the order.

16 (b) Upon motion of a party, the court may order that a  
17 document or part of the arbitration record be sealed or redacted  
18 to prevent public disclosure of all or part of the record or  
19 award to the extent permitted under laws of this State other  
20 than this chapter.



1           §   -22   **Modification of confirmed award or judgment.**  If a  
2 party requests under law of this State other than this chapter a  
3 modification of an award confirmed under section       -16 or  
4 judgment on the award based on a fact occurring after  
5 confirmation:

6           (1)  The parties shall proceed under the dispute resolution  
7               method specified in the award or judgment; or

8           (2)  If the award or judgment does not specify a dispute  
9               resolution method, the parties may:

10           (A)  Agree to arbitrate the modification before the  
11               original arbitrator or another arbitrator; or

12           (B)  Absent agreement proceed under laws of this State  
13               other than this chapter governing modification of  
14               a judgment in a family law proceeding.

15           §   -23   **Enforcement of confirmed award.**  (a)  The court  
16 shall enforce an award confirmed under section       -16, including  
17 a temporary award, in the manner and to the same extent as any  
18 other order or judgment of a court.

19           (b)  The court shall enforce an arbitration award in a  
20 family law dispute confirmed by a court in another state in the



1 manner and to the same extent as any other order or judgment  
2 from another state.

3 § -24 **Appeal.** (a) An appeal may be taken under this  
4 chapter from:

5 (1) An order denying a motion to compel arbitration;

6 (2) An order granting a motion to stay arbitration;

7 (3) An order confirming or denying confirmation of an  
8 award;

9 (4) An order correcting an award;

10 (5) An order vacating an award without directing a  
11 rehearing; or

12 (6) A final judgment.

13 (b) An appeal under this section may be taken as from an  
14 order or a judgment in a civil action.

15 § -25 **Immunity of arbitrator.** (a) An arbitrator or  
16 arbitration organization acting in that capacity in a family law  
17 dispute is immune from civil liability to the same extent as a  
18 judge of a court of this State acting in a judicial capacity.

19 (b) The immunity provided by this section supplements any  
20 immunity under laws of this State other than this chapter.



1 (c) An arbitrator's failure to make a disclosure required  
2 by section -9 does not cause the arbitrator to lose immunity  
3 under this section.

4 (d) An arbitrator is not competent to testify, and may not  
5 be required to produce records, in a judicial, administrative,  
6 or similar proceeding about a statement, conduct, decision, or  
7 ruling occurring during an arbitration, to the same extent as a  
8 judge of a court of this State acting in a judicial capacity.

9 This subsection does not apply:

10 (1) To the extent disclosure is necessary to determine a  
11 claim by the arbitrator or arbitration organization  
12 against a party to the arbitration; or

13 (2) To a hearing on a motion under section -19(a)(1) or  
14 (2) to vacate an award, if there is prima facie  
15 evidence that a ground for vacating the award exists.

16 (e) If a person commences a civil action against an  
17 arbitrator arising from the services of the arbitrator or seeks  
18 to compel the arbitrator to testify or produce records in  
19 violation of subsection (d) and the court determines that the  
20 arbitrator is immune from civil liability or is not competent to  
21 testify or required to produce the records, the court shall



1 award the arbitrator reasonable attorney's fees, costs, and  
2 reasonable expenses of litigation.

3 § -26 **Relation to electronic signatures in global and**  
4 **national commerce act.** This chapter modifies, limits, or  
5 supersedes the Electronic Signatures in Global and National  
6 Commerce Act, 15 U.S.C. section 7001 et seq., but does not  
7 modify, limit, or supersede section 101(c) of that act, 15  
8 U.S.C. section 7001(c), or authorize electronic delivery of any  
9 of the notices described in section 103(b) of that act, 15  
10 U.S.C. section 7003(b).

11 § -27 **Transitional provision.** This chapter applies to  
12 arbitration of a family law dispute under an arbitration  
13 agreement made on or after the effective date of this chapter.  
14 If an arbitration agreement was made before the effective date  
15 of this chapter, the parties may agree in a record that this  
16 chapter applies to the arbitration."

17 SECTION 2. This Act shall take effect on January 7, 2059.

18



**Report Title:**

Uniform Family Law Arbitration Act; Established; Disputes;  
Arbitration; Authorized; Conditions

**Description:**

Authorizes the use of arbitration to resolve certain family law  
disputes. Specifies law applicable to arbitrations. Takes  
effect on 1/7/2059. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

