
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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INTRODUCED BY KLUNK, R. BROWN, KAUFFMAN, KNOWLES, MILLARD,
PICKETT, RYAN, SCHEMEL AND STEPHENS, MAY 10, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MAY 10, 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 of subchapter.

12 7372. Definitions.

13 7373. Scope of subchapter.

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2 7380. Party participation.
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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.
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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

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

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

25 § 7379. Disclosure by arbitrator and disqualification.

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

30 (1) the impartiality of the arbitrator in the

1 arbitration, including:

2 (i) bias;

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

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

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

8 (b) Continuing obligation.--An arbitrator, the parties and
9 the attorneys representing the parties have a continuing
10 obligation to disclose to all parties any known fact a
11 reasonable person would believe is likely to affect the
12 impartiality of the arbitrator or the arbitrator's ability to
13 make a timely award.

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

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

20 (1) on motion of a party not later than 15 days after
21 the failure to disclose is known or, by the exercise of
22 reasonable care, should be known by the party, suspend the
23 arbitration;

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

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

30 (e) Replacing arbitrator.--If the parties agree to discharge

1 an arbitrator or the arbitrator is disqualified, the parties by
2 agreement may select a new arbitrator or request the court to
3 select another arbitrator under section 7378 (relating to
4 qualification and selection of arbitrator).

5 § 7380. Party participation.

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

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

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

10 (3) participate in the arbitration to the full extent
11 permitted under sections 7321.16 (relating to arbitration
12 process) and 7383 (relating to powers and duties of
13 arbitrator).

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

18 § 7381. Temporary order or award.

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

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

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

29 (2) if the matter is urgent and the arbitrator is not
30 able to act in a timely manner or provide an adequate remedy,

1 on motion of a party, the court may enter a temporary order.

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

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

12 § 7382. Protection of party or child.

13 (a) (Reserved).

14 (b) Stay.--

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

17 (i) All parties are not represented.

18 (ii) Any of the following clauses apply:

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

20 (B) The arbitrator determines there is a
21 reasonable basis to believe a party's safety or
22 ability to participate effectively in arbitration is
23 at risk.

24 (2) If paragraph (1) applies, the arbitrator shall stay
25 the arbitration and refer the parties to court. The
26 arbitration may not proceed unless the party at risk affirms
27 the arbitration agreement in a record and the court
28 determines:

29 (i) the affirmation is informed and voluntary;

30 (ii) arbitration is not inconsistent with the

1 protection order; and

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

4 (c) Termination.--If all parties are not represented under
5 section 7380(a)(1) (relating to party participation) and the
6 arbitrator determines that there is a reasonable basis to
7 believe a child who is the subject of a child custody dispute is
8 abused or neglected, the arbitrator shall terminate the
9 arbitration of the child custody dispute and report the abuse or
10 neglect to the court or to another appropriate authority.

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

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

17 (f) Other law applicable.--This section supplements remedies
18 available under law of this Commonwealth other than this
19 subchapter for the protection of victims of domestic violence,
20 family violence, stalking, harassment and similar abuse.

21 § 7383. Powers and duties of arbitrator.

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

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

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

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

- 1 (2) hold a conference with the parties before a hearing;
2 (3) determine the date, time and place of a hearing;
3 (4) require a party to provide:
4 (i) a copy of a relevant court order;
5 (ii) information required to be disclosed in a
6 family law proceeding under 23 Pa.C.S. (relating to
7 domestic relations) and the applicable Pennsylvania Rules
8 of Civil Procedure; and
9 (iii) a proposed award which addresses each issue in
10 arbitration;
11 (5) interview a child who is the subject of a child
12 custody dispute;
13 (6) appoint a private expert at the expense of the
14 parties;
15 (7) administer an oath or affirmation and issue a
16 subpoena for the attendance of a witness or the production of
17 documents and other evidence at a hearing;
18 (8) permit and compel discovery concerning the family
19 law dispute and determine the date, time and place of
20 discovery;
21 (9) determine the admissibility and weight of evidence;
22 (10) permit deposition of a witness for use as evidence
23 at a hearing;
24 (11) for good cause, prohibit a party from disclosing
25 information;
26 (12) appoint an attorney, guardian ad litem or other
27 representative for a child at the expense of the parties;
28 (13) impose a procedure to protect a party or child from
29 risk of harm, harassment or intimidation;
30 (14) allocate arbitration fees, attorney fees, expert

1 witness fees and other costs to the parties; and

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

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

9 § 7384. Recording of hearing.

10 An arbitration hearing need not be recorded unless required
11 by the arbitrator, provided by the arbitration agreement or
12 requested by a party.

13 § 7385. Award.

14 (a) Manner.--An arbitrator shall make an award in a record,
15 dated and signed by the arbitrator. The arbitrator shall give
16 notice of the award to each party by a method agreed on by the
17 parties or, if the parties have not agreed on a method, under
18 section 7321.3 (relating to notice).

19 (b) Rationale.--

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

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

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

30 (d) Confirmation required.--An award is not enforceable as a

1 judgment until confirmed under section 7386 (relating to
2 confirmation of award).

3 § 7386. Confirmation of award.

4 (a) Motion.--After an arbitrator gives notice under section
5 7385(a) (relating to award) or makes a correction under section
6 7387 (relating to correction by arbitrator of unconfirmed
7 award), a party may move the court for an order confirming the
8 award or, when applicable, entry of the divorce decree
9 incorporating the award.

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

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

14 (2) All of the following apply:

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

18 (ii) The time period under section 7389(e) (relating
19 to vacation, amendment or confirmation by court of
20 unconfirmed award) has expired, and no motion is pending
21 under section 7389.

22 (c) Child custody or child support.--If an award determines
23 a child custody dispute or a child support dispute, the court
24 shall confirm the award under subsection (b) if the court finds,
25 after a review of the record if necessary, that the award on its
26 face:

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

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

30 (d) Effect.--On confirmation, an award is enforceable as a

1 judgment.

2 (e) Confidentiality.--Unless the parties otherwise agree,
3 the arbitration proceedings and the arbitration award are
4 confidential. If either party includes, in the motion under
5 subsection (a), a request that the arbitration award be filed
6 under seal, the court shall file the award under seal.

7 § 7387. Correction by arbitrator of unconfirmed award.

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

11 (1) if the award has an evident mathematical
12 miscalculation or an evident mistake in the description of a
13 person, thing or property;

14 (2) (Reserved); or

15 (3) to clarify the award.

16 § 7388. Correction or confirmation by court of unconfirmed
17 award.

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

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

26 (2) (Reserved); or

27 (3) the arbitrator made an award on a family law dispute
28 not submitted to the arbitrator, and the award may be
29 corrected without affecting the merits of the issues
30 submitted.

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

5 (c) Confirmation.--Unless a motion under section 7389 is
6 pending, the court may confirm a corrected award under section
7 7386 (relating to confirmation of award).

8 § 7389. Vacation, amendment or confirmation by court of
9 unconfirmed award.

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

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

15 (2) there was:

16 (i) evident partiality by the arbitrator;

17 (ii) corruption by the arbitrator; or

18 (iii) misconduct by the arbitrator substantially
19 prejudicing the rights of a party;

20 (3) the arbitrator refused to postpone a hearing on
21 showing of sufficient cause for postponement, refused to
22 consider evidence material to the controversy or otherwise
23 conducted the hearing contrary to section 7383 (relating to
24 powers and duties of arbitrator), so as to prejudice
25 substantially the rights of a party;

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

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

1 hearing; or

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

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

9 (1) the award:

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

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

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

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

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

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

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

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

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

28 (1) except as set forth in paragraph (2), after an
29 arbitrator gives notice under section 7385(a) or makes a
30 correction under section 7387 (relating to correction by

1 arbitrator of unconfirmed award); or

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

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

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

13 (2) there was evident partiality, corruption or
14 misconduct by the arbitrator.

15 (g) Confirmation.--If the court under this section denies a
16 motion to vacate or amend an award, unless a motion is pending
17 under section 7388 (relating to correction or confirmation by
18 court of unconfirmed award), the court may confirm the award
19 under section 7386 (relating to confirmation of award).

20 § 7390. Clarification of confirmed award.

21 If the meaning or effect of an award confirmed under section
22 7386 (relating to confirmation of award) is in dispute, the
23 parties may:

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

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

29 § 7391. Judgment on award.

30 (a) Entry.--On granting an order confirming, vacating

1 without directing a rehearing or amending an award under this
2 subchapter, the court shall enter judgment in conformity with
3 the order.

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

8 § 7392. Modification of confirmed award or judgment.

9 If a party requests under law of this Commonwealth other than
10 this subchapter modification of an award confirmed under section
11 7386 (relating to confirmation of award) or of a judgment on an
12 award, based on a fact occurring after confirmation:

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

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

17 (i) agree to arbitrate the modification before the
18 original arbitrator or another arbitrator; or

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

22 § 7393. Enforcement of confirmed award.

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

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

1 § 7394. Appeal.

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

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

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

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

10 (4) an order correcting an award;

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

13 (6) a final judgment.

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

16 § 7395. Immunity of arbitrator.

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

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

23 (1) 1 Pa.C.S. § 2310 (relating to sovereign immunity
24 reaffirmed; specific waiver); and

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

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

1 (d) Testimony.--

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

9 (2) This subsection does not apply:

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

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

18 (e) Attorney fees and costs.--If a person commences a civil
19 action against an arbitrator arising from the services of the
20 arbitrator or seeks to compel the arbitrator to testify or
21 produce records in violation of subsection (d) and the court
22 determines that the arbitrator is immune from civil liability or
23 is not competent to testify or required to produce the records,
24 the court shall award the arbitrator reasonable attorney fees
25 and costs.

26 § 7396. Uniformity of application and construction.

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

30 § 7397. Relation to Electronic Signatures in Global and

1 National Commerce Act.

2 To the extent permitted by section 102 of the Electronic
3 Signatures in Global and National Commerce Act (Public Law 106-
4 229, 15 U.S.C. § 7002), this subchapter may supersede provisions
5 of that act.

6 § 7398. Transitional provision.

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

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

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