

RCW 26.14.120 Powers and duties of arbitrator. (Effective January 1, 2024.) (1) An arbitrator shall conduct an arbitration in a manner the arbitrator considers appropriate for a fair and expeditious disposition of the dispute.

(2) An arbitrator shall provide each party a right to be heard and to present evidence material to the family law dispute.

(3) Unless the parties otherwise agree in a record, an arbitrator's powers include the power to:

- (a) Select the rules for conducting the arbitration;
 - (b) Hold conferences with the parties before a hearing;
 - (c) Determine the date, time, and place of a hearing;
 - (d) Require a party to provide:
 - (i) A copy of a relevant court order;
 - (ii) Information required to be disclosed in a family law proceeding under law of this state other than this chapter; and
 - (iii) A proposed award that addresses each issue in arbitration;
 - (e) Appoint a private expert at the expense of the parties;
 - (f) Administer an oath or affirmation and issue a subpoena for the attendance of a witness or the production of documents and other evidence at a hearing;
 - (g) Compel discovery concerning the family law dispute and determine the date, time, and place of discovery;
 - (h) Determine the admissibility and weight of evidence;
 - (i) Permit deposition of a witness for use as evidence at a hearing;
 - (j) Issue a protective order to prevent the disclosure of privileged information, confidential information, and other information protected from disclosure as if the controversy were the subject of a civil action in this state;
 - (k) Appoint an attorney, guardian ad litem, or other representative for a child at the expense of the parties;
 - (l) Impose a procedure to protect a party or child from risk of harm, harassment, or intimidation;
 - (m) Allocate arbitration fees, attorneys' fees, expert witness fees, and other costs to the parties; and
 - (n) Impose a sanction on a party for bad faith or misconduct during the arbitration according to standards governing imposition of a sanction for litigant misconduct in a family law proceeding.
- (4) An arbitrator may not allow ex parte communication except to the extent allowed in a family law proceeding for communication with a judge. [2023 c 61 § 13.]