

Uniform Family Law Arbitration Act

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

LONG TITLE**General Description:**

This bill enacts the Uniform Family Law Arbitration Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides the scope of the Uniform Family Law Arbitration Act (act);
- ▶ addresses the law that is applicable to arbitration in a family law dispute;
- ▶ provides the requirements for an arbitration agreement for a family law dispute;
- ▶ allows a party to initiate arbitration by giving notice to the other party in accordance with the arbitration agreement or the laws governing contractual arbitration;
- ▶ provides the framework for motions for judicial relief involving a family law arbitration;
- ▶ provides the qualification and selection requirements for an arbitrator;
- ▶ requires certain disclosures by an arbitrator, the parties, and the attorneys representing the parties;
- ▶ addresses the disqualification of an arbitrator;
- ▶ addresses the participation of, and a communication by, an attorney or other individual in family law arbitration;
- ▶ allows a court or arbitrator to make a temporary order when there is an arbitration of a family law dispute;
- ▶ addresses protection orders in family law arbitration;
- ▶ provides the powers and duties of an arbitrator;
- ▶ addresses the recording of an arbitration hearing;
- ▶ provides the requirements for an award by an arbitrator in a family law arbitration;
- ▶ addresses the confirmation or correction of an award in a family law arbitration;
- ▶ addresses the vacation or amendment of an award in a family law arbitration by a court;
- ▶ addresses the requirements for a party seeking to clarify a confirmed award;
- ▶ requires a court to enter a judgment for a family law arbitration award;
- ▶ allows a court to seal or redact a document that was part of the family law arbitration;

- 32 ▶ addresses the modification and enforcement of a confirmed award or judgment from a
- 33 family law arbitration;
- 34 ▶ addresses when an appeal from a family law arbitration may be taken;
- 35 ▶ addresses immunity of an arbitrator in a family law arbitration;
- 36 ▶ addresses the uniformity of application and construction of the act;
- 37 ▶ addresses the Electronic Signatures in Global and National Commerce Act; and
- 38 ▶ provides a transitional provision.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 ENACTS:

- 45 **81-15-101**, Utah Code Annotated 1953
- 46 **81-15-102**, Utah Code Annotated 1953
- 47 **81-15-103**, Utah Code Annotated 1953
- 48 **81-15-104**, Utah Code Annotated 1953
- 49 **81-15-105**, Utah Code Annotated 1953
- 50 **81-15-106**, Utah Code Annotated 1953
- 51 **81-15-107**, Utah Code Annotated 1953
- 52 **81-15-108**, Utah Code Annotated 1953
- 53 **81-15-109**, Utah Code Annotated 1953
- 54 **81-15-110**, Utah Code Annotated 1953
- 55 **81-15-111**, Utah Code Annotated 1953
- 56 **81-15-112**, Utah Code Annotated 1953
- 57 **81-15-113**, Utah Code Annotated 1953
- 58 **81-15-114**, Utah Code Annotated 1953
- 59 **81-15-115**, Utah Code Annotated 1953
- 60 **81-15-116**, Utah Code Annotated 1953
- 61 **81-15-117**, Utah Code Annotated 1953
- 62 **81-15-118**, Utah Code Annotated 1953
- 63 **81-15-119**, Utah Code Annotated 1953
- 64 **81-15-120**, Utah Code Annotated 1953
- 65 **81-15-121**, Utah Code Annotated 1953

66 **81-15-122**, Utah Code Annotated 1953
 67 **81-15-123**, Utah Code Annotated 1953
 68 **81-15-124**, Utah Code Annotated 1953
 69 **81-15-125**, Utah Code Annotated 1953
 70 **81-15-126**, Utah Code Annotated 1953
 71 **81-15-127**, Utah Code Annotated 1953

72

73 *Be it enacted by the Legislature of the state of Utah:*

74 Section 1. Section **81-15-101** is enacted to read:

75 **CHAPTER 15. UNIFORM FAMILY LAW ARBITRATION ACT**

76 **81-15-101 . Definitions for chapter.**

77 As used in this chapter:

- 78 (1) "Arbitration agreement" means an agreement that subjects a family law dispute to
 79 arbitration.
- 80 (2) "Arbitration organization" means an association, agency, board, commission, or other
 81 entity that is neutral and initiates, sponsors, or administers an arbitration or is involved
 82 in the selection of an arbitrator.
- 83 (3) "Arbitrator" means an individual selected, alone or with other individuals, to make an
 84 award in a family law dispute that is subject to an arbitration agreement.
- 85 (4) "Child-related dispute" means a family law dispute regarding the custody, parent-time,
 86 visitation, or financial support of a child.
- 87 (5) "Court" means a court with jurisdiction under Title 78A, Judiciary and Judicial
 88 Administration, over the family law dispute.
- 89 (6) "Family law dispute" means a contested issue arising under this title.
- 90 (7) "Party" means an individual who signs an arbitration agreement and whose rights will
 91 be determined by an award.
- 92 (8) "Person" means an individual, an estate, a business or nonprofit entity, a public
 93 corporation, a government or governmental subdivision, agency, or instrumentality, or
 94 any other legal entity.
- 95 (9) "Record," used as a noun, means information that is inscribed on a tangible medium or
 96 that is stored in an electronic or other medium and is retrievable in perceivable form.
- 97 (10) "Sign" means, with present intent to authenticate or adopt a record:
 98 (a) to execute or adopt a tangible symbol; or
 99 (b) to attach to or logically associate with the record an electronic symbol, sound, or

100 process.

101 (11)(a) "State" means a state of the United States, the District of Columbia, Puerto Rico,
102 the United States Virgin Islands, or any territory or insular possession subject to the
103 jurisdiction of the United States.

104 (b) "State" includes a federally recognized Indian tribe.

105 Section 2. Section **81-15-102** is enacted to read:

106 **81-15-102 . Scope.**

107 (1) This chapter governs arbitration of a family law dispute.

108 (2) This chapter does not authorize an arbitrator to make an award that:

109 (a) grants a legal separation, a divorce, or an annulment;

110 (b) terminates parental rights;

111 (c) grants an adoption or a guardianship of a minor child or incapacitated individual; or

112 (d) determines the status of abuse, neglect, or dependency, as those terms are defined in
113 Section 80-1-102, for a minor child.

114 Section 3. Section **81-15-103** is enacted to read:

115 **81-15-103 . Applicable law.**

116 (1) Except as otherwise provided in this chapter, the law applicable to arbitration is Title
117 78B, Chapter 11, Utah Uniform Arbitration Act.

118 (2) In determining the merits of a family law dispute, an arbitrator shall apply the law of
119 this state, including this state's choice of law rules.

120 Section 4. Section **81-15-104** is enacted to read:

121 **81-15-104 . Arbitration agreement.**

122 (1) An arbitration agreement shall:

123 (a) be in a record signed by the parties;

124 (b) identify the arbitrator, an arbitration organization, or a method of selecting an
125 arbitrator; and

126 (c) identify the family law dispute the parties intend to arbitrate.

127 (2) Except as otherwise provided in Subsection (3), an agreement in a record to arbitrate a
128 family law dispute that arises between the parties before, at the time, or after the
129 agreement is made is valid and enforceable as any other contract and irrevocable except
130 on a ground that exists at law or in equity for the revocation of a contract.

131 (3) An agreement to arbitrate a child-related dispute that arises between the parties after the
132 agreement is made is unenforceable unless:

133 (a) the parties affirm the agreement in a record after the dispute arises; or

134 (b) the agreement was entered during a family law proceeding and the court approved or
135 incorporated the agreement in an order issued in the proceeding.

136 (4) If a party objects to arbitration on the ground the arbitration agreement is unenforceable
137 or the agreement does not include a family law dispute, the court shall decide whether
138 the agreement is enforceable or includes the family law dispute.

139 Section 5. Section **81-15-105** is enacted to read:

140 **81-15-105 . Notice of arbitration.**

141 A party may initiate arbitration by giving notice to arbitrate to the other party in the
142 manner specified in the arbitration agreement or, in the absence of a specified manner, under
143 the laws and procedural rules of this state, other than this chapter, governing contractual
144 arbitration.

145 Section 6. Section **81-15-106** is enacted to read:

146 **81-15-106 . Motion for judicial relief.**

147 (1) If a party brings a motion for judicial relief under this chapter, the party shall bring the
148 motion in:

149 (a) the court in which a proceeding is pending involving the family law dispute subject
150 to arbitration; or

151 (b) if no proceeding is pending, a court with jurisdiction over the parties and the subject
152 matter.

153 (2) On motion of a party, the court may compel arbitration if the parties have entered into
154 an arbitration agreement that complies with Section 81-15-104 unless the court
155 determines under Section 81-15-111 that the arbitration should not proceed.

156 (3) On motion of a party, the court shall terminate arbitration if the court determines that:

157 (a) the agreement to arbitrate is unenforceable;

158 (b) the family law dispute is not subject to arbitration; or

159 (c) under Section 81-15-111, the arbitration should not proceed.

160 (4) Unless prohibited by an arbitration agreement, on motion of a party, the court may order
161 consolidation of separate arbitrations involving the same parties and a common issue of
162 law or fact if necessary for the fair and expeditious resolution of the family law dispute.

163 Section 7. Section **81-15-107** is enacted to read:

164 **81-15-107 . Qualification and selection of arbitrator.**

165 (1) Except as otherwise provided in Subsection (2), and unless waived in a record by the
166 parties, an arbitrator shall be:

167 (a) an attorney in good standing admitted to practice law or on inactive status in this

168 state or another state; and
169 (b) trained in identifying domestic violence and child abuse according to the
170 requirements established by Section 78A-2-232 for a judicial officer assigned to hear
171 a family law proceeding.

172 (2) The identification in the arbitration agreement of an arbitrator, arbitration organization,
173 or method of selection of the arbitrator controls.

174 (3) If an arbitrator is unable or unwilling to act or if the agreed upon method of selecting an
175 arbitrator fails, the court shall select an arbitrator on a motion of a party.

176 Section 8. Section **81-15-108** is enacted to read:

177 **81-15-108 . Disclosure by arbitrator -- Disqualification.**

178 (1) Before agreeing to serve as an arbitrator, an individual shall disclose, after making
179 reasonable inquiry, to all parties any known fact a reasonable person would believe is
180 likely to affect:

181 (a) the impartiality of the arbitrator in the arbitration, including bias, a financial or
182 personal interest in the outcome of the arbitration, or an existing or past relationship
183 with a party, an attorney representing a party, or a witness; or

184 (b) the arbitrator's ability to make a timely award.

185 (2) An arbitrator, the parties, and the attorneys representing the parties have a continuing
186 obligation to disclose to all parties any known fact a reasonable person would believe is
187 likely to affect the impartiality of the arbitrator or the arbitrator's ability to make a timely
188 award.

189 (3) A party shall make an objection to the selection or continued service of an arbitrator and
190 a motion for a stay of arbitration and disqualification of the arbitrator in accordance with
191 the law and procedural rules of this state, other than this chapter, governing arbitrator
192 disqualification.

193 (4) If a disclosure required by Subsection (1)(a) or (2) is not made, the court may:

194 (a) suspend the arbitration on motion of a party that is no later than 30 days after the day
195 on which the failure to disclose is known or by the exercise of reasonable care should
196 have been known to the party;

197 (b) vacate an award under Subsection 81-15-118(1)(b) on timely motion of a party; or

198 (c) grant other appropriate relief under law of this state other than this chapter if an
199 award has been confirmed.

200 (5) If the parties agree to discharge an arbitrator or the arbitrator is disqualified, the parties
201 by agreement may select a new arbitrator or request the court to select another arbitrator

202 as provided in Section 81-15-107.

203 Section 9. Section **81-15-109** is enacted to read:

204 **81-15-109 . Party participation.**

205 (1) A party may:

206 (a) be represented in an arbitration by an attorney;

207 (b) be accompanied by an individual who will not be called as a witness or act as an
208 advocate; and

209 (c) participate in the arbitration to the full extent permitted under the law and procedural
210 rules of this state, other than this chapter, governing a party's participation in
211 contractual arbitration.

212 (2) A party or representative of a party may not communicate ex parte with the arbitrator
213 except to the extent allowed in a family law proceeding for communication with a judge.

214 Section 10. Section **81-15-110** is enacted to read:

215 **81-15-110 . Temporary order or award.**

216 (1) Before an arbitrator is selected and able to act, the court may enter a temporary order on
217 a motion of a party in accordance with this title and the Utah Rules of Civil Procedure.

218 (2) After an arbitrator is selected:

219 (a) the arbitrator may make a temporary award in accordance with this title and the Utah
220 Rules of Civil Procedure; and

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

224 (3)(a) On motion of a party, before the court confirms a final award, the court under
225 Section 81-15-115, 81-15-117, or 81-15-118 may confirm, correct, vacate, or amend
226 a temporary award made under Subsection (2)(a).

227 (b) If an arbitrator makes an temporary award in favor of a party to the arbitration
228 proceeding, the prevailing party may move the court for an expedited order to
229 confirm the temporary award.

230 (c) On a motion described in Subsection (3)(b), the court shall issue an order confirming
231 the temporary award unless the court vacates, alters, or amends the temporary award
232 under this part.

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

235 Section 11. Section **81-15-111** is enacted to read:

236 **81-15-111 . Protection of party or child.**

- 237 (1) As used in this section, "protection order" means an injunction or other order:
238 (a) issued under the domestic violence, family violence, or stalking laws of the issuing
239 jurisdiction; and
240 (b) to prevent an individual from engaging in a violent or threatening act against,
241 harassment of, contact or communication with, or being in physical proximity to
242 another individual who is a party or a minor child under the custodial responsibility
243 of a party.
- 244 (2) If a party is subject to a protection order or an arbitrator determines there is a reasonable
245 basis to believe a party's safety or ability to participate effectively in arbitration is at risk,
246 the arbitrator shall stay the arbitration and refer the parties to court.
- 247 (3) The arbitration may not proceed unless the party at risk affirms the arbitration
248 agreement in a record and the court determines:
249 (a) the affirmation is informed and voluntary;
250 (b) arbitration is not inconsistent with the protection order; and
251 (c) reasonable procedures are in place to protect the party from risk of harm, harassment,
252 or intimidation.
- 253 (4) If an arbitrator determines that there is a reasonable basis to believe a minor child who
254 is the subject of a child-related dispute is abused or neglected, the arbitrator shall
255 terminate the arbitration of the child-related dispute and report the abuse or neglect to
256 the Division of Child and Family Services.
- 257 (5) An arbitrator may make a temporary award to protect a party or a minor child from
258 harm, harassment, or intimidation.
- 259 (6) On motion of a party, the court may stay arbitration and review a determination or
260 temporary award under this section.
- 261 (7) This section supplements remedies available under a law of this state, other than this
262 chapter, for the protection of victims of domestic violence, family violence, stalking,
263 harassment, or similar abuse.

264 Section 12. Section **81-15-112** is enacted to read:

265 **81-15-112 . Powers and duties of arbitrator.**

- 266 (1)(a) An arbitrator shall conduct an arbitration in a manner the arbitrator considers
267 appropriate for a fair and expeditious disposition of the dispute.
268 (b) An arbitrator may conduct an arbitration remotely by electronic means.
- 269 (2) An arbitrator shall provide each party a right to:

- 270 (a) be heard;
271 (b) present evidence material to the family law dispute; and
272 (c) cross-examine witnesses.
- 273 (3) Unless the parties otherwise agree in a record, an arbitrator's powers include the power
274 to:
- 275 (a) select the rules for conducting the arbitration;
276 (b) hold conferences with the parties before a hearing;
277 (c) determine the date, time, and place of a hearing;
278 (d) require a party to provide:
- 279 (i) a copy of a relevant court order;
280 (ii) information required to be disclosed in a family law proceeding under a law of
281 this state, other than this chapter; and
282 (iii) a proposed award that addresses each issue in arbitration;
- 283 (e) meet with or interview a minor child who is the subject of a child-related dispute;
284 (f) appoint a private expert at the expense of the parties;
285 (g) administer an oath or affirmation and issue a subpoena for the attendance of a
286 witness or the production of documents and other evidence at a hearing;
287 (h) compel discovery concerning the family law dispute and determine the date, time,
288 and place of discovery;
- 289 (i) determine the admissibility and weight of evidence;
290 (j) permit deposition of a witness for use as evidence at a hearing;
291 (k) prohibit a party from disclosing information for good cause;
292 (l) appoint an attorney, guardian ad litem, or other representative for a minor child at the
293 expense of the parties;
- 294 (m) impose a procedure to protect a party or minor child from risk of harm, harassment,
295 or intimidation;
- 296 (n) allocate arbitration fees, attorney fees, expert witness fees, and other costs to the
297 parties; and
- 298 (o) impose a sanction on a party for bad faith or misconduct during the arbitration
299 according to standards governing imposition of a sanction for litigant misconduct in a
300 family law proceeding.
- 301 (4) An arbitrator may not allow ex parte communication except to the extent allowed in a
302 family law proceeding for communication with a judge.

303 Section 13. Section **81-15-113** is enacted to read:

304 **81-15-113 . Recording of hearing.**

305 (1) Except as otherwise provided in Subsection (2) or as required by a law of this state other
306 than this chapter, an arbitration hearing does not need to be recorded unless required by
307 the arbitrator, provided by the arbitration agreement, or requested by a party.

308 (2) An arbitrator shall request a verbatim recording be made of any part of an arbitration
309 hearing concerning a child-related dispute.

310 Section 14. Section **81-15-114** is enacted to read:

311 **81-15-114 . Award.**

312 (1) An arbitrator shall make an award in a record, dated and signed by the arbitrator.

313 (2) The arbitrator shall give notice of the award to each party by a method agreed on by the
314 parties or, if the parties have not agreed on a method, under the law and procedural rules
315 of this state, other than this chapter, governing notice in contractual arbitration.

316 (3) Except as otherwise provided in Subsection (4), the award under this chapter shall state
317 the reasons on which the award is based unless otherwise agreed by the parties.

318 (4) An award determining a child-related dispute shall state the reasons on which the award
319 is based as required by law of this state, other than this chapter, for a court order in a
320 family law proceeding.

321 (5) An award under this chapter is not enforceable as a judgment until confirmed under
322 Section 81-15-115.

323 Section 15. Section **81-15-115** is enacted to read:

324 **81-15-115 . Confirmation of award.**

325 (1) After an arbitrator gives notice under Subsection 81-15-114(2) of an award, including
326 an award corrected under Section 81-15-116, a party may move the court for an order
327 confirming the award.

328 (2) Except as otherwise provided in Subsection (3), the court shall confirm an award under
329 this chapter if:

330 (a) the parties agree in a record to confirmation; or

331 (b) the time has expired for making a motion, and no motion is pending, under Section
332 81-15-117 or 81-15-118.

333 (3) If an award determines a child-related dispute, the court shall confirm the award under
334 Subsection (2) if the court finds, after a review of the record if necessary, that the award
335 on the award's face:

336 (a) complies with Section 81-15-114 and the law of this state, other than this chapter,
337 governing a child-related dispute; and

338 (b) is in the best interests of the minor child.

339 (4) On confirmation, an award under this chapter is enforceable as a judgment.

340 Section 16. Section **81-15-116** is enacted to read:

341 **81-15-116 . Correction by arbitrator of unconfirmed award.**

342 On motion of a party that is made no later than 30 days after the day on which an
343 arbitrator gives notice under Subsection 81-15-114(2) of an award, the arbitrator may correct
344 the award:

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

347 (2) if the award is imperfect in a matter of form not affecting the merits on the issues
348 submitted; or

349 (3) to clarify the award.

350 Section 17. Section **81-15-117** is enacted to read:

351 **81-15-117 . Correction by court of unconfirmed award.**

352 (1) On motion of a party that is made no later than 90 days after the day on which an
353 arbitrator gives notice under Subsection 81-15-114(2) of an award, including an award
354 corrected under Section 81-15-116, the court shall correct the award if:

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

357 (b) the award is imperfect in a matter of form not affecting the merits of the issues
358 submitted; or

359 (c) the arbitrator made an award on a dispute not submitted to the arbitrator and the
360 award may be corrected without affecting the merits of the issues submitted.

361 (2) A motion under this section to correct an award may be joined with a motion to vacate
362 or amend the award under Section 81-15-118.

363 (3) Unless a motion under Section 81-15-118 is pending, the court may confirm a corrected
364 award under Section 81-15-115.

365 Section 18. Section **81-15-118** is enacted to read:

366 **81-15-118 . Vacation or amendment by court of unconfirmed award.**

367 (1) On motion of a party, the court shall vacate an unconfirmed award if the moving party
368 establishes that:

369 (a) the award was procured by corruption, fraud, or other undue means;

370 (b) there was:

371 (i) evident partiality by the arbitrator;

- 372 (ii) corruption by the arbitrator; or
373 (iii) misconduct by the arbitrator substantially prejudicing the rights of a party;
374 (c) the arbitrator refused to postpone a hearing on showing of sufficient cause for
375 postponement, refused to consider evidence material to the controversy, or otherwise
376 conducted the hearing contrary to Section 81-15-112, so as to prejudice substantially
377 the rights of a party;
378 (d) the arbitrator exceeded the arbitrator's powers;
379 (e) no arbitration agreement exists, unless the moving party participated in the
380 arbitration without making a motion under Section 81-15-106 no later than the
381 beginning of the first arbitration hearing; or
382 (f) the arbitration was conducted without proper notice under Section 81-15-105 of the
383 initiation of arbitration, so as to prejudice substantially the rights of a party.
384 (2) Except as otherwise provided in Subsection (3), on motion of a party, the court shall
385 vacate an unconfirmed award that determines a child-related dispute if the moving party
386 establishes that:
387 (a) the award does not comply with Section 81-15-114 or a law of this state, other than
388 this chapter, governing a child-related dispute or is contrary to the best interests of
389 the minor child;
390 (b) the record of the hearing or the statement of reasons in the award is inadequate for
391 the court to review the award; or
392 (c) a ground for vacating the award under Subsection (1) exists.
393 (3) If an award is subject to vacation under Subsection (2)(a), on motion of a party, the
394 court may amend the award if amending rather than vacating is in the best interests of
395 the minor child.
396 (4) The court shall determine a motion under Subsection (2) or (3) based on the record of
397 the arbitration hearing and facts occurring after the hearing.
399 (5) A motion under this section to vacate or amend an award shall be filed no later than 90
400 days after the day on which:
401 (a) an arbitrator gives the party filing the motion notice of the award or a corrected
402 award; or
403 (b) for a motion under Subsection (1)(a), the ground of corruption, fraud, or other undue
404 means is known or by the exercise of reasonable care should have been known to the
405 party filing the motion.
406 (6)(a) If the court under this section vacates an award for a reason other than the

407 absence of an enforceable arbitration agreement, the court may order a rehearing
 408 before an arbitrator.

409 (b) If the reason for vacating the award is that the award was procured by corruption,
 410 fraud, or other undue means or there was evident partiality, corruption, or misconduct
 411 by the arbitrator, the rehearing shall be before another arbitrator.

412 (7) If the court under this section denies a motion to vacate or amend an award, the court
 413 may confirm the award under Section 81-15-115 unless a motion is pending under
 414 Section 81-15-117.

415 Section 19. Section **81-15-119** is enacted to read:

416 **81-15-119 . Clarification of confirmed award.**

417 If the meaning or effect of an award confirmed under Section 81-15-115 is in dispute,
 418 the parties may:

- 419 (1) agree to arbitrate the dispute before the original arbitrator or another arbitrator; or
 420 (2) proceed in court under a law of this state, other than this chapter, governing clarification
 421 of a judgment in a family law proceeding.

422 Section 20. Section **81-15-120** is enacted to read:

423 **81-15-120 . Judgment on award.**

- 424 (1) On granting an order confirming, vacating without directing a rehearing, or amending
 425 an award under this chapter, the court shall enter judgment in conformity with the order.
 426 (2) On motion of a party, the court shall order that a document or part of the arbitration
 427 record be sealed or redacted to prevent public disclosure of all or part of the record or
 428 award to the extent permitted under a law of this state other than this chapter.

429 Section 21. Section **81-15-121** is enacted to read:

430 **81-15-121 . Modification of confirmed award or judgment.**

431 If a party requests under a law of this state, other than this chapter, a modification of an
 432 award confirmed under Section 81-15-115 or judgment on the award based on a fact occurring
 433 after confirmation:

- 434 (1) the parties shall proceed under the dispute-resolution method specified in the award or
 435 judgment; or
 436 (2) if the award or judgment does not specify a dispute-resolution method, the parties may:
 437 (a) agree to arbitrate the modification before the original arbitrator or another arbitrator;
 438 or
 439 (b) absent an agreement under Subsection (2)(a), proceed under a law of this state, other
 440 than this chapter, governing modification of a judgment in a family law proceeding.

441 Section 22. Section **81-15-122** is enacted to read:

442 **81-15-122 . Enforcement of confirmed award.**

- 443 (1) The court shall enforce an award confirmed under Section 81-15-115, including a
444 temporary award, in the manner and to the same extent as any other order or judgment
445 of a court.
- 446 (2) The court shall enforce an arbitration award in a family law dispute confirmed by a
447 court in another state in the manner and to the same extent as any other order or
448 judgment from another state.

449 Section 23. Section **81-15-123** is enacted to read:

450 **81-15-123 . Appeal.**

- 451 (1) An appeal may be taken under this chapter from:
- 452 (a) an order denying a
453 motion to compel arbitration;
- 454 (b) an order granting a motion to stay arbitration;
- 455 (c) an order confirming or denying confirmation of an award;
- 456 (d) an order modifying or correcting an award;
- 457 (e) an order vacating an award without directing a rehearing; or
- 458 (f) a final judgment entered in accordance with this chapter.
- 459 (2) An appeal under this section shall be taken as from an order or a judgment in a civil
460 action.

461 Section 24. Section **81-15-124** is enacted to read:

462 **81-15-124 . Immunity of arbitrator.**

- 463 (1) An arbitrator or arbitration organization acting in that capacity in a family law dispute is
464 immune from civil liability to the same extent as a judge of a court of this state acting in
465 a judicial capacity.
- 466 (2) The immunity provided by this section supplements any immunity under a law of this
467 state other than this chapter.
- 468 (3) An arbitrator's failure to make a disclosure required by Section 81-15-108 does not
469 cause the arbitrator to lose immunity under this section.
- 470 (4)(a) An arbitrator is not competent to testify, and may not be required to produce
471 records, in a judicial, administrative, or similar proceeding about a statement,
472 conduct, decision, or ruling occurring during an arbitration, to the same extent as a
473 judge of a court of this state acting in a judicial capacity.
- 474 (b) This Subsection (4) does not apply:

475 (i) to the extent disclosure is necessary to determine a claim by the arbitrator or
476 arbitration organization against a party to the arbitration; or
477 (ii) to a hearing on a motion under Subsection 81-15-118(1)(a) or (b) to vacate an
478 award if there is prima facie evidence that a ground for vacating the award exists.

479 (5) If a person commences a civil action against an arbitrator arising from the services of
480 the arbitrator or seeks to compel the arbitrator to testify or produce records in violation
481 of Subsection (4) and the court determines that the arbitrator is immune from civil
482 liability or is not competent to testify or required to produce the records, the court shall
483 award the arbitrator reasonable attorney fees, costs, and reasonable expenses of litigation.

484 Section 25. Section **81-15-125** is enacted to read:

485 **81-15-125 . Uniformity of application and construction.**

486 In applying and construing this chapter, consideration must be given to the need to
487 promote uniformity of the law with respect to this uniform law's subject matter among states
488 that enact this uniform law.

489 Section 26. Section **81-15-126** is enacted to read:

490 **81-15-126 . Relation to Electronic Signatures in Global and National Commerce**

491 **Act.**

492 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
493 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
494 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of
495 the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

496 Section 27. Section **81-15-127** is enacted to read:

497 **81-15-127 . Transitional provision.**

498 (1) This chapter applies to arbitration of a family law dispute under an arbitration
499 agreement made on or after May 7, 2025.

500 (2) If an arbitration agreement was made before May 7, 2025, the parties may agree in a
501 record that this chapter applies to the arbitration.

502 Section 28. **Effective Date.**

503 This bill takes effect on May 7, 2025.