

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0561.01 Jerry Barry x4341

SENATE BILL 23-089

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Snyder,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORIZATION OF THE USE OF ARBITRATION IN
102 DOMESTIC RELATIONS CASES THROUGH THE ENACTMENT OF THE
103 "UNIFORM FAMILY LAW ARBITRATION ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. The bill enacts the "Uniform Family Law Arbitration Act" as drafted by the Uniform Law Commission, which authorizes the use of arbitration in domestic relations cases.

The bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 (7) "PARTY" MEANS AN INDIVIDUAL WHO SIGNS AN ARBITRATION
2 AGREEMENT AND WHOSE RIGHTS WILL BE DETERMINED BY AN AWARD.

3 (8) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR
4 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR
5 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR ANY
6 OTHER LEGAL ENTITY.

7 (9) "RECORD", USED AS A NOUN, MEANS INFORMATION THAT IS
8 INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC
9 OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

10 (10) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
11 ADOPT A RECORD:

12 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

13 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
14 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

15 (11) "STATE" MEANS A STATE OF THE UNITED STATES, THE
16 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
17 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
18 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY
19 RECOGNIZED INDIAN TRIBE.

20 **14-10.3-103. Scope.** (1) THIS ARTICLE 10.3 GOVERNS
21 ARBITRATION OF A FAMILY LAW DISPUTE.

22 (2) THIS ARTICLE 10.3 DOES NOT AUTHORIZE AN ARBITRATOR TO
23 MAKE AN AWARD THAT:

24 (a) GRANTS A LEGAL SEPARATION, DISSOLUTION OF MARRIAGE, OR
25 ANNULMENT;

26 (b) TERMINATES PARENTAL RIGHTS;

27 (c) GRANTS AN ADOPTION OR A GUARDIANSHIP OF A CHILD OR

1 INCAPACITATED INDIVIDUAL;

2 (d) DETERMINES THE STATUS OF DEPENDENCY; OR

3 (e) DETERMINES A CHILD-RELATED DISPUTE.

4 **14-10.3-104. Applicable law.** (1) EXCEPT AS OTHERWISE
5 PROVIDED IN THIS ARTICLE 10.3, THE LAW APPLICABLE TO ARBITRATION IS
6 PART 2 OF ARTICLE 22 OF TITLE 13.

7 (2) IN DETERMINING THE MERITS OF A FAMILY LAW DISPUTE, AN
8 ARBITRATOR SHALL APPLY THE LAW OF THIS STATE, INCLUDING ITS CHOICE
9 OF LAW RULES.

10 **14-10.3-105. Arbitration agreement.** (1) AN ARBITRATION
11 AGREEMENT MUST:

12 (a) BE IN A RECORD SIGNED BY THE PARTIES;

13 (b) IDENTIFY THE ARBITRATOR, AN ARBITRATION ORGANIZATION,
14 OR A METHOD OF SELECTING AN ARBITRATOR; AND

15 (c) IDENTIFY THE FAMILY LAW DISPUTE THE PARTIES INTEND TO
16 ARBITRATE.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
18 SECTION, AN AGREEMENT IN A RECORD TO ARBITRATE A FAMILY LAW
19 DISPUTE THAT ARISES BETWEEN THE PARTIES BEFORE, AT THE TIME, OR
20 AFTER THE AGREEMENT IS MADE IS VALID AND ENFORCEABLE AS ANY
21 OTHER CONTRACT AND IRREVOCABLE EXCEPT ON A GROUND THAT EXISTS
22 AT LAW OR IN EQUITY FOR THE REVOCATION OF A CONTRACT.

23 (3) IF A PARTY OBJECTS TO ARBITRATION ON THE GROUND THAT
24 THE ARBITRATION AGREEMENT IS UNENFORCEABLE OR THE AGREEMENT
25 DOES NOT INCLUDE A FAMILY LAW DISPUTE, THE COURT SHALL DECIDE
26 WHETHER THE AGREEMENT IS ENFORCEABLE OR INCLUDES THE FAMILY
27 LAW DISPUTE.

1 **14-10.3-106. Notice of arbitration.** A PARTY MAY INITIATE
2 ARBITRATION BY GIVING NOTICE TO ARBITRATE TO THE OTHER PARTY IN
3 THE MANNER SPECIFIED IN THE ARBITRATION AGREEMENT OR, IN THE
4 ABSENCE OF A SPECIFIED MANNER, UNDER THE LAW AND PROCEDURAL
5 RULES OF THIS STATE OTHER THAN THIS ARTICLE 10.3 GOVERNING
6 CONTRACTUAL ARBITRATION.

7 **14-10.3-107. Motion for judicial relief.** (1) A MOTION FOR
8 JUDICIAL RELIEF UNDER THIS ARTICLE 10.3 MUST BE MADE TO THE COURT
9 IN WHICH A PROCEEDING IS PENDING INVOLVING A FAMILY LAW DISPUTE
10 SUBJECT TO ARBITRATION OR, IF NO PROCEEDING IS PENDING, A COURT
11 WITH JURISDICTION OVER THE PARTIES AND THE SUBJECT MATTER.

12 (2) ON MOTION OF A PARTY, THE COURT MAY COMPEL
13 ARBITRATION IF THE PARTIES HAVE ENTERED INTO AN ARBITRATION
14 AGREEMENT THAT COMPLIES WITH SECTION 14-10.3-105 UNLESS THE
15 COURT DETERMINES UNDER SECTION 14-10.3-112 THAT THE ARBITRATION
16 SHOULD NOT PROCEED.

17 (3) ON MOTION OF A PARTY, THE COURT SHALL TERMINATE
18 ARBITRATION IF IT DETERMINES THAT:

- 19 (a) THE AGREEMENT TO ARBITRATE IS UNENFORCEABLE;
20 (b) THE FAMILY LAW DISPUTE IS NOT SUBJECT TO ARBITRATION; OR
21 (c) UNDER SECTION 14-10.3-112, THE ARBITRATION SHOULD NOT
22 PROCEED.

23 (4) UNLESS PROHIBITED BY AN ARBITRATION AGREEMENT, ON
24 MOTION OF A PARTY, THE COURT MAY ORDER CONSOLIDATION OF
25 SEPARATE ARBITRATIONS INVOLVING THE SAME PARTIES AND A COMMON
26 ISSUE OF LAW OR FACT IF NECESSARY FOR THE FAIR AND EXPEDITIOUS
27 RESOLUTION OF THE FAMILY LAW DISPUTE.

1 **14-10.3-108. Qualification and selection of arbitrator.**

2 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION,
3 UNLESS WAIVED IN A RECORD BY THE PARTIES, AN ARBITRATOR MUST BE:

4 (a) AN ATTORNEY IN GOOD STANDING ADMITTED TO PRACTICE OR
5 ON INACTIVE STATUS IN A STATE; AND

6 (b) TRAINED IN IDENTIFYING DOMESTIC VIOLENCE AND CHILD
7 ABUSE.

8 (2) THE IDENTIFICATION IN THE ARBITRATION AGREEMENT OF AN
9 ARBITRATOR, ARBITRATION ORGANIZATION, OR METHOD OF SELECTION OF
10 THE ARBITRATOR CONTROLS.

11 (3) IF AN ARBITRATOR IS UNABLE OR UNWILLING TO ACT OR IF THE
12 AGREED-ON METHOD OF SELECTING AN ARBITRATOR FAILS, ON MOTION OF
13 A PARTY, THE COURT SHALL SELECT AN ARBITRATOR.

14 **14-10.3-109. Disclosure by arbitrator - disqualification.**

15 (1) BEFORE AGREEING TO SERVE AS AN ARBITRATOR, AN INDIVIDUAL,
16 AFTER MAKING REASONABLE INQUIRY, SHALL DISCLOSE TO ALL PARTIES
17 ANY KNOWN FACT A REASONABLE PERSON WOULD BELIEVE IS LIKELY TO
18 AFFECT:

19 (a) THE IMPARTIALITY OF THE ARBITRATOR IN THE ARBITRATION,
20 INCLUDING BIAS, A FINANCIAL OR PERSONAL INTEREST IN THE OUTCOME OF
21 THE ARBITRATION, OR AN EXISTING OR PAST RELATIONSHIP WITH A PARTY,
22 ATTORNEY REPRESENTING A PARTY, OR WITNESS; OR

23 (b) THE ARBITRATOR'S ABILITY TO MAKE A TIMELY AWARD.

24 (2) AN ARBITRATOR, THE PARTIES, AND THE ATTORNEYS
25 REPRESENTING THE PARTIES HAVE A CONTINUING OBLIGATION TO
26 DISCLOSE TO ALL PARTIES ANY KNOWN FACT A REASONABLE PERSON
27 WOULD BELIEVE IS LIKELY TO AFFECT THE IMPARTIALITY OF THE

1 ARBITRATOR OR THE ARBITRATOR'S ABILITY TO MAKE A TIMELY AWARD.

2 (3) AN OBJECTION TO THE SELECTION OR CONTINUED SERVICE OF
3 AN ARBITRATOR AND A MOTION FOR A STAY OF ARBITRATION AND
4 DISQUALIFICATION OF THE ARBITRATOR MUST BE MADE UNDER THE LAW
5 AND PROCEDURAL RULES OF THIS STATE OTHER THAN THIS ARTICLE 10.3
6 GOVERNING ARBITRATOR DISQUALIFICATION.

7 (4) IF A DISCLOSURE REQUIRED BY SUBSECTION (1)(a) OR (2) OF
8 THIS SECTION IS NOT MADE, THE COURT MAY:

9 (a) ON MOTION OF A PARTY NOT LATER THAN THIRTY DAYS AFTER
10 THE FAILURE TO DISCLOSE IS KNOWN OR BY THE EXERCISE OF REASONABLE
11 CARE SHOULD HAVE BEEN KNOWN TO THE PARTY, SUSPEND THE
12 ARBITRATION;

13 (b) ON TIMELY MOTION OF A PARTY, VACATE AN AWARD UNDER
14 SECTION 14-10.3-119 (1)(b); OR

15 (c) IF AN AWARD HAS BEEN CONFIRMED, GRANT OTHER
16 APPROPRIATE RELIEF UNDER LAW OF THIS STATE OTHER THAN THIS
17 ARTICLE 10.3.

18 (5) IF THE PARTIES AGREE TO DISCHARGE AN ARBITRATOR OR THE
19 ARBITRATOR IS DISQUALIFIED, THE PARTIES BY AGREEMENT MAY SELECT
20 A NEW ARBITRATOR OR REQUEST THE COURT TO SELECT ANOTHER
21 ARBITRATOR AS PROVIDED IN SECTION 14-10.3-108.

22 **14-10.3-110. Party participation.** (1) A PARTY MAY:

23 (a) BE REPRESENTED IN AN ARBITRATION BY AN ATTORNEY;

24 (b) BE ACCOMPANIED BY AN INDIVIDUAL WHO WILL NOT BE
25 CALLED AS A WITNESS OR ACT AS AN ADVOCATE; AND

26 (c) PARTICIPATE IN THE ARBITRATION TO THE FULL EXTENT
27 PERMITTED UNDER THE LAW AND PROCEDURAL RULES OF THIS STATE

1 OTHER THAN THIS ARTICLE 10.3 GOVERNING A PARTY'S PARTICIPATION IN
2 CONTRACTUAL ARBITRATION.

3 (2) A PARTY OR REPRESENTATIVE OF A PARTY MAY NOT
4 COMMUNICATE EX PARTE WITH THE ARBITRATOR EXCEPT TO THE EXTENT
5 ALLOWED IN A FAMILY LAW PROCEEDING FOR COMMUNICATION WITH A
6 JUDGE.

7 **14-10.3-111. Temporary order or award.** (1) BEFORE AN
8 ARBITRATOR IS SELECTED AND ABLE TO ACT, ON MOTION OF A PARTY, THE
9 COURT MAY ENTER A TEMPORARY ORDER UNDER SECTION 14-10-108.

10 (2) AFTER AN ARBITRATOR IS SELECTED:

11 (a) THE ARBITRATOR MAY MAKE A TEMPORARY AWARD UNDER
12 SECTION 14-10-108; AND

13 (b) IF THE MATTER IS URGENT AND THE ARBITRATOR IS NOT ABLE
14 TO ACT IN A TIMELY MANNER OR PROVIDE AN ADEQUATE REMEDY, ON
15 MOTION OF A PARTY, THE COURT MAY ENTER A TEMPORARY ORDER.

16 (3) ON MOTION OF A PARTY, BEFORE THE COURT CONFIRMS A FINAL
17 AWARD, THE COURT UNDER SECTIONS 14-10.3-116 TO 14-10.3-119 MAY
18 CONFIRM, CORRECT, VACATE, OR AMEND A TEMPORARY AWARD MADE
19 UNDER SUBSECTION (2)(a) OF THIS SECTION.

20 (4) ON MOTION OF A PARTY, THE COURT MAY ENFORCE A
21 SUBPOENA OR INTERIM AWARD ISSUED BY AN ARBITRATOR FOR THE FAIR
22 AND EXPEDITIOUS DISPOSITION OF THE ARBITRATION.

23 **14-10.3-112. Protection of party or child - definition.** (1) IN
24 THIS SECTION, "PROTECTION ORDER" MEANS AN INJUNCTION OR OTHER
25 ORDER, ISSUED UNDER THE DOMESTIC-VIOLENCE, FAMILY-VIOLENCE, OR
26 STALKING LAWS OF THE ISSUING JURISDICTION, TO PREVENT AN
27 INDIVIDUAL FROM ENGAGING IN A VIOLENT OR THREATENING ACT

1 AGAINST, HARASSMENT OF, CONTACT OR COMMUNICATION WITH, OR BEING
2 IN PHYSICAL PROXIMITY TO ANOTHER INDIVIDUAL WHO IS A PARTY OR A
3 CHILD UNDER THE CUSTODIAL RESPONSIBILITY OF A PARTY.

4 (2) IF A PARTY IS SUBJECT TO A PROTECTION ORDER OR AN
5 ARBITRATOR DETERMINES THERE IS A REASONABLE BASIS TO BELIEVE A
6 PARTY'S SAFETY OR ABILITY TO PARTICIPATE EFFECTIVELY IN
7 ARBITRATION IS AT RISK, THE ARBITRATOR SHALL STAY THE ARBITRATION
8 AND REFER THE PARTIES TO COURT. THE ARBITRATION MAY NOT PROCEED
9 UNLESS THE PARTY AT RISK AFFIRMS THE ARBITRATION AGREEMENT IN A
10 RECORD AND THE COURT DETERMINES:

11 (a) THE AFFIRMATION IS INFORMED AND VOLUNTARY;

12 (b) ARBITRATION IS NOT INCONSISTENT WITH THE PROTECTION
13 ORDER; AND

14 (c) REASONABLE PROCEDURES ARE IN PLACE TO PROTECT THE
15 PARTY FROM RISK OF HARM, HARASSMENT, OR INTIMIDATION.

16 (3) AN ARBITRATOR MAY MAKE A TEMPORARY AWARD TO PROTECT
17 A PARTY OR CHILD FROM HARM, HARASSMENT, OR INTIMIDATION.

18 (4) ON MOTION OF A PARTY, THE COURT MAY STAY ARBITRATION
19 AND REVIEW A DETERMINATION OR TEMPORARY AWARD UNDER THIS
20 SECTION.

21 (5) THIS SECTION SUPPLEMENTS REMEDIES AVAILABLE UNDER LAW
22 OF THIS STATE OTHER THAN THIS ARTICLE 10.3 FOR THE PROTECTION OF
23 VICTIMS OF DOMESTIC VIOLENCE, FAMILY VIOLENCE, STALKING,
24 HARASSMENT, OR SIMILAR ABUSE.

25 **14-10.3-113. Powers and duties of arbitrator.** (1) AN
26 ARBITRATOR SHALL CONDUCT AN ARBITRATION IN A MANNER THE
27 ARBITRATOR CONSIDERS APPROPRIATE FOR A FAIR AND EXPEDITIOUS

1 DISPOSITION OF THE DISPUTE.

2 (2) AN ARBITRATOR SHALL PROVIDE EACH PARTY A RIGHT TO BE
3 HEARD, TO PRESENT EVIDENCE MATERIAL TO THE FAMILY LAW DISPUTE,
4 AND TO CROSS-EXAMINE WITNESSES.

5 (3) UNLESS THE PARTIES OTHERWISE AGREE IN A RECORD, AN
6 ARBITRATOR'S POWERS INCLUDE THE POWER TO:

7 (a) SELECT THE RULES FOR CONDUCTING THE ARBITRATION;

8 (b) HOLD CONFERENCES WITH THE PARTIES BEFORE A HEARING;

9 (c) DETERMINE THE DATE, TIME, AND PLACE OF A HEARING;

10 (d) REQUIRE A PARTY TO PROVIDE:

11 (I) A COPY OF A RELEVANT COURT ORDER;

12 (II) INFORMATION REQUIRED TO BE DISCLOSED IN A FAMILY LAW
13 PROCEEDING UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE 10.3;

14 AND

15 (III) A PROPOSED AWARD THAT ADDRESSES EACH ISSUE IN
16 ARBITRATION;

17 (e) APPOINT A PRIVATE EXPERT AT THE EXPENSE OF THE PARTIES;

18 (f) ADMINISTER AN OATH OR AFFIRMATION AND ISSUE A SUBPOENA
19 FOR THE ATTENDANCE OF A WITNESS OR THE PRODUCTION OF DOCUMENTS
20 AND OTHER EVIDENCE AT A HEARING;

21 (g) COMPEL DISCOVERY CONCERNING THE FAMILY LAW DISPUTE
22 AND DETERMINE THE DATE, TIME, AND PLACE OF DISCOVERY;

23 (h) DETERMINE THE ADMISSIBILITY AND WEIGHT OF EVIDENCE;

24 (i) PERMIT DEPOSITION OF A WITNESS FOR USE AS EVIDENCE AT A
25 HEARING;

26 (j) FOR GOOD CAUSE, PROHIBIT A PARTY FROM DISCLOSING
27 INFORMATION;

1 (k) IMPOSE A PROCEDURE TO PROTECT A PARTY OR CHILD FROM
2 RISK OF HARM, HARASSMENT, OR INTIMIDATION;

3 (l) ALLOCATE ARBITRATION FEES, ATTORNEY FEES, EXPERT
4 WITNESS FEES, AND OTHER COSTS TO THE PARTIES; AND

5 (m) IMPOSE A SANCTION ON A PARTY FOR BAD FAITH OR
6 MISCONDUCT DURING THE ARBITRATION ACCORDING TO STANDARDS
7 GOVERNING IMPOSITION OF A SANCTION FOR LITIGANT MISCONDUCT IN A
8 FAMILY LAW PROCEEDING.

9 (4) AN ARBITRATOR MAY NOT ALLOW EX PARTE COMMUNICATION
10 EXCEPT TO THE EXTENT ALLOWED IN A FAMILY LAW PROCEEDING FOR
11 COMMUNICATION WITH A JUDGE.

12 **14-10.3-114. Recording of hearing.** EXCEPT AS OTHERWISE
13 REQUIRED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE 10.3, AN
14 ARBITRATION HEARING NEED NOT BE RECORDED UNLESS REQUIRED BY THE
15 ARBITRATOR, PROVIDED BY THE ARBITRATION AGREEMENT, OR
16 REQUESTED BY A PARTY.

17 **14-10.3-115. Award.** (1) AN ARBITRATOR SHALL MAKE AN
18 AWARD IN A RECORD, DATED AND SIGNED BY THE ARBITRATOR. THE
19 ARBITRATOR SHALL GIVE NOTICE OF THE AWARD TO EACH PARTY BY A
20 METHOD AGREED ON BY THE PARTIES OR, IF THE PARTIES HAVE NOT
21 AGREED ON A METHOD, UNDER THE LAW AND PROCEDURAL RULES OF THIS
22 STATE OTHER THAN THIS ARTICLE 10.3 GOVERNING NOTICE IN
23 CONTRACTUAL ARBITRATION.

24 (2) THE AWARD UNDER THIS ARTICLE 10.3 MUST STATE THE
25 REASONS ON WHICH IT IS BASED UNLESS OTHERWISE AGREED BY THE
26 PARTIES.

27 (3) AN AWARD UNDER THIS ARTICLE 10.3 IS NOT ENFORCEABLE AS

1 A JUDGMENT UNTIL CONFIRMED UNDER SECTION 14-10.3-116.

2 **14-10.3-116. Confirmation of award.** (1) AFTER AN
3 ARBITRATOR GIVES NOTICE UNDER SECTION 14-10.3-115 (1) OF AN
4 AWARD, INCLUDING AN AWARD CORRECTED UNDER SECTION 14-10.3-117,
5 A PARTY MAY MOVE THE COURT FOR AN ORDER CONFIRMING THE AWARD.

6 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
7 SECTION, THE COURT SHALL CONFIRM AN AWARD UNDER THIS ARTICLE
8 10.3 IF:

9 (a) THE PARTIES AGREE IN A RECORD TO CONFIRMATION; OR

10 (b) THE TIME HAS EXPIRED FOR MAKING A MOTION, AND NO
11 MOTION IS PENDING, UNDER SECTION 14-10.3-118 OR 14-10.3-119.

12 (3) ON CONFIRMATION, AN AWARD UNDER THIS ARTICLE 10.3 IS
13 ENFORCEABLE AS A JUDGMENT.

14 **14-10.3-117. Correction by arbitrator of unconfirmed award.**

15 (1) ON MOTION OF A PARTY MADE NOT LATER THAN THIRTY DAYS AFTER
16 AN ARBITRATOR GIVES NOTICE UNDER SECTION 14-10.3-115 (1) OF AN
17 AWARD, THE ARBITRATOR MAY CORRECT THE AWARD:

18 (a) IF THE AWARD HAS AN EVIDENT MATHEMATICAL
19 MISCALCULATION OR AN EVIDENT MISTAKE IN THE DESCRIPTION OF A
20 PERSON, THING, OR PROPERTY;

21 (b) IF THE AWARD IS IMPERFECT IN A MATTER OF FORM NOT
22 AFFECTING THE MERITS ON THE ISSUES SUBMITTED; OR

23 (c) TO CLARIFY THE AWARD.

24 **14-10.3-118. Correction by court of unconfirmed award.**

25 (1) ON MOTION OF A PARTY MADE NOT LATER THAN NINETY DAYS AFTER
26 AN ARBITRATOR GIVES NOTICE UNDER SECTION 14-10.3-115 (1) OF AN
27 AWARD, INCLUDING AN AWARD CORRECTED UNDER SECTION 14-10.3-117,

1 THE COURT SHALL CORRECT THE AWARD IF:

2 (a) THE AWARD HAS AN EVIDENT MATHEMATICAL
3 MISCALCULATION OR AN EVIDENT MISTAKE IN THE DESCRIPTION OF A
4 PERSON, THING, OR PROPERTY;

5 (b) THE AWARD IS IMPERFECT IN A MATTER OF FORM NOT
6 AFFECTING THE MERITS OF THE ISSUES SUBMITTED; OR

7 (c) THE ARBITRATOR MADE AN AWARD ON A DISPUTE NOT
8 SUBMITTED TO THE ARBITRATOR AND THE AWARD MAY BE CORRECTED
9 WITHOUT AFFECTING THE MERITS OF THE ISSUES SUBMITTED.

10 (2) A MOTION UNDER THIS SECTION TO CORRECT AN AWARD MAY
11 BE JOINED WITH A MOTION TO VACATE OR AMEND THE AWARD UNDER
12 SECTION 14-10.3-119.

13 (3) UNLESS A MOTION UNDER SECTION 14-10.3-119 IS PENDING,
14 THE COURT MAY CONFIRM A CORRECTED AWARD UNDER SECTION
15 14-10.3-117.

16 **14-10.3-119. Vacation or amendment by court of unconfirmed**
17 **award.** (1) ON MOTION OF A PARTY, THE COURT SHALL VACATE AN
18 UNCONFIRMED AWARD IF THE MOVING PARTY ESTABLISHES THAT:

19 (a) THE AWARD WAS PROCURED BY CORRUPTION, FRAUD, OR
20 OTHER UNDUE MEANS;

21 (b) THERE WAS:

22 (I) EVIDENT PARTIALITY BY THE ARBITRATOR;

23 (II) CORRUPTION BY THE ARBITRATOR; OR

24 (III) MISCONDUCT BY THE ARBITRATOR SUBSTANTIALLY
25 PREJUDICING THE RIGHTS OF A PARTY;

26 (c) THE ARBITRATOR REFUSED TO POSTPONE A HEARING ON
27 SHOWING OF SUFFICIENT CAUSE FOR POSTPONEMENT, REFUSED TO

1 CONSIDER EVIDENCE MATERIAL TO THE CONTROVERSY, OR OTHERWISE
2 CONDUCTED THE HEARING CONTRARY TO SECTION 14-10.3-113, SO AS TO
3 PREJUDICE SUBSTANTIALLY THE RIGHTS OF A PARTY;

4 (d) THE ARBITRATOR EXCEEDED THE ARBITRATOR'S POWERS;

5 (e) NO ARBITRATION AGREEMENT EXISTS, UNLESS THE MOVING
6 PARTY PARTICIPATED IN THE ARBITRATION WITHOUT MAKING A MOTION
7 UNDER SECTION 14-10.3-117 NOT LATER THAN THE BEGINNING OF THE
8 FIRST ARBITRATION HEARING;

9 (f) THE ARBITRATION WAS CONDUCTED WITHOUT PROPER NOTICE
10 UNDER SECTION 14-10.3-116 OF THE INITIATION OF ARBITRATION, SO AS TO
11 PREJUDICE SUBSTANTIALLY THE RIGHTS OF A PARTY; OR

12 (g) A GROUND EXISTS FOR VACATING THE AWARD UNDER LAW OF
13 THIS STATE OTHER THAN THIS ARTICLE 10.3.

14 (2) A MOTION UNDER THIS SECTION TO VACATE OR AMEND AN
15 AWARD MUST BE FILED NOT LATER THAN NINETY DAYS:

16 (a) AFTER AN ARBITRATOR GIVES THE PARTY FILING THE MOTION
17 NOTICE OF THE AWARD OR A CORRECTED AWARD; OR

18 (b) FOR A MOTION UNDER SUBSECTION (1)(a) OF THIS SECTION,
19 AFTER THE GROUND OF CORRUPTION, FRAUD, OR OTHER UNDUE MEANS IS
20 KNOWN OR BY THE EXERCISE OF REASONABLE CARE SHOULD HAVE BEEN
21 KNOWN TO THE PARTY FILING THE MOTION.

22 (3) IF THE COURT UNDER THIS SECTION VACATES AN AWARD FOR
23 A REASON OTHER THAN THE ABSENCE OF AN ENFORCEABLE ARBITRATION
24 AGREEMENT, THE COURT MAY ORDER A REHEARING BEFORE AN
25 ARBITRATOR. IF THE REASON FOR VACATING THE AWARD IS THAT THE
26 AWARD WAS PROCURED BY CORRUPTION, FRAUD, OR OTHER UNDUE MEANS
27 OR THERE WAS EVIDENT PARTIALITY, CORRUPTION, OR MISCONDUCT BY

1 THE ARBITRATOR, THE REHEARING MUST BE BEFORE ANOTHER
2 ARBITRATOR.

3 (4) IF THE COURT UNDER THIS SECTION DENIES A MOTION TO
4 VACATE OR AMEND AN AWARD, THE COURT MAY CONFIRM THE AWARD
5 UNDER SECTION 14-10.3-116 UNLESS A MOTION IS PENDING UNDER
6 SECTION 14-10.3-118.

7 **14-10.3-120. Clarification of confirmed award.** (1) IF THE
8 MEANING OR EFFECT OF AN AWARD CONFIRMED UNDER SECTION
9 14-10.3-116 IS IN DISPUTE, THE PARTIES MAY:

10 (a) AGREE TO ARBITRATE THE DISPUTE BEFORE THE ORIGINAL
11 ARBITRATOR OR ANOTHER ARBITRATOR; OR

12 (b) PROCEED IN COURT UNDER LAW OF THIS STATE OTHER THAN
13 THIS ARTICLE 10.3 GOVERNING CLARIFICATION OF A JUDGMENT IN A
14 FAMILY LAW PROCEEDING.

15 **14-10.3-121. Judgment on award.** (1) ON GRANTING AN ORDER
16 CONFIRMING, VACATING WITHOUT DIRECTING A REHEARING, OR AMENDING
17 AN AWARD UNDER THIS ARTICLE 10.3, THE COURT SHALL ENTER JUDGMENT
18 IN CONFORMITY WITH THE ORDER.

19 (2) ON MOTION OF A PARTY, THE COURT MAY ORDER THAT A
20 DOCUMENT OR PART OF THE ARBITRATION RECORD BE SEALED OR
21 REDACTED TO PREVENT PUBLIC DISCLOSURE OF ALL OR PART OF THE
22 RECORD OR AWARD TO THE EXTENT PERMITTED UNDER LAW OF THIS STATE
23 OTHER THAN THIS ARTICLE 10.3.

24 **14-10.3-122. Modification of confirmed award or judgment.**

25 (1) IF A PARTY REQUESTS UNDER LAW OF THIS STATE OTHER THAN THIS
26 ARTICLE 10.3 A MODIFICATION OF AN AWARD CONFIRMED UNDER SECTION
27 14-10.3-116 OR JUDGMENT ON THE AWARD BASED ON A FACT OCCURRING

1 AFTER CONFIRMATION:

2 (a) THE PARTIES SHALL PROCEED UNDER THE DISPUTE-RESOLUTION
3 METHOD SPECIFIED IN THE AWARD OR JUDGMENT; OR

4 (b) IF THE AWARD OR JUDGMENT DOES NOT SPECIFY A
5 DISPUTE-RESOLUTION METHOD, THE PARTIES MAY:

6 (I) AGREE TO ARBITRATE THE MODIFICATION BEFORE THE
7 ORIGINAL ARBITRATOR OR ANOTHER ARBITRATOR; OR

8 (II) ABSENT AGREEMENT TO PROCEED UNDER LAW OF THIS STATE
9 OTHER THAN THIS ARTICLE 10.3 GOVERNING MODIFICATION OF A
10 JUDGMENT IN A FAMILY LAW PROCEEDING.

11 **14-10.3-123. Enforcement of confirmed award.** (1) THE COURT
12 SHALL ENFORCE AN AWARD CONFIRMED UNDER SECTION 14-10.3-116,
13 INCLUDING A TEMPORARY AWARD, IN THE MANNER AND TO THE SAME
14 EXTENT AS ANY OTHER ORDER OR JUDGMENT OF A COURT.

15 (2) THE COURT SHALL ENFORCE AN ARBITRATION AWARD IN A
16 FAMILY LAW DISPUTE CONFIRMED BY A COURT IN ANOTHER STATE IN THE
17 MANNER AND TO THE SAME EXTENT AS ANY OTHER ORDER OR JUDGMENT
18 FROM ANOTHER STATE.

19 **14-10.3-124. Appeal.** (1) AN APPEAL MAY BE TAKEN UNDER THIS
20 ARTICLE 10.3 FROM:

21 (a) AN ORDER DENYING A MOTION TO COMPEL ARBITRATION;

22 (b) AN ORDER GRANTING A MOTION TO STAY ARBITRATION;

23 (c) AN ORDER CONFIRMING OR DENYING CONFIRMATION OF AN
24 AWARD;

25 (d) AN ORDER CORRECTING AN AWARD;

26 (e) AN ORDER VACATING AN AWARD WITHOUT DIRECTING A
27 REHEARING; OR

1 (f) A FINAL JUDGMENT.

2 (2) AN APPEAL UNDER THIS SECTION MAY BE TAKEN FROM AN
3 ORDER OR A JUDGMENT IN A CIVIL ACTION.

4 **14-10.3-125. Immunity of arbitrator.** (1) AN ARBITRATOR OR
5 ARBITRATION ORGANIZATION ACTING IN THAT CAPACITY IN A FAMILY LAW
6 DISPUTE IS IMMUNE FROM CIVIL LIABILITY TO THE SAME EXTENT AS A
7 JUDGE OF A COURT OF THIS STATE ACTING IN A JUDICIAL CAPACITY.

8 (2) THE IMMUNITY PROVIDED BY THIS SECTION SUPPLEMENTS ANY
9 IMMUNITY UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE 10.3.

10 (3) AN ARBITRATOR'S FAILURE TO MAKE A DISCLOSURE REQUIRED
11 BY SECTION 14-10.3-119 DOES NOT CAUSE THE ARBITRATOR TO LOSE
12 IMMUNITY UNDER THIS SECTION.

13 (4) AN ARBITRATOR IS NOT COMPETENT TO TESTIFY, AND MAY NOT
14 BE REQUIRED TO PRODUCE RECORDS, IN A JUDICIAL, ADMINISTRATIVE, OR
15 SIMILAR PROCEEDING ABOUT A STATEMENT, CONDUCT, DECISION, OR
16 RULING OCCURRING DURING AN ARBITRATION, TO THE SAME EXTENT AS A
17 JUDGE OF A COURT OF THIS STATE ACTING IN A JUDICIAL CAPACITY. THIS
18 SUBSECTION (4) DOES NOT APPLY:

19 (a) TO THE EXTENT DISCLOSURE IS NECESSARY TO DETERMINE A
20 CLAIM BY THE ARBITRATOR OR ARBITRATION ORGANIZATION AGAINST A
21 PARTY TO THE ARBITRATION; OR

22 (b) TO A HEARING ON A MOTION UNDER SECTION 14-10.3-119
23 (1)(a) OR (1)(b) TO VACATE AN AWARD, IF THERE IS PRIMA FACIE
24 EVIDENCE THAT A GROUND FOR VACATING THE AWARD EXISTS.

25 (5) IF A PERSON COMMENCES A CIVIL ACTION AGAINST AN
26 ARBITRATOR ARISING FROM THE SERVICES OF THE ARBITRATOR OR SEEKS
27 TO COMPEL THE ARBITRATOR TO TESTIFY OR PRODUCE RECORDS IN

1 VIOLATION OF SUBSECTION (4) OF THIS SECTION AND THE COURT
2 DETERMINES THAT THE ARBITRATOR IS IMMUNE FROM CIVIL LIABILITY OR
3 IS NOT COMPETENT TO TESTIFY OR REQUIRED TO PRODUCE THE RECORDS,
4 THE COURT SHALL AWARD THE ARBITRATOR REASONABLE ATTORNEY FEES,
5 COSTS, AND REASONABLE EXPENSES OF LITIGATION.

6 **14-10.3-126. Uniformity of application and construction.** IN
7 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
8 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
9 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

10 **14-10.3-127. Relation to electronic signatures in global and**
11 **national commerce act.** THIS ARTICLE 10.3 MODIFIES, LIMITS, OR
12 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND
13 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT
14 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.
15 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE
16 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003
17 (b).

18 **14-10.3-128. Transitional provision.** THIS ARTICLE 10.3 APPLIES
19 TO ARBITRATION OF A FAMILY LAW DISPUTE UNDER AN ARBITRATION
20 AGREEMENT MADE ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE
21 10.3. IF AN ARBITRATION AGREEMENT WAS MADE BEFORE THE EFFECTIVE
22 DATE OF THIS ARTICLE 10.3, THE PARTIES MAY AGREE IN A RECORD THAT
23 THIS ARTICLE 10.3 APPLIES TO THE ARBITRATION.

24 **SECTION 2.** In Colorado Revised Statutes, 14-10-128.3, **amend**
25 (1) as follows:

26 **14-10-128.3. Appointment of decision-maker - disclosure.**
27 (1) In addition to the appointment of a parenting coordinator pursuant to

1 section 14-10-128.1 or an arbitrator pursuant to ~~section 14-10-128.5~~
2 ARTICLE 10.3 OF THIS TITLE 14, at any time after the entry of an order
3 concerning parental responsibilities and upon written consent of both
4 parties, the court may appoint a qualified domestic relations
5 decision-maker and grant to the decision-maker binding authority to
6 resolve disputes between the parties as to implementation or clarification
7 of existing orders concerning the parties' minor or dependent children,
8 including but not limited to disputes concerning parenting time, specific
9 disputed parental decisions, and child support. A decision-maker shall
10 have the authority to make binding determinations to implement or clarify
11 the provisions of a pre-existing court order in a manner that is consistent
12 with the substantive intent of the court order. The decision-maker
13 appointed pursuant to the provisions of this section may be the same
14 person as the parenting coordinator appointed pursuant to section
15 14-10-128.1. At the time of the appointment, the appointed person shall
16 comply with the disclosure provisions of subsection (4.5) of this section.

17 **SECTION 3.** In Colorado Revised Statutes, **repeal** 14-10-128.5.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 takes effect January 1, 2024; except that, if a referendum petition is filed
20 pursuant to section 1 (3) of article V of the state constitution against this
21 act or an item, section, or part of this act within the ninety-day period
22 after final adjournment of the general assembly, then the act, item,
23 section, or part will not take effect unless approved by the people at the
24 general election to be held in November 2024 and, in such case, will take
25 effect on the date of the official declaration of the vote thereon by the
26 governor.