



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 23-0561	Date:	May 31, 2023
Prime Sponsors:	Sen. Gardner Rep. Snyder	Bill Status:	Postponed Indefinitely
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Bill Topic: **UNIFORM FAMILY LAW ARBITRATION ACT**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill would have authorized the use of arbitration to resolve certain family law disputes. The bill would have impacted state revenue and expenditure beginning in FY 2023-24.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the Colorado Commission on Uniform State Law. This bill was postponed indefinitely by the Senate Judiciary Committee on April 5, 2023; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill enacts the Uniform Family Law Arbitration Act to allow the use of arbitration to resolve family law disputes, with some restrictions. Specifically, arbitrators cannot grant legal separation, terminate parental rights, grant adoption of a child, determine the status of dependency, and determine child-related disputes.

The bill specifies the information to be included in arbitration agreements and the process for initiating an arbitration, including filing a motion for judicial relief to the court with jurisdiction over the case. In certain circumstances, a court can determine that an arbitration should not proceed or that separate arbitrations involving the same parties be consolidated. The bill also establishes the qualifications, duties, and authority of arbitrators, as well as the rights of parties involved, including representation by an attorney. Arbitrators can allocate any fees related to the arbitration to the parties.

Once an arbitrator determines an award, the court must confirm, modify, or vacate the award. The court may also order a document or part of the arbitration record be sealed or redacted to prevent public disclosure of all or part of the award. Any arbitration award or final decision made by the court can be appealed.

State Revenue and Expenditures

Beginning in FY 2023-24, state revenue and expenditures will be impacted, but the overall impact is expected to be minimal and neutral. Revenue and costs will increase for the Judicial Department from additional motions, awards, objections, and appeals filed in trial courts throughout the arbitration process. Workload will also increase to ensure systems allow arbitrators and parties to file awards and access court documents related to arbitrations. However, these increases may be offset by a reduction in hearings and filings in trial courts, as greater family disputes resolve through arbitration. Thus, the overall impact to trial court revenue and costs is expected to be minimal and no additional appropriation is required.

Effective Date

The bill takes January 1, 2024, assuming no referendum petition is filed.

State and Local Government Contacts

Child Welfare
Information Technology

Counties

Human Services