

**Senate Study Bill 3158 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIRPERSON  
SCHULTZ)

**A BILL FOR**

- 1 An Act creating the uniform family law arbitration Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 11. "Protection order" means an injunction or other order,  
35 issued under the domestic violence, family violence, or stalking

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

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

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

11 a. To execute or adopt a tangible symbol.

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

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

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

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

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

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

26 b. Terminates parental rights.

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

29 d. Determines the status of dependency of a child under  
30 chapter 232.

31 e. Determines the support of a child under chapter 252B,  
32 252E, 252F, or 252H, or if support payments have been assigned to  
33 the department of health and human services pursuant to section  
34 234.39 or 239B.6.

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

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

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

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

8 Sec. 5. NEW SECTION. **598A.5 Arbitration agreements.**

9 1. An arbitration agreement must do the following:

10 a. Be in a record signed by the parties.

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

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

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

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

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

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

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

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

35 A party shall initiate arbitration by giving notice to

1 arbitrate to the other party in the manner specified in the  
2 arbitration agreement or, in the absence of a specified manner,  
3 under section 679A.15.

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

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

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

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

16 a. The agreement to arbitrate is unenforceable.

17 b. The family law dispute is not subject to arbitration.

18 c. Under section 598A.12, the arbitration should not proceed.

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

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

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

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

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

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

1 the arbitrator controls.

2 3. If an arbitrator is unable or unwilling to act or if the  
3 agreed-upon method of selecting an arbitrator fails, on motion of  
4 a party, the court shall select an arbitrator.

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

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

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

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

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

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

26 3. An objection to selection or continued service of  
27 an arbitrator and a motion for a stay of arbitration and  
28 disqualification of the arbitrator shall be made under section  
29 598A.7.

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

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

1 arbitration.

2 b. On timely motion of party, vacate an award under section  
3 598A.19, subsection 1, paragraph "b".

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

6 5. If the parties agree to discharge an arbitrator or the  
7 arbitrator is disqualified, the parties by agreement may select a  
8 new arbitrator or request the court to select another arbitrator  
9 as provided for in section 598A.8.

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

11 1. A party may do all of the following:

12 a. Be represented in an arbitration by counsel.

13 b. Be accompanied by an individual who will not be called as  
14 a witness or act as an advocate.

15 c. Participate in the arbitration to the full extent  
16 permitted under section 598A.13 and chapter 679A.

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

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

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

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

27 a. The arbitrator may make a temporary award under section  
28 598.10 or 600B.40A and the applicable Iowa rules of civil  
29 procedure.

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

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

1 subsection 2, paragraph "a".

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

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

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

12 b. If the conditions described in paragraph "a" are met, the  
13 arbitrator shall stay the arbitration and refer the parties to  
14 court. The arbitration shall not proceed unless the party at  
15 risk affirms the arbitration agreement in a record and the court  
16 determines all of the following are true:

17 (1) The affirmation is informed and voluntary.

18 (2) Arbitration is not inconsistent with the protection  
19 order.

20 (3) Reasonable procedures are in place to protect the party  
21 from risk of harm, harassment, or intimidation.

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

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

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

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

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

1 **arbitrator.**

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

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

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

10 a. Select the rules for conducting the arbitration.

11 b. Hold a conference with the parties before a hearing.

12 c. Determine the date, time, and place of a hearing.

13 d. Require a party to provide all of the following:

14 (1) A copy of a relevant court order.

15 (2) Information required to be disclosed in a family law  
16 proceeding under chapters 598 and 600B and the applicable Iowa  
17 rules of civil procedure.

18 (3) A proposed award which addresses each issue in  
19 arbitration.

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

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

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

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

28 i. Determine the admissibility and weight of evidence.

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

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

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

35 m. Impose a procedure to protect a party or child from risk

1 of harm, harassment, or intimidation.

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

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

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

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

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

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

16 1. An arbitrator shall make an award in a record, dated and  
17 signed by the arbitrator. The arbitrator shall give notice of  
18 the award to each party by a method agreed on by the parties  
19 or, if the parties have not agreed on a method, under section  
20 679A.15.

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

23 b. Except as provided in subsection 3, the parties, by  
24 agreement, may stipulate that paragraph "a" does not apply.

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

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

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

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

1 incorporating the award.

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

4 a. The parties agree in a record to confirmation.

5 b. All of the following apply:

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

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

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

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

15 b. Is in the best interests of the child.

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

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

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

24 On motion of a party made not later than twenty days after  
25 an arbitrator gives notice under section 598A.15, subsection  
26 1, the arbitrator may correct the award if the award has an  
27 evident mathematical miscalculation or an evident mistake in the  
28 description of a person, thing, or property or to clarify the  
29 award.

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

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

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

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

7     2. A motion under this section to correct an award may be  
8 joined with a motion to vacate or amend the award under section  
9 598A.19.

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

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

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

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

19     b. There was any of the following:

20       (1) Evident partiality by the arbitrator.

21       (2) Corruption by the arbitrator.

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

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

29     d. The arbitrator exceeded the arbitrator's powers.

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

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

1 party.

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

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

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

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

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

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

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

21 b. If there is no record, de novo.

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

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

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

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

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

3     b. There was evident partiality, corruption, or misconduct by  
4 the arbitrator.

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

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

10    If the meaning or effect of an award confirmed under section  
11 598A.16 is in dispute, the parties may do any of the following:

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

14    2. Proceed under rule of civil procedure 1.1101.

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

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

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

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

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

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

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

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

35    b. Absent agreement, proceed under chapter 598 or 600B and

1 the applicable Iowa rules of civil procedure.

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

4 1. A court shall enforce an award confirmed under section  
5 598A.16, including a temporary award, in the manner and to the  
6 same extent as any other order or judgment of a court.

7 2. A court shall enforce an arbitration award in a family law  
8 dispute confirmed by a court in another state in the manner and  
9 to the same extent as any other order or judgment from another  
10 state.

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

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

14 a. An order granting or denying a motion to compel  
15 arbitration.

16 b. An order granting or denying a motion to stay arbitration.

17 c. An order confirming or denying confirmation of an award.

18 d. An order correcting an award.

19 e. An order vacating an award without directing a rehearing.

20 f. A final judgment.

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

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

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

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

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

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

34 1. This chapter applies to arbitration of a family law  
35 dispute under an arbitration agreement made on or after the

1 effective date of this Act.

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

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 This bill creates the Iowa uniform family law arbitration Act.  
9 The bill provides definitions, including the terms "arbitrator",  
10 "child custody dispute", "child support dispute", and "family law  
11 dispute".

12 The bill governs the arbitration in a family dispute but does  
13 not allow an arbitrator to grant a legal separation, a divorce, a  
14 dissolution of marriage, or an annulment; to terminate parental  
15 rights, to grant an adoption or a guardianship of a child or  
16 protected person; or to determine the status of dependency of a  
17 child or the support of a child.

18 The bill provides that an arbitration agreement must be in  
19 a record signed by the parties. The agreement must identify  
20 the arbitrator, an arbitration organization, or a method of  
21 selecting an arbitrator and identify the family law dispute the  
22 parties intend to arbitrate. The bill provides that a family  
23 law dispute that arises after the arbitration agreement is made  
24 unenforceable unless the parties affirm the agreement in a record  
25 after the dispute arises or the agreement was entered during a  
26 family law proceeding and the court approved or incorporated the  
27 agreement in an order issued in the proceeding. If there is an  
28 objection to the arbitration agreement on the grounds that it is  
29 unenforceable or the agreement does not involve a family dispute,  
30 the court shall determine whether it is enforceable or includes  
31 an appropriate dispute.

32 The bill provides that notice for arbitration shall be made  
33 either in a manner agreed upon or by Code section 679A.15  
34 (arbitration — applications to district court).

35 The bill requires motions for judicial relief to be filed with

1 the court with the appropriate jurisdiction. A party may file a  
2 motion to compel arbitration by the court. The bill also allows  
3 a party to file a motion for judicial relief to terminate an  
4 arbitration. The bill allows upon motion of a party for the  
5 court to order consolidation of separate arbitrations involving  
6 the same parties and a common issue of law or fact if necessary  
7 for resolution of the family law dispute.

8 The bill provides that an arbitrator must be an attorney at  
9 law, a former attorney at law on inactive status, or a retired  
10 judge and have successfully completed a combined five hours of  
11 instruction in an accredited continuing legal education course on  
12 domestic violence and child abuse.

13 The bill requires an arbitrator to disclose any information  
14 a reasonable person would believe would affect the arbitrator's  
15 impartiality. The arbitrator, the attorneys, and parties are  
16 all required to disclose information that would change the  
17 impartiality of the arbitrator or the arbitrator's ability to  
18 make a timely award. The bill provides that if a timely  
19 disclosure was not made, a party may file a motion to suspend the  
20 arbitration no later than 15 days after such failure. The bill  
21 provides that failure to disclose can also result in the vacating  
22 of an award and other appropriate relief. Upon discharge of an  
23 arbitrator, the parties may select a new arbitrator or request  
24 that the court select one.

25 The bill allows a party to an arbitration to be represented  
26 by counsel, be accompanied by an individual who will not be  
27 used as a witness or advocate, and to fully participate in the  
28 arbitration. Parties are not allowed to communicate ex parte  
29 with the arbitrator.

30 The bill provides that prior to the selection of an  
31 arbitrator, the court may enter a temporary order for the  
32 family law dispute. After the selection of an arbitrator, the  
33 arbitrator may make a temporary award.

34 The bill provides that if a party is subject to a protection  
35 order and the arbitrator determines there is a reasonable

1 basis to believe a party is the victim of domestic violence  
2 or a party's safety or ability to participate effectively in  
3 arbitration is otherwise at risk, the arbitrator shall stay the  
4 arbitration and refer the parties to court. The arbitration  
5 shall not resume until the party at risk affirms the agreement  
6 in a record and the court determines that the affirmation is  
7 informed and voluntary, the arbitration is not inconsistent with  
8 the protection order, and reasonable procedures are in place to  
9 protect the party. The bill provides that if an arbitrator  
10 reasonably believes that a child subject to the matter is abused  
11 or neglected, the arbitration shall be terminated and the abuse  
12 or neglect shall be reported to the court or another appropriate  
13 authority.

14 The bill requires that the arbitrator conduct the arbitration  
15 in a manner considered appropriate for a fair and expeditious  
16 disposition. The bill provides the arbitrator the following  
17 powers: to select the rules for the arbitration; conduct the  
18 prehearing conferences and the hearing; administer oaths to  
19 parties and witnesses; allow any party to conduct prehearing  
20 discovery by interrogatories, deposition, requests for production  
21 of documents, or other means; determine the admissibility  
22 of evidence; and subpoena witnesses or documents upon the  
23 arbitrator's own initiative or request of a party; the power  
24 to meet with a child, appoint a representative for the child,  
25 and impose procedures to protect a party or child from risk of  
26 harm; and to sanction bad faith conduct according to state law  
27 governing misconduct in family law proceedings.

28 The bill does not require an arbitration hearing to be  
29 recorded.

30 The bill provides that an award shall be made in a record,  
31 dated and signed by the arbitrator and the parties shall be  
32 given notice. An award is not enforceable as a judgment until  
33 confirmed by the court.

34 The bill requires the court to confirm an award given by  
35 an arbitrator. The court shall confirm an award if all the

1 parties agree in a record to confirmation or the time period  
2 to correct an unconfirmed award or vacate an award has expired.  
3 The bill provides that if an award relates to a child custody  
4 dispute or a child support dispute, the court shall confirm  
5 the award if the court finds that the award complies with the  
6 bill and Code chapter 598 (dissolution of marriage and domestic  
7 relations) or 600B (paternity and obligation for support) and  
8 is in the best interests of the child. The bill provides that  
9 upon confirmation, the award is enforceable as a judgment and  
10 that unless otherwise agreed upon by the parties, the arbitration  
11 proceeds are confidential.

12 The bill allows the arbitrator, upon motion of a party  
13 not later than 20 days after notice of the award, to make a  
14 correction of an award. For an unconfirmed award, the parties  
15 may make a motion for correction and a motion to amend or  
16 vacate no later than 30 days after the arbitrator has given  
17 notice of the award. The bill allows the court to vacate  
18 an unconfirmed award if the moving party shows that the award  
19 was procured by corruption, fraud, or other undue means; there  
20 was an evident partiality by the arbitrator, corruption by  
21 the arbitrator, or other misconduct by the arbitrator; the  
22 arbitrator, refused to postpone a hearing, consider evidence  
23 material to the controversy, or otherwise did not conduct the  
24 hearing impartially; the arbitrator exceeded the arbitrator's  
25 powers; no arbitration agreement exists; or the arbitration was  
26 conducted without proper notice. In a child custody dispute, the  
27 bill provides that the court shall vacate an unconfirmed award if  
28 the moving party establishes that award does not comply with the  
29 bill, Code chapter 600B (paternity and obligation for support),  
30 or is contrary to the best interests of the child; the statement  
31 of reasons in the award is inadequate for court review of the  
32 award; or a ground for vacating the award under the bill exists.  
33 The court is required to determine a motion in a child custody  
34 dispute based on the record of the arbitration hearing and facts  
35 occurring after the hearing. If there is no record for the

1 hearing, the court shall consider it de novo. The bill requires  
2 that a motion to vacate or amend an award must be filed not later  
3 than 30 days after an arbitrator gives notice of an award, the  
4 arbitrator makes a correction to the award, or a party moves to  
5 vacate the award.

6 The bill allows the parties to arbitrate any dispute arising  
7 from the meaning or effect of a confirmed award.

8 The bill requires the court to enter a judgment after  
9 confirming, vacating, or amending an award.

10 The bill provides that the parties may modify an award either  
11 by the dispute resolution specified in the judgment or award or,  
12 if the award or judgment does not specify a dispute-resolution  
13 method, the parties may agree to arbitrate or proceed under the  
14 relevant Code chapter.

15 The bill allows an order granting or denying a motion  
16 to compel arbitration; granting or denying a motion to stay  
17 arbitration; confirming or denying confirmation of an award;  
18 correcting an award; vacating an award without directing a  
19 rehearing; and final judgment to be appealed.

20 The bill applies to arbitration of a family law dispute under  
21 an arbitration agreement made on or after the bill's effective  
22 date. If an arbitration agreement was made before the bill's  
23 effective date, parties may agree in a record that the bill's  
24 provisions will apply to the arbitration.