

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 AND TAKAC, APRIL 17, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 3, 2023

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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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.

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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.

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 toll-  
16 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.