

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 917 Session of 2023

INTRODUCED BY SHUSTERMAN, T. DAVIS, MADDEN, CEPEDA-FREYTIZ, ROZZI, HILL-EVANS, SANCHEZ, KINSEY, BOROWSKI, BRENNAN, HANBIDGE, PIELLI, WARREN, KLUNK, WEBSTER, TAKAC, HADDOCK AND GREEN, APRIL 17, 2023

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 8, 2024

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.

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12 7372. Definitions.

13 7373. Scope of subchapter.

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22 Commerce Act.
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24 § 7371. Short title of subchapter.
25 This subchapter shall be known and may be cited as the
26 Uniform Family Law Arbitration Act.
27 § 7372. Definitions.
28 The following words and phrases when used in this subchapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Arbitration agreement." An agreement which subjects a
2 family law dispute to arbitration.

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

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

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

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

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

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

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

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

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

29 "Protection order." An injunction or other order, issued
30 under the domestic-violence, family-violence or stalking laws of

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

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

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

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

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

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

19 § 7373. Scope of subchapter.

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

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

24 (1) grants a divorce or annulment;

25 (2) terminates parental rights;

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

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

30 § 7374. Applicable law.

1 (a) Revised Statutory Arbitration Act.--

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

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

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

10 § 7375. Arbitration agreement.

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

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

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

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

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

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

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

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

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

29 (2) the agreement was entered during a family law
30 proceeding, and the court approved or incorporated the

1 agreement in an order issued in the proceeding.

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

7 § 7376. Notice of arbitration.

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

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

12 (2) in the absence of a specified manner, under section
13 7321.3 (relating to notice).

14 § 7377. Motion for judicial relief.

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

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

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

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

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

29 (1) the agreement to arbitrate is unenforceable;

30 (2) the family law dispute is not subject to

1 arbitration; or

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

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

10 § 7378. Qualification and selection of arbitrator.

11 (a) Qualifications.--Except as set forth in subsection (b)
12 and unless waived in a record by the parties, an arbitrator
13 must:

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

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

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

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

27 § 7379. Disclosure by arbitrator and disqualification.

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

1 would believe is likely to affect:

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

4 (i) bias;

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

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

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

10 (b) Continuing obligation.--The arbitrator shall disclose,
11 and provide in writing to the parties, the amount of initial
12 fee, any hourly rate to be charged, the process for invoices and
13 payment for services and information on the arbitration process,
14 specifically including how to terminate the arbitration. An
15 arbitrator, the parties and the attorneys representing the
16 parties have a continuing obligation to disclose to all parties
17 any known fact a reasonable person would believe is likely to
18 affect the impartiality of the arbitrator or the arbitrator's
19 ability to make a timely award.

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

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

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

30 (2) on timely motion of a party, vacate an award under

1 section 7389(a)(2) (relating to vacation, amendment or
2 confirmation by court of unconfirmed award); or

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

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

11 § 7380. Party participation.

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

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

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

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

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

24 § 7381. Temporary order or award.

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

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

1 selected:

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

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

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

15 (d) Enforcement.--On motion of a party, the court may
16 enforce a subpoena or interim award issued by an arbitrator for
17 the fair and expeditious disposition of the arbitration.
18 § 7382. Protection of party or child.

19 (a) (Reserved).

20 (b) Stay.--

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

23 (i) ~~All parties are not represented.~~ (RESERVED). <--

24 (ii) Any of the following clauses apply:

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

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

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

6 (i) the affirmation is informed and voluntary;

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

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

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

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

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

25 (f) Other law applicable.--This section supplements remedies
26 available under law of this Commonwealth other than this
27 subchapter for the protection of victims of domestic violence,
28 family violence, stalking, harassment and similar abuse.
29 § 7383. Powers and duties of arbitrator.

30 (a) Fairness and expediency.--An arbitrator shall conduct an

1 arbitration in a manner the arbitrator considers appropriate for
2 a fair and expeditious disposition of the family law dispute.

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

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

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

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

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

11 (4) require a party to provide:

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

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

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

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

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

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

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

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

30 (10) permit deposition of a witness for use as evidence

1 at a hearing;

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

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

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

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

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

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

17 § 7384. Recording of hearing.

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

21 § 7385. Award.

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

27 (b) Rationale.--

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

30 (2) Except as set forth in subsection (c), the parties,

1 by agreement, may stipulate that paragraph (1) does not
2 apply.

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

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

11 § 7386. Confirmation of award.

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

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

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

22 (2) All of the following apply:

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

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

30 (c) Child custody or child support.--If an award determines

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

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

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

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

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

15 § 7387. Correction by arbitrator of unconfirmed award.

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

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

22 (2) (Reserved); or

23 (3) to clarify the award.

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

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

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

4 (2) (Reserved); or

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

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

13 (c) Confirmation.--Unless a motion under section 7389 is
14 pending, the court may confirm a corrected award under section
15 7386 (relating to confirmation of award).

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

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

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

23 (2) there was:

24 (i) evident partiality by the arbitrator;

25 (ii) corruption by the arbitrator; or

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

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

1 conducted the hearing contrary to section 7383 (relating to
2 powers and duties of arbitrator), so as to prejudice
3 substantially the rights of a party;

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

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

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

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

17 (1) the award:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 § 7390. Clarification of confirmed award.

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

1 parties may:

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

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

7 § 7391. Judgment on award.

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

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

16 § 7392. Modification of confirmed award or judgment.

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

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

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

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

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

30 § 7393. Enforcement of confirmed award.

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

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

9 § 7394. Appeal.

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

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

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

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

18 (4) an order correcting an award;

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

21 (6) a final judgment.

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

24 § 7395. Immunity of arbitrator.

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

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

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

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

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

9 (d) Testimony.--

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

17 (2) This subsection does not apply:

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

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

26 (e) Attorney fees and costs.--If a person commences a civil
27 action against an arbitrator arising from the services of the
28 arbitrator or seeks to compel the arbitrator to testify or
29 produce records in violation of subsection (d) and the court
30 determines that the arbitrator is immune from civil liability or

1 is not competent to testify or required to produce the records,
2 the court shall award the arbitrator reasonable attorney fees
3 and costs.

4 § 7396. Uniformity of application and construction.

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

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

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

14 § 7398. Transitional provision.

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

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

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