

House File 2619 - Enrolled

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AN ACT

CREATING THE UNIFORM FAMILY LAW ARBITRATION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **598A.1 Short title.**

This chapter shall be known and may be cited as the "*Uniform Family Law Arbitration Act*".

Sec. 2. NEW SECTION. **598A.2 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "*Arbitration agreement*" means an agreement which subjects a family law dispute to arbitration.

2. "*Arbitration organization*" means an association, agency, board, commission, or other entity which is neutral and initiates, sponsors, or administers an arbitration or is involved in the selection of an arbitrator.

3. "*Arbitrator*" means an individual selected or appointed, alone or with others, to make an award in a family law dispute which is subject to an arbitration agreement.

4. "*Award*" means an interim award, temporary order, or final disposition of a family law dispute by an arbitrator.

5. "*Child custody dispute*" means a family law dispute regarding legal custody, physical custody, parenting plans, parenting time, or visitation of a child.

6. "*Child support dispute*" means a family law dispute regarding financial support of a child.

7. "*Court*" means a district court which has jurisdiction over a family law dispute.

8. "Family law dispute" means a contested issue arising under chapter 598, 600B, or 600C. "Family law dispute" does not include an issue under section 598A.3, subsection 2.

9. "Party" means an individual who signs an arbitration agreement and whose rights will be determined by an award.

10. "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or any other legal entity.

11. "Protection order" means an injunction or other order, issued under the domestic violence, family violence, or stalking laws of the issuing jurisdiction, to prevent an individual from engaging in a violent or threatening act against, harassment of, contact, or communication with or being in physical proximity to, another individual who is a party or a child under the custodial responsibility of a party.

12. "Record", used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. "Sign" means, with present intent to authenticate or adopt a record, any of the following:

a. To execute or adopt a tangible symbol.

b. To attach to or logically associate with the record an electronic symbol, sound, or process.

14. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. "State" includes a federally recognized Indian tribe.

Sec. 3. NEW SECTION. 598A.3 Scope.

1. Except as provided in subsection 2, this chapter governs arbitration of a family law dispute.

2. This chapter does not authorize an arbitrator to make an award that does any of the following:

a. Grants legal separation, divorce, dissolution of marriage, or annulment.

b. Terminates parental rights.

c. Grants an adoption or a guardianship of a child or protected person.

d. Determines the status of dependency of a child under

chapter 232.

e. Determines the support of a child if support payments have been assigned to the department of health and human services pursuant to section 234.39, 239B.6, or 252E.11, or if services are being provided by child support services pursuant to chapter 252B.

Sec. 4. NEW SECTION. **598A.4 Applicable law.**

1. a. Subject to paragraph "b", the law applicable to arbitration is chapter 679A.

b. If there is a conflict between chapter 679A and this chapter, this chapter controls.

2. In determining the merits of a family law dispute, an arbitrator shall apply the law of this state, including its choice of law rules.

Sec. 5. dNEW SECTION. **598A.5 Arbitration agreements.**

1. An arbitration agreement must do the following:

a. Be in a record signed by the parties.

b. Identify the arbitrator, an arbitration organization, or a method of selecting an arbitrator.

c. Identify the family law dispute the parties intend to arbitrate.

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

3. An agreement to arbitrate a child custody dispute or child support dispute that arises between the parties after the agreement is made is unenforceable unless any of the following apply:

a. The parties affirm the agreement in a record after the dispute arises.

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

4. If a party objects to arbitration on the grounds the arbitration agreement is unenforceable or the agreement does not include a family law dispute, the court shall decide whether the agreement is enforceable or includes the family law dispute.

Sec. 6. NEW SECTION. **598A.6 Notice of arbitration.**

A party shall initiate arbitration by giving notice to arbitrate to the other party in the manner specified in the arbitration agreement or, in the absence of a specified manner, under section 679A.15.

Sec. 7. NEW SECTION. **598A.7 Motion for judicial relief.**

1. A motion for judicial relief under this chapter shall be made to the court in which a proceeding is pending involving a family law dispute subject to arbitration or, if no proceeding is pending, a court with jurisdiction over the parties and the subject matter.

2. On motion by a party, the court may compel arbitration if the parties have entered into an arbitration agreement that complies with section 598A.5 unless the court determines under section 598A.12 that the arbitration should not proceed.

3. On motion of a party, the court shall terminate arbitration if the court determines any of the following:

- a. The agreement to arbitrate is unenforceable.
- b. The family law dispute is not subject to arbitration.
- c. Under section 598A.12, the arbitration should not proceed.

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

Sec. 8. NEW SECTION. **598A.8 Qualification and selection of arbitrator.**

1. Except as otherwise provided in subsection 2, unless waived in a record by the parties, an arbitrator must be all of the following:

a. An attorney at law, a former attorney at law on inactive status, or a retired judge.

b. Have successfully completed a combined five hours of instruction in an accredited continuing legal education course on domestic violence and child abuse.

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

3. If an arbitrator is unable or unwilling to act or if the agreed-upon method of selecting an arbitrator fails, on motion of

a party, the court shall select an arbitrator.

Sec. 9. NEW SECTION. **598A.9 Disclosure by arbitrator — disqualification.**

1. Before agreeing to serve as an arbitrator, an individual, after making reasonable inquiry, shall disclose to all parties any known fact a reasonable person would believe is likely to affect any of the following:

a. The impartiality of the arbitrator, including bias, a financial or personal interest in the outcome of the arbitration, or an existing or past relationship with a party, attorney representing a party, or witness.

b. The arbitrator's ability to make a timely award.

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

b. The arbitrator shall disclose, and provide in writing to the parties, the amount of initial fee, any hourly rate to be charged, the process for invoices and payment for services and information on the arbitration process, specifically including how to terminate the arbitration.

3. An objection to selection or continued service of an arbitrator and a motion for a stay of arbitration and disqualification of the arbitrator shall be made under section 598A.7.

4. If a disclosure required by subsection 1, paragraph "a", or subsection 2 is not made, the court may do any of the following:

a. On motion of a party not later than fifteen days after the failure to disclose is known, or by the exercise of reasonable care should have been known to the party, suspend the arbitration.

b. On timely motion of party, vacate an award under section 598A.19, subsection 1, paragraph "b".

c. If an award has been confirmed, grant other appropriate relief under law of this state other than this chapter.

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

as provided for in section 598A.8.

Sec. 10. NEW SECTION. **598A.10 Party participation.**

1. A party may do all of the following:

- a. Be represented in an arbitration by counsel.
- b. Be accompanied by an individual who will not be called as a witness or act as an advocate.
- c. Participate in the arbitration to the full extent permitted under section 598A.13 and chapter 679A.

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

Sec. 11. NEW SECTION. **598A.11 Temporary order or award.**

1. Before an arbitrator is selected and able to act, on motion of a party, the court may enter a temporary order under section 598.10 or 600B.40A and the applicable Iowa rules of civil procedure.

2. After an arbitrator is selected, all of the following apply:

a. The arbitrator may make a temporary award under section 598.10 or 600B.40A and the applicable Iowa rules of civil procedure.

b. If the matter is urgent and the arbitrator is not able to act in a timely manner or provide an adequate remedy, on motion of a party, the court may enter a temporary order.

3. On motion of a party, before the court confirms a final award, the court, under section 598A.16, 598A.18, or 598A.19, may confirm, correct, vacate, or amend a temporary award made under subsection 2, paragraph "a".

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

Sec. 12. NEW SECTION. **598A.12 Protection of party or child.**

1. a. This subsection applies if a party is subject to a protection order or the arbitrator determines there is a reasonable basis to believe a party is the victim of domestic violence or a party's safety or ability to participate effectively in arbitration is otherwise at risk.

b. If the conditions described in paragraph "a" are met, the arbitrator shall stay the arbitration and refer the parties to

court. The arbitration shall not proceed unless the party at risk affirms the arbitration agreement in a record and the court determines all of the following are true:

- (1) The affirmation is informed and voluntary.
- (2) Arbitration is not inconsistent with the protection order.
- (3) Reasonable procedures are in place to protect the party from risk of harm, harassment, or intimidation.

2. If the arbitrator determines that there is a reasonable basis to believe a child who is the subject of a child custody dispute is abused or neglected, the arbitrator shall terminate the arbitration of the child custody dispute and report the abuse or neglect to the court, or to another appropriate authority.

3. An arbitrator may make a temporary award to protect a party or child from harm, harassment, or intimidation.

4. On motion of a party, the court may stay arbitration and review a determination or temporary award under this section.

5. This section supplements remedies available under law of this state other than this chapter for the protection of victims of domestic violence, family violence, stalking, harassment, and similar abuse.

Sec. 13. NEW SECTION. **598A.13 Powers and duties of arbitrator.**

1. An arbitrator shall conduct an arbitration in a manner the arbitrator considers appropriate for a fair and expeditious disposition of the family law dispute.

2. An arbitrator shall provide each party a right to be heard, to present evidence material to the family law dispute, and to cross-examine witnesses.

3. Unless the parties otherwise agree in a record, an arbitrator may do all of the following:

- a. Select the rules for conducting the arbitration.
- b. Hold a conference with the parties before a hearing.
- c. Determine the date, time, and place of a hearing.
- d. Require a party to provide all of the following:
 - (1) A copy of a relevant court order.
 - (2) Information required to be disclosed in a family law proceeding under chapters 598 and 600B and the applicable Iowa rules of civil procedure.
 - (3) A proposed award which addresses each issue in

arbitration.

e. Interview a child who is the subject of a child custody dispute.

f. Appoint a private expert at the expense of the parties.

g. Administer an oath or affirmation and issue a subpoena for the attendance of a witness or the production of documents and other evidence at a hearing.

h. Permit and compel discovery concerning the family law dispute and determine the date, time, and place of discovery.

i. Determine the admissibility and weight of evidence.

j. Permit deposition of a witness for use as evidence at a hearing.

k. For good cause, prohibit a party from disclosing information.

l. Appoint an attorney, guardian ad litem, or other representative for a child at the expense of the parties.

m. Impose a procedure to protect a party or child from risk of harm, harassment, or intimidation.

n. Allocate arbitration fees, attorney fees, expert witness fees, and other costs to the parties.

o. Impose a sanction on a party for bad faith or misconduct during the arbitration according to standards governing imposition of a sanction for litigant misconduct in a family law proceeding.

4. An arbitrator shall not allow ex parte communication except to the extent allowed in a family law proceeding for communication with a judge.

Sec. 14. NEW SECTION. 598A.14 Recording of hearing.

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

Sec. 15. NEW SECTION. 598A.15 Award.

1. An arbitrator shall make an award in a record, dated and signed by the arbitrator. The arbitrator shall give notice of the award to each party by a method agreed on by the parties or, if the parties have not agreed on a method, under section 679A.15.

2. a. Except as provided in paragraph "b", the arbitrator shall make written findings explaining an award.

b. Except as provided in subsection 3, the parties, by

agreement, may stipulate that paragraph "a" does not apply.

3. Notwithstanding subsection 2, paragraph "b", for an award determining a child custody dispute or a child support dispute, the arbitrator shall state the reasons on which the award is based as required by chapter 598.

4. An award is not enforceable as a judgment until confirmed under section 598A.16.

Sec. 16. NEW SECTION. 598A.16 Confirmation of award.

1. After an arbitrator gives notice under section 598A.15, subsection 1, or makes a correction under section 598A.17, a party may move the court for an order confirming the award or, when applicable, entry of the decree of dissolution of marriage incorporating the award.

2. Except as set forth in subsection 3, the court shall confirm an award if any of the following apply:

a. The parties agree in a record to confirmation.

b. All of the following apply:

(1) The time period under section 598A.18 has expired, and no motion is pending under section 598A.18.

(2) The time period under section 598A.19, subsection 5, has expired, and no motion is pending under section 598A.19.

3. If an award determines a child custody dispute or a child support dispute, the court shall confirm the award under subsection 2 if the court finds, after a review of the record if necessary, that the award on its face does all of the following:

a. Complies with section 598A.15 and chapter 598 or 600B.

b. Is in the best interests of the child.

4. On confirmation, an award is enforceable as a judgment.

5. Unless the parties otherwise agree, the arbitration proceedings and the arbitration award are confidential. If either party includes, in the motion under subsection 1, a request that the arbitration award be filed under seal, the court shall file the award under seal.

Sec. 17. NEW SECTION. 598A.17 Correction by arbitrator of unconfirmed award.

On motion of a party made not later than twenty days after an arbitrator gives notice under section 598A.15, subsection 1, the arbitrator may correct the award if the award has an evident mathematical miscalculation or an evident mistake in the description of a person, thing, or property or to clarify the

award.

Sec. 18. NEW SECTION. **598A.18 Correction or confirmation by court of unconfirmed award.**

1. On motion of a party made not later than thirty days after an arbitrator gives notice under section 598A.15, subsection 1, or makes a correction under section 598A.17, the court shall correct the award if any of the following are true:

a. The award has an evident mathematical miscalculation or an evident mistake in the description of a person, thing, or property.

b. The arbitrator made an award on a family law dispute not submitted to the arbitrator, and the award may be corrected without affecting the merits of the issues submitted.

2. A motion under this section to correct an award may be joined with a motion to vacate or amend the award under section 598A.19.

3. Unless a motion under section 598A.19 is pending, the court may confirm a corrected award under section 598A.16.

Sec. 19. NEW SECTION. **598A.19 Vacation, amendment, or confirmation by court of unconfirmed award.**

1. Subject to subsection 2, on motion of a party, the court shall vacate an unconfirmed award if the moving party establishes any of the following:

a. The award was procured by corruption, fraud, or other undue means.

b. There was any of the following:

(1) Evident partiality by the arbitrator.

(2) Corruption by the arbitrator.

(3) Misconduct by the arbitrator substantially prejudicing the rights of a party.

c. The arbitrator refused to postpone a hearing on showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to section 598A.13, so as to prejudice substantially the rights of a party.

d. The arbitrator exceeded the arbitrator's powers.

e. No arbitration agreement exists, unless the moving party participated in the arbitration without making a motion under section 598A.7 not later than the beginning of the first arbitration hearing.

f. The arbitration was conducted without proper notice under section 598A.6, so as to prejudice substantially the rights of a party.

2. Subject to subsection 3, on motion of a party, the court shall vacate an unconfirmed award which determines a child custody dispute or a child support dispute if the moving party establishes any of the following:

a. That the award does not comply with section 598A.15 or chapter 598 or 600B or is contrary to the best interests of the child.

b. That the statement of reasons in the award is inadequate for the court to review the award.

c. That a ground for vacating the award under subsection 1 exists.

3. If an award is subject to vacation under subsection 2, paragraph "a", on motion of a party, the court may amend the award, if amending rather than vacating is in the best interests of the child.

4. The court may determine a motion under subsection 2 or 3 as follows:

a. Based on the record of the arbitration hearing, if the hearing was recorded, and facts occurring after the hearing.

b. If there is no record, de novo.

5. A motion under this section to vacate or amend an award must be filed not later than thirty days after the following:

a. Except as set forth in paragraph "b", after an arbitrator gives notice under section 598A.15, subsection 1, or makes a correction under section 598A.17.

b. For a motion under subsection 1, paragraph "a", the ground of corruption, fraud, or other undue means is known or, by the exercise of reasonable care, should be known to the party filing the motion.

6. If the court under this section vacates an award for a reason other than the absence of an enforceable arbitration agreement, the court may order a rehearing before an arbitrator. The rehearing shall be before another arbitrator if the reason for vacating the award is any of the following:

a. The award was procured by corruption, fraud, or other undue means.

b. There was evident partiality, corruption, or misconduct by

the arbitrator.

7. If the court under this section denies a motion to vacate or amend an award, unless a motion is pending under section 598A.18, the court may confirm the award under section 598A.16.

Sec. 20. NEW SECTION. **598A.20 Clarification of confirmed award.**

If the meaning or effect of an award confirmed under section 598A.16 is in dispute, the parties may do any of the following:

1. Agree to arbitrate the family law dispute before the original arbitrator or another arbitrator.

2. Proceed under rule of civil procedure 1.1101.

Sec. 21. NEW SECTION. **598A.21 Judgment on award.**

1. On granting an order confirming, vacating without directing a rehearing, or amending an award under this chapter, the court shall enter judgment in conformity with the order.

2. On motion of a party, the court shall order that a document or part of the arbitration record be sealed or redacted to prevent public disclosure of all or part of the record or award.

Sec. 22. NEW SECTION. **598A.22 Modification of confirmed award or judgment.**

If a party requests under law of this state other than this chapter modification of an award confirmed under section 598A.16 or of a judgment on an award, based on a fact occurring after confirmation:

1. The parties shall proceed under the dispute resolution method specified in the award or judgment.

2. If the award or judgment does not specify a dispute resolution method, the parties may do any of the following:

a. Agree to arbitrate the modification before the original arbitrator or another arbitrator.

b. Absent agreement, proceed under chapter 598 or 600B and the applicable Iowa rules of civil procedure.

Sec. 23. NEW SECTION. **598A.23 Enforcement of confirmed award.**

1. A court shall enforce an award confirmed under section 598A.16, including a temporary award, in the manner and to the same extent as any other order or judgment of a court.

2. A court shall enforce an arbitration award in a family law dispute confirmed by a court in another state in the manner and

to the same extent as any other order or judgment from another state.

Sec. 24. NEW SECTION. **598A.24 Appeal.**

1. An appeal may be taken under this chapter from all of the following:

- a. An order granting or denying a motion to compel arbitration.
- b. An order granting or denying a motion to stay arbitration.
- c. An order confirming or denying confirmation of an award.
- d. An order correcting an award.
- e. An order vacating an award without directing a rehearing.
- f. A final judgment.

2. An appeal under this section may be taken as from an order or a judgment in a civil action.

Sec. 25. NEW SECTION. **598A.26 Uniformity of application and construction.**

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

Sec. 26. NEW SECTION. **598A.27 Relation to Electronic Signatures in Global and National Commerce Act.**

To the extent permitted by section 102 of the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7002, this chapter may supersede provisions of that Act.

Sec. 27. NEW SECTION. **598A.28 Transitional provision.**

1. This chapter applies to arbitration of a family law dispute under an arbitration agreement made on or after the effective date of this Act.

2. If an arbitration agreement was made before the effective date of this Act, the parties may agree in a record that this chapter applies to the arbitration.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2619, Ninety-first General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2026

KIM REYNOLDS
Governor

unofficial