

March 18, 1999

**H 495. FAMILY LAW ARBITRATION ACT. TO PROVIDE FOR THE ARBITRATION OF ALL ISSUES ARISING FROM A MARITAL SEPARATION OR DIVORCE, EXCEPT FOR THE DIVORCE ITSELF, UPON THE AGREEMENT OF ALL PARTIES; AND TO AMEND G.S. 1-567.57.** Enacts a new Family Law Arbitration Act as Art. 3 of GS Ch. 50. The purpose of the new act is to permit, by agreement of the parties, all issues incident to the breakup of a marriage, except the divorce itself, to be submitted to binding arbitration. Marital dissolution issues subject to arbitration include child custody, child support, alimony, and equitable distribution. An agreement to arbitrate may be entered into in connection with a premarital agreement, an agreement entered into during the marriage for the distribution of property, or an agreement made after the parties' separation. Parties may agree to arbitration either before or after an action for divorce or other family law issues is filed. The new act is modeled on the Uniform Arbitration Act and the International Commercial Arbitration and Conciliation Act with special added provisions that allow an arbitrator or the court to modify an otherwise final award for postseparation support, alimony, child support, or child custody in the same situations that state law allows modification of such orders by the court. Includes provisions making arbitration agreements valid, irrevocable, and enforceable; regarding interim relief granted by arbitrators or the court; regarding appointment of arbitrators; regarding rules for conducting arbitration; regarding arbitration hearings; regarding representation by attorneys; regarding witnesses, subpoenas, and depositions in arbitration proceedings; regarding awards and costs in arbitration proceedings; regarding confirmation of arbitration awards by the court; regarding entry of judgment on arbitration awards; and regarding vacation, correction, or modification of arbitration awards by the court under specified circumstances. New act applies to arbitration agreements made on or after Oct. 1, 1999, unless parties by separate agreement after that date agree that act applies to agreements entered before Oct. 1, 1999.

Amends GS 1-567.57(b) (international arbitration) to allow court to take specified actions with respect to consolidation of arbitrations upon application of any party when parties have agreed in their respective arbitration agreements or otherwise to consolidation of arbitrations.

Effective Oct. 1, 1999.

**Intro. by Hackney.**

Ref. to Judiciary I

GS 50, 1

April 12, 1999

**H 495. FAMILY LAW ARBITRATION ACT.** Intro. 3/18/1999. House committee substitute makes the following changes to 1st edition. Revises proposed GS 50-42(a) with the effect that parties to marriage may agree during or after, but not before, the marriage to submit to arbitration of controversies arising out of marital relationship. Also revises proposed GS 50-44(e) to provide that while other arbitrators' findings of fact are binding on the court in considering a request for interim relief, the court may review any findings governing child support or custody.