

History of Family Law Arbitration

1999 amended in 2005 North Carolina adopts the family law arbitration act. Wake Forest University Law Professor George K. Walker and North Carolina Attorney Lynn Burleson spearheaded the NC Family Law Act, rules, and forms.

2005 American Academy of Matrimonial Lawyers (AAML) Board of Directors approves a Model Family Law Arbitration Act (Model Act) based on the Revised Uniform Arbitration Act and the American Arbitration Act (AAA)

2016 Uniform Family Law Arbitration Act (UFLAA) is promulgated by the Uniform Law Commission

Drafted by individuals from ABA Family Law Section, Dispute Resolution Section, Commission on Domestic Violence, AAML, and National Center for State Courts.

2017 ABA Board of Governors approves UFLAA.

Arizona adopts the UFLAA as a Rule

Hawaii adopts the UFLAA

2019 North Dakota adopts UFLAA

2021 Montana adopts the UFLAA

Pennsylvania, the District of Columbia, and Massachusetts introduce UFLAA.

As of August, 2020: Colorado, Connecticut, Illinois, Indiana, Michigan, Minnesota, New Hampshire, New Mexico, North Carolina, Oregon, Texas, Vermont, Washington, and Wisconsin have *specific statutes that permit arbitration in family law matters*. Delaware, New Jersey, New York, Ohio, and Wyoming have rules of civil procedure that provide for arbitration of family law issues. Maine has a referee system, which is a “functional equivalent” of arbitration.¹

August 2020-Tennessee Family Law Section Executive Committee begin to assemble a group of individuals to study AAML Model Act, NC, other states, and UFLAA to determine if TN should offer another ADR mechanism for litigants going through divorces and post-divorce matters.

January to April 2021-Subcommittee of lawyers, judges, and arbitrators meet 16 times to discuss family law arbitration, study various family law rules and statutes, and draft a TN Domestic Relations Arbitration Act that models the UFLAA.

Late Spring 2021-TBA Family Law Section Executive Committee seeks support from other sections of the TBA, makes revisions to the Act based on others' input, and votes to pursue this Act as a rule.

June 16, 2021-TBA House of Delegates approve the filing with the Supreme Court a Petition to adopt UFLAA as proposed Rule 31 B.

June 18, 2021-TBA Board of Governors approves.

September 23, 2021-TBA files a Petition with the Supreme Court.

November 1, 2021-TN Supreme Court denies Petition.

Winter/Spring 2022-TBA Executive Committee revise Rule to be enacted as an Act and seek other sections' consensus and support.

September 23, 2022-TBA Executive Committee obtained support from the TBA House of Delegates recommending that the Board of Governors support legislative enactment of the TN DRAA and related code amendments.

October 7, 2022-TBA Executive Committee obtained support from the TBA Board of Governors for enactment of the TN DRAA and related code amendments.

¹ Zack, Carolyn Moran, Family Law Arbitration: Practice, Procedure, and Forms, American Bar Association, 2020, p. 13, (emphasis added).