

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1366 Session of
2021INTRODUCED BY KLUNK, R. BROWN, KAUFFMAN, KNOWLES, MILLARD,
PICKETT, RYAN, SCHEMEL, STEPHENS AND ECKER, MAY 10, 2021AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 9, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, adopting the Uniform
3 Family Law Arbitration Act.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 73 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER D

9 UNIFORM FAMILY LAW ARBITRATION

10 Sec.

11 7371. Short title ~~title~~ TITLE of subchapter.

<--

12 7372. Definitions.

13 7373. Scope of subchapter.

14 7374. Applicable law.

15 7375. Arbitration agreement.

16 7376. Notice of arbitration.

17 7377. Motion for judicial relief.

18 7378. Qualification and selection of arbitrator.

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7 7385. Award.
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9 7387. Correction by arbitrator of unconfirmed award.
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11 7389. Vacation, amendment or confirmation by court of
12 unconfirmed award.
13 7390. Clarification of confirmed award.
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15 7392. Modification of confirmed award or judgment.
16 7393. Enforcement of confirmed award.
17 7394. Appeal.
18 7395. Immunity of arbitrator.
19 7396. Uniformity of application and construction.
20 7397. Relation to Electronic Signatures in Global and National
21 Commerce Act.
22 7398. Transitional provision.
23 § 7371. Short title of subchapter.
24 This subchapter shall be known and may be cited as the
25 Uniform Family Law Arbitration Act.
26 § 7372. Definitions.
27 The following words and phrases when used in this subchapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:
30 "Arbitration agreement." An agreement which subjects a

1 family law dispute to arbitration.

2 "Arbitration organization." An association, agency, board,
3 commission or other entity which is neutral and initiates,
4 sponsors or administers an arbitration or is involved in the
5 selection of an arbitrator.

6 "Arbitrator." An individual selected or appointed, alone or
7 with others, to make an award in a family law dispute which is
8 subject to an arbitration agreement.

9 "Award." Any interim award, temporary order or final
10 disposition of a family law dispute by an arbitrator.

11 "Child custody dispute." A family law dispute regarding
12 legal custody, physical custody, parenting plans, parental
13 duties, relocation or supervised physical custody of a child.

14 "Child support dispute." A family law dispute regarding
15 financial support of a child.

16 "Court." A court of common pleas which has jurisdiction over
17 a family law dispute.

18 "Family law dispute." A contested issue arising under 23
19 Pa.C.S. (relating to domestic relations). The term does not
20 include an issue under section 7373(b) (relating to scope of
21 subchapter).

22 "Party." An individual who signs an arbitration agreement
23 and whose rights will be determined by an award.

24 "Person. An individual, estate, business or nonprofit
25 entity, public corporation, government or governmental
26 subdivision, agency or instrumentality or any other legal
27 entity.

28 "Protection order." An injunction or other order, issued
29 under the domestic-violence, family-violence or stalking laws of
30 the issuing jurisdiction, to prevent an individual from engaging

in a violent or threatening act against, harassment of, contact or communication with or being in physical proximity to, another individual who is a party or a child under the custodial responsibility of a party.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Sign." With present intent to authenticate or adopt a record:

(1) to execute or adopt a tangible symbol; or

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

"State." A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

§ 7373. Scope of subchapter.

(a) Coverage.--Except as set forth in subsection (b), this subchapter governs arbitration of a family law dispute.

(b) Exceptions.--This subchapter does not authorize an arbitrator to make an award which:

(1) grants a divorce or annulment;

(2) terminates parental rights;

(3) grants an adoption or a guardianship of a child or incapacitated individual; or

(4) determines the status of a child under Ch. 63 (relating to juvenile matters).

§ 7374. Applicable law.

(a) Revised Statutory Arbitration Act.--

1 (1) Subject to paragraph (2), the law applicable to
2 arbitration is Subchapter A.1 (relating to revised statutory
3 arbitration).

4 (2) If there is a conflict between Subchapter A.1 and
5 this subchapter, this subchapter controls.

6 (b) Choice of law.--In determining the merits of a family
7 law dispute, an arbitrator shall apply the law of this
8 Commonwealth, including its choice of law rules.

9 § 7375. Arbitration agreement.

10 (a) Requirements.--An arbitration agreement must:

11 (1) be in a record signed by the parties;

12 (2) identify the arbitrator, an arbitration organization
13 or a method of selecting an arbitrator; and

14 (3) identify the family law dispute the parties intend
15 to arbitrate.

16 (b) Effect.--Except as set forth in subsection (c), an
17 agreement in a record to arbitrate a family law dispute which
18 arises between the parties is:

19 (1) valid and enforceable as any other contract; and

20 (2) irrevocable, except on a ground that exists at law
21 or in equity for the revocation of a contract.

22 (c) Unenforceable agreements.--An agreement to arbitrate a
23 child custody dispute or child support dispute, which arises
24 between the parties after the agreement is made is unenforceable
25 unless:

26 (1) the parties affirm the agreement in a record after
27 the child custody dispute or child support dispute arises; or

28 (2) the agreement was entered during a family law
29 proceeding, and the court approved or incorporated the
30 agreement in an order issued in the proceeding.

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

6 § 7376. Notice of arbitration.

7 A party must initiate arbitration by giving notice to
8 arbitrate to the other party:

9 (1) in the manner specified in the arbitration
10 agreement; or

11 (2) in the absence of a specified manner, under section
12 7321.3 (relating to notice).

13 § 7377. Motion for judicial relief.

14 (a) Forum.--A motion for judicial relief under this
15 subchapter must be made to:

16 (1) the court in which a proceeding is pending involving
17 a family law dispute subject to arbitration; or

18 (2) if no proceeding is pending, a court with
19 jurisdiction over the parties and the subject matter.

20 (b) Compulsion.--On motion of a party, the court may compel
21 arbitration if the parties have entered into an arbitration
22 agreement which complies with section 7375 (relating to
23 arbitration agreement) unless the court determines under section
24 7382 (relating to protection of party or child) that the
25 arbitration should not proceed.

26 (c) Termination.--On motion of a party, the court shall
27 terminate arbitration if it determines that:

28 (1) the agreement to arbitrate is unenforceable;

29 (2) the family law dispute is not subject to
30 arbitration; or

1 (3) under section 7382 the arbitration should not
2 proceed.

3 (d) Consolidation.--Unless prohibited by an arbitration
4 agreement, on motion of a party, the court may order
5 consolidation of separate arbitrations involving the same
6 parties and a common issue of law or fact if consolidation is
7 necessary for the fair and expeditious resolution of the family
8 law dispute.

9 § 7378. Qualification and selection of arbitrator.

10 ~~(a) Qualifications. Except as set forth in subsection (b), <--~~
11 ~~unless waived in a record by the parties, an arbitrator must be:~~

12 ~~(1) an attorney at law who is trained in domestic~~
13 ~~violence and child abuse;~~

14 ~~(2) a former attorney at law on inactive status who is~~
15 ~~trained in domestic violence and child abuse; or~~

16 ~~(3) a senior judge who is trained in domestic violence~~
17 ~~and child abuse.~~

18 ~~(A) QUALIFICATIONS.--EXCEPT AS SET FORTH IN SUBSECTION (B) <--~~
19 ~~AND UNLESS WAIVED IN A RECORD BY THE PARTIES, AN ARBITRATOR~~
20 ~~MUST:~~

21 ~~(1) BE AN ATTORNEY AT LAW, A FORMER ATTORNEY AT LAW ON~~
22 ~~INACTIVE STATUS OR A SENIOR JUDGE; AND~~

23 ~~(2) HAVE SUCCESSFULLY COMPLETED A COMBINED FIVE HOURS OF~~
24 ~~INSTRUCTION, APPROVED BY THE PENNSYLVANIA SUPREME COURT~~
25 ~~CONTINUING LEGAL EDUCATION BOARD, IN DOMESTIC VIOLENCE AND~~
26 ~~CHILD ABUSE.~~

27 (b) Arbitration agreement.--The identification in the
28 arbitration agreement of an arbitrator, arbitration organization
29 or method of selection of the arbitrator controls.

30 (c) Court selection.--If an arbitrator is unable or

1 unwilling to act or if the agreed-on method of selecting an
2 arbitrator fails, on motion of a party, the court shall select
3 an arbitrator.

4 § 7379. Disclosure by arbitrator and disqualification.

5 (a) Initial obligation.--Before agreeing to serve as an
6 arbitrator, an individual, after making reasonable inquiry,
7 shall disclose to all parties any known fact a reasonable person
8 would believe is likely to affect:

9 (1) the impartiality of the arbitrator in the
10 arbitration, including:

11 (i) bias;

12 (ii) a financial or personal interest in the outcome
13 of the arbitration; or

14 (iii) an existing or past relationship with a party,
15 attorney representing a party or witness; or

16 (2) the arbitrator's ability to make a timely award.

17 (b) Continuing obligation.--An arbitrator, the parties and
18 the attorneys representing the parties have a continuing
19 obligation to disclose to all parties any known fact a
20 reasonable person would believe is likely to affect the
21 impartiality of the arbitrator or the arbitrator's ability to
22 make a timely award.

23 (c) Objection.--An objection to the selection or continued
24 service of an arbitrator and a motion for a stay of arbitration
25 and disqualification of the arbitrator must be made under
26 section 7377 (relating to motion for judicial relief).

27 (d) Failure to disclose.--If a disclosure required by
28 subsection (a)(1) or (b) is not made, the court may:

29 (1) on motion of a party not later than 15 days after
30 the failure to disclose is known or, by the exercise of

1 reasonable care, should be known by the party, suspend the
2 arbitration;

3 (2) on timely motion of a party, vacate an award under
4 section 7389(a)(2) (relating to vacation, amendment or
5 confirmation by court of unconfirmed award); or

6 (3) if an award has been confirmed, grant other
7 appropriate relief under law of this Commonwealth other than
8 this subchapter.

9 (e) Replacing arbitrator.--If the parties agree to discharge
10 an arbitrator or the arbitrator is disqualified, the parties by
11 agreement may select a new arbitrator or request the court to
12 select another arbitrator under section 7378 (relating to
13 qualification and selection of arbitrator).

14 § 7380. Party participation.

15 (a) Representation.--A party may:

16 (1) be represented in an arbitration by counsel;

17 (2) be accompanied by an individual who will not be
18 called as a witness or act as an advocate; and

19 (3) participate in the arbitration to the full extent
20 permitted under sections 7321.16 (relating to arbitration
21 process) and 7383 (relating to powers and duties of
22 arbitrator).

23 (b) Ex-parte communications.--A party or representative of a
24 party may not communicate ex parte with the arbitrator except to
25 the extent allowed in a family law proceeding for communication
26 with a judge.

27 § 7381. Temporary order or award.

28 (a) Before selection of arbitrator.--Before an arbitrator is
29 selected and able to act, on motion of a party, the court may
30 enter a temporary order under 23 Pa.C.S. (relating to domestic

relations) and the applicable Pennsylvania Rules of Civil
Procedure.

(b) After selection of arbitrator.--After an arbitrator is
selected:

(1) the arbitrator may make a temporary award under 23
Pa.C.S. and the applicable Pennsylvania Rules of Civil
Procedure; and

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

(c) Modification.--On motion of a party, before the court
confirms a final award, the court, under section 7386 (relating
to confirmation of award), 7388 (relating to correction or
confirmation by court of unconfirmed award) or 7389 (relating to
vacation, amendment or confirmation by court of unconfirmed
award), may confirm, correct, vacate or amend a temporary award
made under subsection (b) (1).

(d) Enforcement.--On motion of a party, the court may
enforce a subpoena or interim award issued by an arbitrator for
the fair and expeditious disposition of the arbitration.

§ 7382. Protection of party or child.

(a) (Reserved).

(b) Stay.--

(1) This subsection applies if all of the following
subparagraphs apply:

(i) All parties are not represented.

(ii) Any of the following clauses apply:

(A) A party is subject to a protection order.

(B) The arbitrator determines there is a
reasonable basis to believe A PARTY IS THE VICTIM OF <--

1 DOMESTIC VIOLENCE OR a party's safety or ability to
2 participate effectively in arbitration is OTHERWISE <--
3 at risk.

4 (2) If paragraph (1) applies, the arbitrator shall stay
5 the arbitration and refer the parties to court. The
6 arbitration may not proceed unless the party at risk affirms
7 the arbitration agreement in a record and the court
8 determines:

9 (i) the affirmation is informed and voluntary;

10 (ii) arbitration is not inconsistent with the
11 protection order; and

12 (iii) reasonable procedures are in place to protect
13 the party from risk of harm, harassment or intimidation.

14 (c) Termination.--If all parties are not represented under <--
15 section 7380(a)(1) (relating to party participation) and the
16 arbitrator determines that there is a reasonable basis to
17 believe a child who is the subject of a child custody dispute is
18 abused or neglected, the arbitrator shall terminate the
19 arbitration of the child custody dispute and report the abuse or
20 neglect to the court AND THE STATEWIDE TOLL-FREE TELEPHONE <--
21 NUMBER ESTABLISHED UNDER 23 PA.C.S. § 6332 (RELATING TO
22 ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER) or to
23 another appropriate authority.

24 (d) Temporary protection.--An arbitrator may make a
25 temporary award to protect a party or child from harm,
26 harassment or intimidation.

27 (e) Judicial review.--On motion of a party, the court may
28 stay arbitration and review a determination or temporary award
29 under this section.

30 (f) Other law applicable.--This section supplements remedies

available under law of this Commonwealth other than this
subchapter for the protection of victims of domestic violence,
family violence, stalking, harassment and similar abuse.
§ 7383. Powers and duties of arbitrator.

(a) Fairness and expediency.--An arbitrator shall conduct an
arbitration in a manner the arbitrator considers appropriate for
a fair and expeditious disposition of the family law dispute.

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

(c) Powers.--Unless the parties otherwise agree in a record,
an arbitrator may:

(1) select the rules for conducting the arbitration;

(2) hold a conference with the parties before a hearing;

(3) determine the date, time and place of a hearing;

(4) require a party to provide:

(i) a copy of a relevant court order;

(ii) information required to be disclosed in a
family law proceeding under 23 Pa.C.S. (relating to
domestic relations) and the applicable Pennsylvania Rules
of Civil Procedure; and

(iii) a proposed award which addresses each issue in
arbitration;

(5) interview a child who is the subject of a child
custody dispute;

(6) appoint a private expert at the expense of the
parties;

(7) administer an oath or affirmation and issue a
subpoena for the attendance of a witness or the production of
documents and other evidence at a hearing;

1 (8) permit and compel discovery concerning the family
2 law dispute and determine the date, time and place of
3 discovery;

4 (9) determine the admissibility and weight of evidence;

5 (10) permit deposition of a witness for use as evidence
6 at a hearing;

7 (11) for good cause, prohibit a party from disclosing
8 information;

9 (12) appoint an attorney, guardian ad litem or other
10 representative for a child at the expense of the parties;

11 (13) impose a procedure to protect a party or child from
12 risk of harm, harassment or intimidation;

13 (14) allocate arbitration fees, attorney fees, expert
14 witness fees and other costs to the parties; and

15 (15) impose a sanction on a party for bad faith or
16 misconduct during the arbitration according to standards
17 governing imposition of a sanction for litigant misconduct in
18 a family law proceeding.

19 (d) Ex-parte communications.--An arbitrator may not allow ex
20 parte communication except to the extent allowed in a family law
21 proceeding for communication with a judge.

22 § 7384. Recording of hearing.

23 An arbitration hearing need not be recorded unless required
24 by the arbitrator, provided by the arbitration agreement or
25 requested by a party.

26 § 7385. Award.

27 (a) Manner.--An arbitrator shall make an award in a record,
28 dated and signed by the arbitrator. The arbitrator shall give
29 notice of the award to each party by a method agreed on by the
30 parties or, if the parties have not agreed on a method, under

1 section 7321.3 (relating to notice).

2 (b) Rationale.--

3 (1) Except as set forth in paragraph (2), the arbitrator
4 shall make written findings explaining an award.

5 (2) Except as set forth in subsection (c), the parties,
6 by agreement, may stipulate that paragraph (1) does not
7 apply.

8 (c) Child custody or support.--Notwithstanding subsection
9 (b) (2), for an award determining a child custody dispute or a
10 child support dispute, the arbitrator shall state the reasons on
11 which the award is based as required by 23 Pa.C.S. (relating to
12 domestic relations).

13 (d) Confirmation required.--An award is not enforceable as a
14 judgment until confirmed under section 7386 (relating to
15 confirmation of award).

16 § 7386. Confirmation of award.

17 (a) Motion.--After an arbitrator gives notice under section
18 7385(a) (relating to award) or makes a correction under section
19 7387 (relating to correction by arbitrator of unconfirmed
20 award), a party may move the court for an order confirming the
21 award or, when applicable, entry of the divorce decree
22 incorporating the award.

23 (b) Grounds.--Except as set forth in subsection (c), the
24 court shall confirm an award if any of the following paragraphs
25 apply:

26 (1) The parties agree in a record to confirmation.

27 (2) All of the following apply:

28 (i) The time period under section 7388 (relating to
29 correction or confirmation by court of unconfirmed award)
30 has expired, and no motion is pending under section 7388.

1 (ii) The time period under section 7389(e) (relating
2 to vacation, amendment or confirmation by court of
3 unconfirmed award) has expired, and no motion is pending
4 under section 7389.

5 (c) Child custody or child support.--If an award determines
6 a child custody dispute or a child support dispute, the court
7 shall confirm the award under subsection (b) if the court finds,
8 after a review of the record if necessary, that the award on its
9 face:

10 (1) complies with section 7385 and 23 Pa.C.S. (relating
11 to domestic relations); and

12 (2) is in the best interests of the child.

13 (d) Effect.--On confirmation, an award is enforceable as a
14 judgment.

15 (e) Confidentiality.--Unless the parties otherwise agree,
16 the arbitration proceedings and the arbitration award are
17 confidential. If either party includes, in the motion under
18 subsection (a), a request that the arbitration award be filed
19 under seal, the court shall file the award under seal.

20 § 7387. Correction by arbitrator of unconfirmed award.

21 On motion of a party made not later than 20 days after an
22 arbitrator gives notice under section 7385(a) (relating to
23 award), the arbitrator may correct the award:

24 (1) if the award has an evident mathematical
25 miscalculation or an evident mistake in the description of a
26 person, thing or property;

27 (2) (Reserved); or

28 (3) to clarify the award.

29 § 7388. Correction or confirmation by court of unconfirmed
30 award.

1 (a) Grounds.--On motion of a party made not later than 30
2 days after an arbitrator gives notice under section 7385(a)
3 (relating to award) or makes a correction under section 7387
4 (relating to correction by arbitrator of unconfirmed award), the
5 court shall correct the award if:

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

9 (2) (Reserved); or

10 (3) the arbitrator made an award on a family law dispute
11 not submitted to the arbitrator, and the award may be
12 corrected without affecting the merits of the issues
13 submitted.

14 (b) Joinder.--A motion under this section to correct an
15 award may be joined with a motion to vacate or amend the award
16 under section 7389 (relating to vacation, amendment or
17 confirmation by court of unconfirmed award).

18 (c) Confirmation.--Unless a motion under section 7389 is
19 pending, the court may confirm a corrected award under section
20 7386 (relating to confirmation of award).

21 § 7389. Vacation, amendment or confirmation by court of
22 unconfirmed award.

23 (a) Grounds for amendment.--Subject to subsection (b), on
24 motion of a party, the court shall vacate an unconfirmed award
25 if the moving party establishes that:

26 (1) the award was procured by corruption, fraud or other
27 undue means;

28 (2) there was:

29 (i) evident partiality by the arbitrator;

30 (ii) corruption by the arbitrator; or

1 (iii) misconduct by the arbitrator substantially
2 prejudicing the rights of a party;

3 (3) the arbitrator refused to postpone a hearing on
4 showing of sufficient cause for postponement, refused to
5 consider evidence material to the controversy or otherwise
6 conducted the hearing contrary to section 7383 (relating to
7 powers and duties of arbitrator), so as to prejudice
8 substantially the rights of a party;

9 (4) the arbitrator exceeded the arbitrator's powers;

10 (5) no arbitration agreement exists, unless the moving
11 party participated in the arbitration without making a motion
12 under section 7377 (relating to motion for judicial relief)
13 not later than the beginning of the first arbitration
14 hearing; or

15 (6) the arbitration was conducted without proper notice
16 under section 7376 (relating to notice of arbitration), so as
17 to prejudice substantially the rights of a party.

18 (b) Child custody or child support.--Subject to subsection
19 (c), on motion of a party, the court shall vacate an unconfirmed
20 award which determines a child custody dispute or a child
21 support dispute if the moving party establishes that:

22 (1) the award:

23 (i) does not comply with section 7385 (relating to
24 award) or 23 Pa.C.S. (relating to domestic relations); or

25 (ii) is contrary to the best interests of the child;

26 (2) the statement of reasons in the award is inadequate
27 for the court to review the award; or

28 (3) a ground for vacating the award under subsection (a)
29 exists.

30 (c) Grounds for amendment.--If an award is subject to

1 vacation under subsection (b)(1), on motion of a party, the
2 court may amend the award, if amending rather than vacating is
3 in the best interests of the child.

4 (d) Standard of review.--The court may determine a motion
5 under subsection (b) or (c):

6 (1) based on the record of the arbitration hearing, if
7 it was recorded, and facts occurring after the hearing; or

8 (2) if there is no record, de novo.

9 (e) Time.--A motion under this section to vacate or amend an
10 award must be filed not later than 30 days:

11 (1) except as set forth in paragraph (2), after an
12 arbitrator gives notice under section 7385(a) or makes a
13 correction under section 7387 (relating to correction by
14 arbitrator of unconfirmed award); or

15 (2) for a motion under subsection (a)(1), the ground of
16 corruption, fraud or other undue means is known or, by the
17 exercise of reasonable care, should be known to the party
18 filing the motion.

19 (f) Rehearing.--If the court under this section vacates an
20 award for a reason other than the absence of an enforceable
21 arbitration agreement, the court may order a rehearing before an
22 arbitrator. The rehearing shall be before another arbitrator if
23 the reason for vacating the award is that:

24 (1) the award was procured by corruption, fraud or other
25 undue means; or

26 (2) there was evident partiality, corruption or
27 misconduct by the arbitrator.

28 (g) Confirmation.--If the court under this section denies a
29 motion to vacate or amend an award, unless a motion is pending
30 under section 7388 (relating to correction or confirmation by

court of unconfirmed award), the court may confirm the award
under section 7386 (relating to confirmation of award).
§ 7390. Clarification of confirmed award.

If the meaning or effect of an award confirmed under section
7386 (relating to confirmation of award) is in dispute, the
parties may:

(1) agree to arbitrate the family law dispute before the
original arbitrator or another arbitrator; or

(2) proceed under Subchapter C of Chapter 75 (relating
to declaratory judgments) and Pa.R.C.P. Ch. 1600 (relating to
action for declaratory judgments).

§ 7391. Judgment on award.

(a) Entry.--On granting an order confirming, vacating
without directing a rehearing or amending an award under this
subchapter, the court shall enter judgment in conformity with
the order.

(b) Sealing and redaction.--On motion of a party, the court
shall order that a document or part of the arbitration record be
sealed or redacted to prevent public disclosure of all or part
of the record or award.

§ 7392. Modification of confirmed award or judgment.

If a party requests under law of this Commonwealth other than
this subchapter modification of an award confirmed under section
7386 (relating to confirmation of award) or of a judgment on an
award, based on a fact occurring after confirmation:

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

(2) if the award or judgment does not specify a dispute-
resolution method, the parties may:

(i) agree to arbitrate the modification before the

original arbitrator or another arbitrator; or
(ii) absent agreement proceed under 23 Pa.C.S.
(relating to domestic relations) and the applicable
Pennsylvania Rules of Civil Procedure.

§ 7393. Enforcement of confirmed award.

(a) This Commonwealth.--A court shall enforce an award
confirmed under section 7386 (relating to confirmation of
award), including a temporary award, in the manner and to the
same extent as any other order or judgment of a court.

(b) Other states.--A court shall enforce an arbitration
award in a family law dispute confirmed by a court in another
state in the manner and to the same extent as any other order or
judgment from another state.

§ 7394. Appeal.

(a) Matters.--An appeal may be taken under this subchapter
from:

(1) an order granting or denying a motion to compel
arbitration;

(2) an order granting or denying a motion to stay
arbitration;

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

(4) an order correcting an award;

(5) an order vacating an award without directing a
rehearing; and

(6) a final judgment.

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

§ 7395. Immunity of arbitrator.

(a) Civil liability.--An arbitrator or arbitration

organization acting in that capacity in a family law dispute is
immune from civil liability to the same extent as a judge of a
court of this Commonwealth acting in a judicial capacity.

(b) Sovereign immunity.--The immunity provided by this
section supplements immunity under:

(1) 1 Pa.C.S. § 2310 (relating to sovereign immunity
reaffirmed; specific waiver); and

(2) Subchapter B of Chapter 85 (relating to actions
against Commonwealth parties).

(c) Nondisclosure.--An arbitrator's failure to make a
disclosure under section 7379 (relating to disclosure by
arbitrator and disqualification) does not cause the arbitrator
to lose immunity under this section.

(d) Testimony.--

(1) Except as set forth in paragraph (2), an arbitrator
is not competent to testify, and may not be required to
produce records, in a judicial, administrative or similar
proceeding about a statement, conduct, decision or ruling
occurring during an arbitration, to the same extent as a
judge of a court of this Commonwealth acting in a judicial
capacity.

(2) This subsection does not apply:

(i) to the extent disclosure is necessary to
determine a claim by the arbitrator or arbitration
organization against a party to the arbitration; or

(ii) to a hearing on a motion under section 7389(a)
(1) or (2) (relating to vacation, amendment or
confirmation by court of unconfirmed award) if there is
prima facie evidence that a ground for vacating the award
exists.

1 (e) Attorney fees and costs.--If a person commences a civil
2 action against an arbitrator arising from the services of the
3 arbitrator or seeks to compel the arbitrator to testify or
4 produce records in violation of subsection (d) and the court
5 determines that the arbitrator is immune from civil liability or
6 is not competent to testify or required to produce the records,
7 the court shall award the arbitrator reasonable attorney fees
8 and costs.

9 § 7396. Uniformity of application and construction.

10 In applying and construing this uniform act, consideration
11 must be given to the need to promote uniformity of the law with
12 respect to its subject matter among states that enact it.

13 § 7397. Relation to Electronic Signatures in Global and
14 National Commerce Act.

15 To the extent permitted by section 102 of the Electronic
16 Signatures in Global and National Commerce Act (Public Law 106-
17 229, 15 U.S.C. § 7002), this subchapter may supersede provisions
18 of that act.

19 § 7398. Transitional provision.

20 (a) Prospective.--This subchapter applies to arbitration of
21 a family law dispute under an arbitration agreement made on or
22 after the effective date of this section.

23 (b) Retroactive.--If an arbitration agreement was made
24 before the effective date of this section, the parties may agree
25 in a record that this subchapter applies to the arbitration.

26 Section 2. This act shall take effect in 60 days.