



Uniform Law Commission
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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Representative Fred Patton, Chair
House Committee on the Judiciary
State Capitol, Room 582-N
300 SW 10th Ave.,
Topeka, KS 66612

Dear Chair Patton, Vice Chair Ralph, and Members of the House Committee on Judiciary,

I appreciate this opportunity to submit written testimony in support of House Bill 2496, the Uniform Family Law Arbitration Act. House Bill 2496 seeks to adopt the Uniform Family Law Arbitration Act (also called “UFLAA”). A copy of the Act, as well as other supporting materials can be found on the Commission’s website www.uniformlaws.org.

The Uniform Law Commission (also known as the National Conference of Commissioners on Uniform State Laws), is a state supported organization that was established in 1892, and provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC commissioners must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

The Uniform Family Law Arbitration Act, which House Bill 2496 adopts, is the result of three years of drafting work by the Uniform Law Commission and a diverse group of experts. In total, more than 50 people participated in the drafting process, including representatives from the American Bar Association (ABA) Family Law Section, ABA Dispute Resolution Section, ABA Litigation Section, ABA Commission on Domestic Violence, the American Academy of Matrimonial Lawyers, and the National Center for State Courts. The uniform act was approved by the ABA House of Delegates in 2017. Since that time, the uniform act has been enacted in four states (Arizona, Hawaii, Montana, and North Dakota). The uniform act was also introduced in the District of Columbia, Pennsylvania, and Massachusetts in past sessions.

House Bill 2496 provides a tailored statutory structure for the arbitration of family law disputes. Arbitration is a voluntary method of alternative dispute resolution in which the parties choose a neutral third party to resolve their disputed issue. Although arbitration has been used for decades to resolve commercial disputes, arbitration of family law issues, such as property,



support, and child-related disputes, has more recently gained traction. The UFLAA draws on the widely enacted Uniform Arbitration Act and Revised Uniform Arbitration Act but includes special standards for the arbitration of child custody and support, protections for victims of domestic violence, and more.

Why should Kansas consider adopting this uniform act? First, it offers parties a more efficient, private means of resolving their dispute. When litigating a family law dispute, hearings before the court are public. In arbitration, all hearings remain private. In family law arbitration, the parties also choose the arbitrator, and thus, have more control over the schedule, rules, and timing of their dispute resolution process. Privacy and flexibility are huge benefits to divorcing parties, or parties disputing a child-related matter.

In addition, this uniform act was carefully crafted to guard the role of the courts with respect to children. Under the Act, arbitration awards regarding child custody or child support cannot be confirmed unless the court finds that the award complies with applicable law and is in the best interests of the child. If the parties are arbitrating a child-related dispute under the Act and the arbitrator has a reasonable basis to believe the child is subject to abuse or neglect, then the arbitrator ends the arbitration, and the matter will be sent to the court for resolution.

The UFLAA also protects victims of domestic violence. The Act provides safeguards to ensure that one party to the arbitration will not intimidate or overpower another. For example, a party to the arbitration process may be accompanied by a friend or supporter who will not be called as a witness or act as an advocate. If the arbitrator detects domestic violence, the arbitrator will stay the arbitration and refer the parties to court.

The UFLAA addresses post-decree modifications as well. The Act allows a party to request to modify an award or judgment after it has been confirmed by the court. The modification must be based on facts occurring after confirmation and may be resolved judicially or, if the parties agree, by arbitration.

Those are just a few benefits offered by the Uniform Family Law Arbitration Act offers. I thank you for your time, and respectfully urge the Committee to report favorably on Bill 2496.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kari Bearman'.

Kari Bearman
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