NFLR
NEVADA FAMILY LAW REPORT

Volume 30, Issue 1 Winter 2017

Understanding the Benefits of Arbitration in the Family Law Arena

By Audrey Beeson, Esq.

I. INTRODUCTION

It is no secret that the cost of litigation has steadily increased over the last century and the area of family law disputes is no exception. Alternative Dispute Resolution has slowly expanded into the area of family law with numerous states adopting some form of mandatory mediation for either child custody disputes and/or financial disputes. While mediation has proven to be successful in reducing the caseloads for many family law judges, the current court dockets are still overloaded and behind on their calendars, leaving litigants in a legal limbo for sometimes as much as a year before their case can be finalized.

Family law is unique due to the fact that the majority of litigants are unable to set aside their emotions in order to make rational decisions in their case. Some litigants are simply too hurt or angry to think clearly, while others act out of spite or in an effort to exact some form of revenge on the other party. Emotions do not discriminate against race, class, sex, or religion. Emotions have the ability to break down even the most intelligent and educated people into acting in ways that defy logic.

Our current culture involves multiple family structures: single parent homes; two-parent homes; parents that have children with multiple partners; children adopted into both opposite-sex and same-sex homes; and children conceived as a result of artificial reproduction in both opposite-sex and same-sex homes. The blended family has become the norm and no longer the exception. Family is more than just DNA and biological ties. Any step-parent or adoptive parent can attest to that fact. With such a wide scope of possibilities that define what "family" means in the twenty-first century, there is also a need to expand how the judicial system can help these families when the family structure dissolves.

This article examines the path of arbitration in the area of family law, when it began and how it has grown since 1990, as well as Nevada's own legislative history when arbitration of family law matters was considered and consequently what a Nevada Family Law Arbitration Act would potentially look like.

II. THE PATH OF ARBITRATION IN FAMILY LAW

The American Academy of Matrimonial Lawyers ("AAML") was founded in 1962 in Chicago, Illinois by family law attorneys that were highly regarded in their field. In 1990 the AAML decided to endorse the idea of arbitration in family law matters. In 1990, the AAML adopted Rules of Arbitration of Financial Dis-

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Bishop Family Law Convention

Dear Section Members,

We are looking forward to seeing everyone in Bishop, California March 2 and 3, 2017 for the Family Law Convention.

2017 will be an opportunity for the Family Law Section to consider whether Bishop, California will be the future site for the conference. Before making any long-term decisions about a permanent location, we are open to exploring options and look forward to 2017 as a joint venture in a new direction. The conference will be held at the Tri County Fairgrounds and we are planning an extensive array of activities for the section.

Activities

Looking for something to do before or after the conference? The Family Law Section has worked with a few local companies to offer discounted rates:

- **Skiing:** Discounted lift tickets are available for Mammoth Mountain Ski Area from March 4 - 11, 2017. To purchase tickets call 1-800-626-6684 by Saturday, February 25, 2017. Reference **State Bar of Nevada** or booking ID **23480** to receive the discounted rates. Adults: 2 of 4 day lift ticket $165, 3 of 5 day lift ticket $227, 4 of 6 day lift ticket $289 and 5 of 7 day lift ticket $304. Youth, child and senior rates also available.
- **Golfing:** $10 discount off 18-hole play with cart green fee rate at the Bishop Country Club.

Registration

Early Bird rates valid through January 31, 2017: EXTENDED!

- Non-Family Law Section Member Early Bird Rate: $405.00
- Family Law Section Member Early Bird Rate: $385.00
- New Lawyer (<5 years) Early Bird Rate: $325.00
- Non-Attorney Professional Early Bird Rate: $325.00

Regular rates valid February 1 – 14, 2017:

- Non-Family Law Section Member Early Bird Rate: $425.00
- Family Law Section Member Early Bird Rate: $405.00
- New Lawyer (<5 years) Early Bird Rate: $345.00
- Non-Attorney Professional Early Bird Rate: $345.00

Regular rates valid February 15- March 3, 2017:

- Non-Family Law Section Member Early Bird Rate: $460.00
- Family Law Section Member Early Bird Rate: $460.00
- New Lawyer (<5 years) Early Bird Rate: $460.00
- Non-Attorney Professional Early Bird Rate: $460.00

Family Law Basics: $99.00

To find out more information, visit BishopVisitor.com. See you there!

The Family Law Executive Committee

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putes. In 2005 the AAML published a Model Family Law Arbitration Act which they based on the Revised Uniform Arbitration Act ("RUAA"), as well as North Carolina's Family Law Arbitration Act. The AAML currently has 285 Certified Arbitrators listed on their website.

North Carolina was the first state to enact specific legislation dealing with family law arbitration. The legislation is contained in North Carolina General Statutes, Chapter 50, Article 3. The Family Law Arbitration Act was first codified in 1999, with subsequent amendments made in 2003 and 2005. Other states have codified family law arbitration statutes as well. Georgia codified the permissibility of arbitration in child custody proceedings within its Domestic Relations Statutes in Title 19, Chapter 9, § 19-9-1.1. This law is relatively new, taking effect as recently as January 1, 2008. Indiana enacted a Family Law Arbitration Act on July 1, 2005 with the support of family law practitioners and the Indiana General Assembly. The Act is set forth in Title 34 Civil Law and Procedure, Article 57 Arbitration and Alternative Dispute Resolution, Chapter 5 Family Law Arbitration, §34-57-5-1 through §34-57-5-13. Michigan enacted their own Domestic Relations Arbitration Act on March 28, 2001 in Chapter 50B. New Mexico codified binding arbitration options within their Domestic Affairs Chapter. Chapter 40, Article 4, Dissolution of Marriage, § 40-4-7.2 sets forth the issues and procedures subject to binding arbitration based on the stipulation of the parties. New Hampshire enacted specific legislation for arbitration of domestic relations cases which they codified as N.H. Rev. Stat. § 542.11. Washington enacted specific legislation under their domestic relations statutes which allow for stipulated arbitration for issues involving child support modification and to resolve disputes arising from parenting plans.

Additionally, the following states have general statutes or rules which allow for arbitration in some domestic relations cases and/or for particular issues: Arizona , California, Colorado, Connecticut, Delaware, the District of Columbia, Maine, Minnesota, Missouri, Utah, and Wisconsin.

The Uniform Law Commission Executive Committee selected a Family Law Arbitration Study Committee in April 2012. In 2013, the Commission approved a committee to draft a Family Law Arbitration Act. A final was approved in 2016 and can be obtained from the Commission at www.uniformlaws.org. The Act has yet to be introduced in any of the states. Hopefully with the finalization of this Act, family law arbitration will become less of an unknown among the different jurisdictions and potentially gain the same support as mediation in family law cases has.

III. DIVIDE IN THE SCOPE OF FAMILY LAW ISSUES

Jurisdictions have divided on the scope of issues within the domestic relations arena which are subject to arbitration. The division, for the most part, are states that allow arbitration of child related issues such as custody, visitation and child support, and those states that do not. Three states, Utah, Vermont and Washington, limit arbitration to disputes that arise from a parenting plan already in place.

States that extend arbitration to child related issues are North Carolina, Colorado, the District of Columbia, Georgia, Indiana, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, Utah, Vermont , Washington, and Wisconsin. States that limit arbitration to the division of assets and debts are Arizona, California, Connecticut and New York.

IV. JUDICIAL REVIEW OF CHILD-RELATED ISSUES

North Carolina's Family Law Arbitration Act contains provisions for modification, confirmation or vacatur of awards in §§ 50-53 through 50-56. Colorado's statute allows for *de novo* review of an arbitration award. Georgia's statute allows for review by the judge in a final child custody decree. Indiana's standard of review pertaining to an award under the Family Law Arbitration Act is the same appellate standard applied to trial court decisions in marriage dissolution cases, the "clearly erroneous" standard. Michigan allows for court review as provided by court rules and statute to determine whether the award is adverse to the child's best interests. Missouri's standard of review for arbitration awards in any

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domestic relations proceedings which involve issues pertaining to the custody of a child is *de novo* review. New Hampshire requires that the arbitrator submit their decision and findings to the superior court, and the superior court has the authority to review the same to ensure compliance with domestic relations laws of the State.

New Jersey's Supreme Court held that arbitration pertaining to child-related issues should be conducted within the purview of the Arbitration Act, and further mandated that "a record of all documentary evidence adduced during the arbitration proceedings be kept; that testimony be recorded; and that the arbitrator issue findings of fact and conclusions of law in respect of the award of custody and parenting time" so that the courts can evaluate the same if the award is challenged. New Mexico allows for court review upon application by a party, at which time the court may vacate an award if the court finds "circumstances have changed since the issuance of the award that are adverse to the best interests of the child or upon a finding that the award will cause harm or be detrimental to a child."

Utah's parenting plan statute gives the district court the right to review any arbitration award resolving disputes arising from the parenting plan. Vermont's courts recognize a limited review power and follow their Arbitration Act when determining whether an award should be modified or vacated. Washington courts have the right to review arbitration awards *de novo* pursuant to statute and the trial court's interpretation of said statute is a question of law which will be reviewed *de novo* on appeal.

Wisconsin courts cannot confirm arbitration awards affecting custody, visitation or support unless all five of the following apply: (1) the award sets forth detailed findings of fact; (2) the arbitrator certifies that all statutory requirements have been met; (3) the court finds that custody has been determined under the applicable statutes; (4) the court finds that visitation has been determined under the applicable statutes; and (5) the court finds that child support has been determined pursuant to statute. The court is required to review the decision under the best interest standard.

V. NEVADA'S LEGISLATIVE HISTORY

Nevada's mediation and arbitration statutes can be found in Chapter 38 of the Nevada Revised Statutes. Nevada adopted the RUAA in 2001. NRS 38.255 (3)(h) excludes actions involving divorce or problems of domestic relations from any program of mandatory arbitration. The Nevada Supreme Court also adopted Rules Governing Alternative Dispute Resolution in 2005. The Rules took the already existing Nevada Arbitration Rules enacted in 1992, subsequently amended January 1, 2005 and added General Provisions and Nevada Mediation Rules on March 1, 2005.

During the 2007 Legislative Session, Assembly Bill ("A.B.") 571 was offered for consideration. A.B. 571 was entitled "an act relating to domestic relations; establishing certain alternative methods of dispute resolution for matters involving divorce or domestic relations; providing for the arbitration of any controversy, other than divorce, arising out of a marital relationship; providing other matters properly relating thereto." A.B. 571 would have amended provisions of chapter 38 of NRS to include provisions allowing arbitration of certain domestic relations issues. The proposed amendments would have also added "domestic relations decision makers" as what appears to be a type of arbitrator, that would be agreed upon by the parties and would have the authority to issue binding decisions relating to the "implementation or clarification of any court order concerning" a minor child.

A.B. 571 included a provision placing an affirmative obligation on attorneys representing parties in divorce or domestic relations actions to inform the party of all methods of alternative dispute resolution available. Additionally, the attorney would be required to file a statement, signed by the attorney and the party, in the action confirming that the attorney met this obligation. The bill also provided for the creation of an alternative dispute resolution ("ADR") commissioner that would be responsible to create, promote, administer, and monitor ADR programs for the family court. The ADR commissioner would have the authority to sign orders directing parties that consented to submit to arbitration.

The intent of A.B. 571 was to reduce the amount of cases submitted to actual litigation by giving parties and the court several ADR options including mediation, col-

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laborative divorce, cooperative divorce, arbitration, and the use of parenting coordinators or domestic relations decision makers. A.B. 571 was proffered during a time when the State of Nevada was considering adding six additional judges to the family court system in Clark County, resulting in an expense exceeding $1.25 million per year.

The arbitration act included within A.B. 571 was based on the Model Domestic Relations Arbitration Act published by the AAML. After the drafting of the bill by the Legislative Counsel Bureau, suggestions were made to eliminate the ability of an arbitrator to award punitive damages in order to eliminate the potential desire of a spouse to engage in arbitration purely for the purpose of punishing the other spouse, thus eliminating the intent behind non-adversarial ADR options.

Testimony and support for the bill was focused more on the mandatory mediation and collaborative law process provisions as opposed to the parenting coordinator, arbitrator and domestic relations decision maker provisions. More than likely because the use of arbitration in family law was still so new in 2007 and therefore most practitioners in Nevada were simply unaware of the benefits and success of arbitration in other states.

VI. IS IT TIME FOR NEVADA'S FAMILY LAW ARBITRATION ACT?

It's been nine years since proposed family law arbitration came before the Nevada Legislature, and since that time additional states have adopted or created their own statutory language allowing for voluntary arbitration in family law and domestic relations disputes. With the potential passing of the Uniform Family Law Arbitration Act this year, it is very possible that arbitration in family law will become a more familiar and discussed option for ADR within the family law community.

In my opinion as a family law practitioner, the benefits of arbitration cited by professionals outweigh the disadvantages. The largest advantage of choosing arbitration is the ability of the parties to choose their own arbitrator or arbitrator panel. Parties would be able to research the experience and background of certified arbitrators, and narrow their choices to an arbitrator with the particular knowledge that they want or need. Parties divorcing without children but with large assets and complicated financial matters could choose an arbitrator with extensive experience in that area. Further, if there is a business that has to be evaluated and considered, then those parties may want a panel of arbitrators which could include the experienced attorney as well as business valuators or professionals known for their expertise in that particular field of business (such as a surgeon or car dealership owner).

It is likely that Nevada would adopt the qualification guidelines set forth in the 2016 draft of the Uniform Family Law Arbitration Act, which requires that any attorney in good standing, or a retired attorney or judge, trained in domestic violence and child abuse could be qualified as an arbitrator. Potentially, training based on the program currently provided by the AAML could be offered prior to and in conjunction with the adoption of the future Uniform Family Law Arbitration Act.

Based on Nevada's history of adopting uniform state laws implemented by the National Conference of Commissioners on Uniform State Laws, it is likely that when legislation comes before Nevada in the future, if the Uniform Family Law Arbitration Act has been adopted, Nevada will more than likely adopt it in a relatively short amount of time.

Audrey J. Beeson obtained her Bachelor of Arts Degree in Political Science from the University of Nevada Las Vegas in 2004 and her Juris Doctor from the William S. Boyd School of Law, University of Nevada Las Vegas in 2007. Her family law experience began in 2006 while serving as a law clerk for a local family law. Since obtaining her license in 2007, Audrey has focused her practice in Family Law and the wide spectrum of areas that Family Law entails. Audrey is committed to the Las Vegas community. In an effort to help the troubled youth of Las Vegas, Audrey began serving as a Truancy Diversion Program (TDP) Judge in January 2011 in order to help children focus on their education and engage in the learning process. In the Fall of 2011 Audrey agreed to serve as the first elementary school TDP Judge in North Las Vegas as part of a pilot program. Audrey joined The Law Offices of Frank J. Toti Esquire in March, 2012 as Of Counsel and is a valuable asset to the firm. Audrey is a Nevada Board Certified Family Law Specialist, a Mediator and a Parenting Coordinator. Audrey is also a member on several active committees. Audrey is currently attending the Straus Institute for Dispute Resolution at Pepperdine University School of Law in order to obtain her LLM in ADR with a focus in mediation.

Litigation Support – Valuation fundamentals

Part II — Continued from the Fall 2016 NFLR

By Mark Bailey, CPA, ABV

Recently, while having lunch with one of my favorite family law solicitors, he suggested that my chosen field of professional endeavor was generally thought of as "hocus pocus, gobbledygook and mumble jumble." Being very sensitive, I immediately took umbrage at his characterization of litigation support consulting and business valuation and noted that thankfully most of his peers did not share his views. To assuage my sensitive persona (and get even for this cruel insult) I proceeded to affect the best 'dine and dash' I have executed since college thus sticking him with the check. Determined to prove him wrong I subsequently conducted my own informal survey of the legal community, intentionally biasing the sample in my favor with friends, only to find he was not entirely incorrect.

Valuation is not an exact science. In fact it is not science at all. It is an estimate of value fraught with subjectivity predicated on a body of professional standards frequently expressed as a range of amounts most typically in a written report that is largely misunderstood by the user. Or as my friend stated "gobbledygook." In the following paragraphs my hope is to provide some background information into the process that will assist you in defining the scope for your valuation analyst for the specific needs of your client.

BACKGROUND

In 1989, Congress adopted the Uniform Standards of Professional Appraisal Practice (USPAP) for all types of appraisals. In 2007 the American Institute of Certified Public Accountants (AICPA) adopted Statement on Standards for Valuation Services No. 1 (SSVS No.1) which incorporates the standards of USPAP and requires compliance by all CPA's and those of us who are also Accredited in Business Valuation (ABV). Litigation consulting engagements are further subject to Statement on Standards for Consulting Services (SSCS) No. 1. These standards are widely considered the most rigorous of any of the various appraisal organizations.

The AICPA standards provide for three levels of written reporting: *Detailed Report; Summary Report; and a Calculation Report*. The USPAP standards are essentially the same in allowing an Appraisal Report; and a Restricted Use Appraisal Report (which is the equivalent of our Summary Report). The essential differences between the various reports is in the content and the level of information provided. Not understanding these differences will most likely lead to misunderstanding resulting in a report that does not meet your needs in providing the level of support you were seeking, and thus being viewed as 'gobbledygook.'

Detailed Report. A well written and supported detailed report will provide sufficient information to allow the user to understand the data, reasoning and analyses leading to the valuation analyst's *conclusion of value*. As a standalone report it can easily be 75 to 100 pages in length. It is obviously the most expensive of the three options, but should be used when the intended users include parties other than the client. It should not be used to communicate the results of a calculation engagement.

Summary Report. This report is also used to communicate a conclusion of value and should not be used to communicate the results of a calculation engagement. While the amount and scope of effort in arriving at a *conclusion of value* on the part of the valuation analyst is the same as it is for a detailed report, the cost is somewhat reduced as a result of the written report for a summary engagement requiring less disclosure. This can result in confusion on the part of any third party users. More 'hocus pocus!' That said it is important that you are clear with your valuation analyst on the amount and

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content of the information you wish to have disclosed in the written report. While it may seem advantageous to somewhat limit this disclosure, it frequently can result in misunderstanding.

While professional standards and common sense require either a full disclosure detailed report or a summary report when they are to be distributed to third parties other than the client to avoid or limit misunderstanding, there is an exception in the standards. An exception is made in SSVS No. 1 for courts of law on the premise that the valuation analyst will provide clarification under examination during any proceedings. This allows the valuation analyst to issue a calculation report, which is inherently much less expensive.

CALCULATION REPORT

In certain circumstances such as merger or acquisition, estate planning, strategic planning, but particularly in family law matters a valuation analyst may be retained to perform a calculation engagement and issue a calculation report. A calculation report is used to communicate the calculated value of the entity and should not be used to communicate a conclusion of value.

In these circumstances, the valuation analyst may collaborate with his/her client, whereas in a valuation report objectivity is demanded. Typically the procedures involved will be less in scope. Subjective assumptions from the client may be included. Think of it as a calculation based on 'agreed upon procedures' (and frequently more subjective estimates) between the valuation analyst and the client. It is not a valuation engagement and does not rise to that level. By professional standards it should not be disseminated to third parties.

Cost is often the major driving factor in determining the level and type of report. By their nature calculation reports are less costly than a summary valuation report and significantly less costly than a detailed valuation report. It is understandable that a client would prefer a calculation report, the less expensive product, but they are limited and very different.

If a conclusion of value (expert opinion) is required, as is often the case in a court of law, the valuation analyst *must* issue a valuation report and not a calculation report given that the calculation report is not, by definition, a conclusion of value.

SUMMARY

In a previous article we discussed scope, purpose and the standards of value and methodologies available. If properly evaluated the end result should be an appropriate report for the circumstances. A well prepared valuation opinion should be based both on verifiable objective supportable information and a well thought out analysis by the valuation analyst of the subjective information. Communicated properly and completely a thoroughly prepared valuation engagement and report should leave the reader with some level of acceptable confidence in the findings. To help insure you receive the support you are seeking and enhance your understanding make sure you:

1. Communicate clearly your needs and the scope of the engagement and timing to a prospective valuation analyst you are considering retaining and any changes on a timely basis.

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We Need Your Articles!

The Family Law Section is accepting articles for the Nevada Family Law Report. The deadline for the Spring 2017 edition is **March 10, 2017**.

When submitting an article to the NFLR, please note that automatically embedded footnotes/endnotes do not carry over into the State Bar of Nevada's publishing program. As such, if at all possible, we would ask that you utilize endnotes that are not automatically embedded. Please do not use the Footnote/Endnote function of your word processing program.

Please contact Jason Naimi at jason@standishnaimi.com or Margaret E. Pickard at pickardm@clarkcountycourts.us with your proposed articles anytime before the next submission date. We're targeting articles that are between 350 words and 1,500 words, but we're always flexible if the information requires more space.

Litigation Support, Part II

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2. Understand the different types of reports and the limitations of each.
3. Insure the analyst receives complete and accurate information.
4. Read the entire report. It is not all boiler plate. Do not just skip to page 5 and look at the amount. The premise of value, caveats, assumptions, procedures and approaches employed are the most important information in evaluating the applicability and reliability of the report and any inherent strengths or weaknesses.
5. Ask questions to make sure you understand the sources of the information and their validity supporting the underlying assumptions.

The value of any asset can only be ascertained for certain when it is transferred between an independent willing buyer and a willing seller with full knowledge. The methodologies of valuation when properly employed by a knowledgeable valuation analyst and supported with objective facts and unbiased analyses should result in a fair representation of value. Hopefully understanding the limitations and differences between the three types of reports will help you clean some of the gobbledygook off your case.

ENDNOTES

i. http://www.aaml.org/about-aaml

ii. Joan F. Kessler, Allan R. Koritzinsky, Stephen W. Schlissel, *Why Arbitrate Family Law Matters?,* 14 J. Am. Acad. Matrim. Law. 333, 333 (1997).

iii. *Id.*

iv. George K. Walker, *Family Law Arbitration: Legislation and Trends,* 21 J. Am. Acad. Matrim. Law, 521, 521 (2008).

v. Executive Summary, Model Family Law Arbitration Act,

vi. http://www.aaml.org/fellows/certified-arbitrators-mediators/aaml-certified-arbitrators

vii. Teleicia J. Rose, *For Better or Worse: Surviving Divorce Through Alternative Dispute Resolution,* 4 Y.B. On Arb. & Mediation 291, 294 (2012).

viii. N.C.G.S. § 50-41 – 50-69.

ix. Ga. Code Ann., § 19-9-1.1. Arbitration agreements.

x. Hon. Richard T. Payne (ret.), *All Things ADR Considered,* 50-DEC Res Gestae 29 (2006).

xi. Mich. Comp. Laws Ann. § Ch. 600, Ch. 50B, Refs & Annos (West).

xii. West's RCWA § 26.09.175 (6).

xiii. West's RCWA § 26.09.184 (4).

xiv. Rule 66. Alternative Dispute Resolution: Purpose, Definitions, Initiation, and Duty.

xv. Based on the language "or any other law permitting arbitration" it would appear that Arizona has not disposed of the idea of adopting family law arbitration statutes or a Family Law Arbitration Act in the future.

xvi. West's Annotated California Codes, Family Code, Division of Property § 2554.

xvii. Colorado codified a family law specific statute in 1997 within their Domestic Matters Title at C.R.S.A. § 14-10-128.5 entitled Appointment of arbitrator – de novo hearing of award. Subsequent amendments were made in 2004, 2005 and 2012.

xviii. Title 46b. Family Law, Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment, §46b-66.

xix. Del. Fam. Ct. R. of Civ. Pro. 16.1. Alternative Dispute Resolution.

xx. DC ST § 11-1102.

xxi. Maine Revised Statutes Annotated, Title 19-a Domestic Relations, Part 1 General Provisions, § 252 allows the court to appoint a referee in "any proceeding for paternity, divorce, judicial separation or modification of existing judgments" brought under Title 19-a.

xxii. M.S.A. § 484.76.

xxiii. V.A.M.S. T XXVIII, Ch. 435, § 435.405.

xxiv. U.C.A. 1953 § 30-3-10-9.

xxv. W.S.A. § 802.12.

xxvi. National Conference of Commissioners on Uniform State Laws, Prefatory Note, Draft of Uniform Law Arbitration Act, 2016.

xxvii. *See* Note 28.

xxviii. NC GS § 50-41.

xxix. *Spencer v. Spencer,* 494 A.2d 1279, 1285 (D.C. 1985).

xxx. Ga. Code Ann., § 19-9-1.1.

xxxi. IC § 34-57-5-2.

xxxii. M.C.L.A. 600.5071.

xxxiii. N.H. Rev. Stat. §542.11 (I).

xxxiv. New Jersey does not have any family law specific arbitration statutes. However, the Supreme Court of New Jersey has affirmed that parents have the right to choose their method of resolving issues pertaining to their own children, including arbitration, and any such arbitration award will be reviewed within the confines of the New Jersey's RUAA.

xxxv. N.M.S.A. 1978, § 40-4-7.2 (A)(2).

xxxvi. U.C.A 1953 § 30-3-10-9.

xxxvii. 15 V.S.A. § 666 (7).

xxxviii. *Brinckerhoff v. Brinckerhoff,* 179 Vt. 532, 889 A.2d 701 (2005).

xxxix. West's RCWA § 26.09.184 (4)(c).

xl. W.S.A. § 802.12 (3)(d).

xli. C.R.S.A. § 14-10-128.5 (2) provides that "any party may apply to have the arbitrator's award vacated, modified, or corrected pursuant to part 2 of article 22 of title 13, C.R.S., or may move the court to modify the arbitrator's award pursuant to a de novo hearing."

xlii. Ga. Code Ann., § 19-9-1.1.

xliii. As recently as June 10, 2016, the Court of Appeals of Georgia enforced the intent behind Ga. Code Ann. § 19-9-1.1 when it upheld the superior court's confirmation order incorporating the arbitrator's custody determination. *Brazell v. Brazell,* 2016 WL 3223472.

xliv. *Masters v. Masters,* 43 N.E.3d 570 (2015).

xlv. M.C.L.A. 600.5080.

xlvi. V.A.M.S. T XXVIII, Ch. 435, § 435.405 (5).

xlvii. N.H. Rev. Stat. § 542.11.

xlviii. *Fawzy v. Fawzy,* 199 N.J. 456, 462, 973 A.2d 347, 350 (2009).

xlix. N.M.S.A. 1978, § 40-4-7-2 (T).

l. U.C.A. 1953 § 30-3-10-9 (4)(f).

li. *Brinckerhoff v. Brinckerhoff,* 179 Vt. 532, 533, 889 A.2d 701, 705 (2005)

lii. West's RCWA § 26.09.184 (4)(e)

liii. *In re Smith-Bartlett,* 95 Wash.App. 633, 976 P.2d 173 (1999)

liv. W.S.A. § 802.12 (3)(d).

lv. *Miller v. Miller,* 620 A.2d 1161, 1166 (Pa.Super. 1993).

lvi. Nev. A.B. 571, 74th Sess., Sections 9 & 31 (March 26,2007).

lvii. Nev. A.B. 571, 74th Sess., Section 14 (March 26, 2007).

lviii. *See* Note 76.

lix. Nev. A.B. 571, 74th Sess., Section 15 (March 26, 2007).

lx. *See* Note 78.

lxi. Nev. A.B. 571, 74th Sess., Minutes of the Meeting of the Assembly Comm. on Jud., pg. 3 (April 11, 2007).

lxii. *See* Note 80.

lxiii. Nev. A.B. 571, 74th Sess., Minutes of the Meeting of the Assembly Comm. on Jud., pg. 5 (April 11, 2007).

lxiv. Nev. A.B. 571, 74th Sess., Minutes of the Meeting of the Assembly Comm. on Jud., Ex. C, pg. 20 (April 11, 2007).

Mark Bailey, CPA, ABV is the managing partner of Excelsis Accounting Group – a full service SEC audit, tax and consulting firm. He is a licensed certified public accountant in both Nevada and California, and is Accredited in Business Valuation (ABV), and Certified in Financial Forensics (CFF) by the American Institute of Certified Public Accountants. For further information please visit the web site atwww.excelsisaccounting.com. During his forty year career, Mark has consulted with clients extensively on a variety of family law and litigation support matters as well as having been a court appointed expert in both Nevada and California.