

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 15, 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 D9 UNIFORM FAMILY LAW ARBITRATION10 Sec.11 7371. Short 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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21 Commerce Act.
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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

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

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

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

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

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

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

18 § 7373. Scope of subchapter.

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

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

23 (1) grants a divorce or annulment;

24 (2) terminates parental rights;

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

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

29 § 7374. Applicable law.

30 (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 and unless waived in a record by the parties, an arbitrator
12 must:

13 (1) be an attorney at law, a former attorney at law on
14 inactive status or a senior judge; and

15 (2) have successfully completed a combined five hours of
16 instruction, approved by the Pennsylvania Supreme Court
17 Continuing Legal Education Board, in domestic violence and
18 child abuse.

19 (b) Arbitration agreement.--The identification in the
20 arbitration agreement of an arbitrator, arbitration organization
21 or method of selection of the arbitrator controls.

22 (c) Court selection.--If an arbitrator is unable or
23 unwilling to act or if the agreed-on method of selecting an
24 arbitrator fails, on motion of a party, the court shall select
25 an arbitrator.

26 § 7379. Disclosure by arbitrator and disqualification.

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

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

3 (i) bias;

4 (ii) a financial or personal interest in the outcome
5 of the arbitration; or

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

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

9 (b) Continuing obligation.--THE ARBITRATOR SHALL DISCLOSE, <--
10 AND PROVIDE IN WRITING TO THE PARTIES, THE AMOUNT OF INITIAL
11 FEE, ANY HOURLY RATE TO BE CHARGED, THE PROCESS FOR INVOICES AND
12 PAYMENT FOR SERVICES AND INFORMATION ON THE ARBITRATION PROCESS,
13 SPECIFICALLY INCLUDING HOW TO TERMINATE THE ARBITRATION. An
14 arbitrator, the parties and the attorneys representing the
15 parties have a continuing obligation to disclose to all parties
16 any known fact a reasonable person would believe is likely to
17 affect the impartiality of the arbitrator or the arbitrator's
18 ability to make a timely award.

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

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

25 (1) on motion of a party not later than 15 days after
26 the failure to disclose is known or, by the exercise of
27 reasonable care, should be known by the party, suspend the
28 arbitration;

29 (2) on timely motion of a party, vacate an award under
30 section 7389(a) (2) (relating to vacation, amendment or

1 confirmation by court of unconfirmed award); or

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

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

10 § 7380. Party participation.

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

12 (1) be represented in an arbitration by counsel;
13 (2) be accompanied by an individual who will not be
14 called as a witness or act as an advocate; and
15 (3) participate in the arbitration to the full extent
16 permitted under sections 7321.16 (relating to arbitration
17 process) and 7383 (relating to powers and duties of
18 arbitrator).

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

23 § 7381. Temporary order or award.

24 (a) Before selection of arbitrator.--Before an arbitrator is
25 selected and able to act, on motion of a party, the court may
26 enter a temporary order under 23 Pa.C.S. (relating to domestic
27 relations) and the applicable Pennsylvania Rules of Civil
28 Procedure.

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

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

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

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

14 (d) Enforcement.--On motion of a party, the court may
15 enforce a subpoena or interim award issued by an arbitrator for
16 the fair and expeditious disposition of the arbitration.
17 § 7382. Protection of party or child.

18 (a) (Reserved).

19 (b) Stay.--

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

22 (i) All parties are not represented.

23 (ii) Any of the following clauses apply:

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

25 (B) The arbitrator determines there is a
26 reasonable basis to believe a party is the victim of
27 domestic violence or a party's safety or ability to
28 participate effectively in arbitration is otherwise
29 at risk.

30 (2) If paragraph (1) applies, the arbitrator shall stay

1 the arbitration and refer the parties to court. The
2 arbitration may not proceed unless the party at risk affirms
3 the arbitration agreement in a record and the court
4 determines:

5 (i) the affirmation is informed and voluntary;

6 (ii) arbitration is not inconsistent with the
7 protection order; and

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

10 (c) Termination.--If the arbitrator determines that there is
11 a reasonable basis to believe a child who is the subject of a
12 child custody dispute is abused or neglected, the arbitrator
13 shall terminate the arbitration of the child custody dispute and
14 report the abuse or neglect to the court and the Statewide toll-
15 free telephone number established under 23 Pa.C.S. § 6332
16 (relating to establishment of Statewide toll-free telephone
17 number) or to another appropriate authority.

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

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

24 (f) Other law applicable.--This section supplements remedies
25 available under law of this Commonwealth other than this
26 subchapter for the protection of victims of domestic violence,
27 family violence, stalking, harassment and similar abuse.
28 § 7383. Powers and duties of arbitrator.

29 (a) Fairness and expediency.--An arbitrator shall conduct an
30 arbitration in a manner the arbitrator considers appropriate for

1 a fair and expeditious disposition of the family law dispute.

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

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

7 (1) select the rules for conducting the arbitration;

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

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

10 (4) require a party to provide:

11 (i) a copy of a relevant court order;

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

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

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

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

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

25 (8) permit and compel discovery concerning the family
26 law dispute and determine the date, time and place of
27 discovery;

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

29 (10) permit deposition of a witness for use as evidence
30 at a hearing;

1 (11) for good cause, prohibit a party from disclosing
2 information;

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

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

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

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

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

16 § 7384. Recording of hearing.

17 An arbitration hearing need not be recorded unless required
18 by the arbitrator, provided by the arbitration agreement or
19 requested by a party.

20 § 7385. Award.

21 (a) Manner.--An arbitrator shall make an award in a record,
22 dated and signed by the arbitrator. The arbitrator shall give
23 notice of the award to each party by a method agreed on by the
24 parties or, if the parties have not agreed on a method, under
25 section 7321.3 (relating to notice).

26 (b) Rationale.--

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

29 (2) Except as set forth in subsection (c), the parties,
30 by agreement, may stipulate that paragraph (1) does not

1 apply.

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

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

10 § 7386. Confirmation of award.

11 (a) Motion.--After an arbitrator gives notice under section
12 7385(a) (relating to award) or makes a correction under section
13 7387 (relating to correction by arbitrator of unconfirmed
14 award), a party may move the court for an order confirming the
15 award or, when applicable, entry of the divorce decree
16 incorporating the award.

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

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

21 (2) All of the following apply:

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

25 (ii) The time period under section 7389(e) (relating
26 to vacation, amendment or confirmation by court of
27 unconfirmed award) has expired, and no motion is pending
28 under section 7389.

29 (c) Child custody or child support.--If an award determines
30 a child custody dispute or a child support dispute, the court

1 shall confirm the award under subsection (b) if the court finds,
2 after a review of the record if necessary, that the award on its
3 face:

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

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

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

9 (e) Confidentiality.--Unless the parties otherwise agree,
10 the arbitration proceedings and the arbitration award are
11 confidential. If either party includes, in the motion under
12 subsection (a), a request that the arbitration award be filed
13 under seal, the court shall file the award under seal.

14 § 7387. Correction by arbitrator of unconfirmed award.

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

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

21 (2) (Reserved); or

22 (3) to clarify the award.

23 § 7388. Correction or confirmation by court of unconfirmed
24 award.

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

30 (1) the award has an evident mathematical miscalculation

1 or an evident mistake in the description of a person, thing
2 or property;

3 (2) (Reserved); or

4 (3) the arbitrator made an award on a family law dispute
5 not submitted to the arbitrator, and the award may be
6 corrected without affecting the merits of the issues
7 submitted.

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

12 (c) Confirmation.--Unless a motion under section 7389 is
13 pending, the court may confirm a corrected award under section
14 7386 (relating to confirmation of award).

15 § 7389. Vacation, amendment or confirmation by court of
16 unconfirmed award.

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

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

22 (2) there was:

23 (i) evident partiality by the arbitrator;

24 (ii) corruption by the arbitrator; or

25 (iii) misconduct by the arbitrator substantially
26 prejudicing the rights of a party;

27 (3) the arbitrator refused to postpone a hearing on
28 showing of sufficient cause for postponement, refused to
29 consider evidence material to the controversy or otherwise
30 conducted the hearing contrary to section 7383 (relating to

powers and duties of arbitrator), so as to prejudice
substantially the rights of a party;

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

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

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

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

(1) the award:

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

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

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

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

(c) Grounds for amendment.--If an award is subject to
vacation under subsection (b)(1), on motion of a party, the
court may amend the award, if amending rather than vacating is
in the best interests of the child.

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

(1) based on the record of the arbitration hearing, if

1 it was recorded, and facts occurring after the hearing; or

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

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

5 (1) except as set forth in paragraph (2), after an
6 arbitrator gives notice under section 7385(a) or makes a
7 correction under section 7387 (relating to correction by
8 arbitrator of unconfirmed award); or

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

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

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

20 (2) there was evident partiality, corruption or
21 misconduct by the arbitrator.

22 (g) Confirmation.--If the court under this section denies a
23 motion to vacate or amend an award, unless a motion is pending
24 under section 7388 (relating to correction or confirmation by
25 court of unconfirmed award), the court may confirm the award
26 under section 7386 (relating to confirmation of award).

27 § 7390. Clarification of confirmed award.

28 If the meaning or effect of an award confirmed under section
29 7386 (relating to confirmation of award) is in dispute, the
30 parties may:

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

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

6 § 7391. Judgment on award.

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

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

15 § 7392. Modification of confirmed award or judgment.

16 If a party requests under law of this Commonwealth other than
17 this subchapter modification of an award confirmed under section
18 7386 (relating to confirmation of award) or of a judgment on an
19 award, based on a fact occurring after confirmation:

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

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

24 (i) agree to arbitrate the modification before the
25 original arbitrator or another arbitrator; or

26 (ii) absent agreement proceed under 23 Pa.C.S.
27 (relating to domestic relations) and the applicable
28 Pennsylvania Rules of Civil Procedure.

29 § 7393. Enforcement of confirmed award.

30 (a) This Commonwealth.--A court shall enforce an award

1 confirmed under section 7386 (relating to confirmation of
2 award), including a temporary award, in the manner and to the
3 same extent as any other order or judgment of a court.

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

8 § 7394. Appeal.

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

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

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

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

17 (4) an order correcting an award;

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

20 (6) a final judgment.

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

23 § 7395. Immunity of arbitrator.

24 (a) Civil liability.--An arbitrator or arbitration
25 organization acting in that capacity in a family law dispute is
26 immune from civil liability to the same extent as a judge of a
27 court of this Commonwealth acting in a judicial capacity.

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

30 (1) 1 Pa.C.S. § 2310 (relating to sovereign immunity

1 reaffirmed; specific waiver); and

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

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

8 (d) Testimony.--

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

16 (2) This subsection does not apply:

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

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

25 (e) Attorney fees and costs.--If a person commences a civil
26 action against an arbitrator arising from the services of the
27 arbitrator or seeks to compel the arbitrator to testify or
28 produce records in violation of subsection (d) and the court
29 determines that the arbitrator is immune from civil liability or
30 is not competent to testify or required to produce the records,

1 the court shall award the arbitrator reasonable attorney fees
2 and costs.

3 § 7396. Uniformity of application and construction.

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

7 § 7397. Relation to Electronic Signatures in Global and
8 National Commerce Act.

9 To the extent permitted by section 102 of the Electronic
10 Signatures in Global and National Commerce Act (Public Law 106-
11 229, 15 U.S.C. § 7002), this subchapter may supersede provisions
12 of that act.

13 § 7398. Transitional provision.

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

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

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