

ANOKA ECM/ENE PROGRAM POLICIES AND GUIDELINES

The following are the basic policies and guidelines of the Anoka County Early Family Case Management program (ECM) and Early Neutral Evaluation (ENE) process:

Eligibility and Continuing Eligibility

1. Professionals and attorneys are eligible to be Anoka County neutrals if they meet the eligibility requirements attached to this document.
2. Neutrals shall comply with the continuing training requirements of Rule 114.13 (g).
3. Rule 114, Alternative Dispute Resolution of the Minnesota General Rules of Practice for the District Court, governs the ENE confidentiality policy and mandatory reporting requirements.
4. The Minnesota General Rules of Practice Rule 114, Code of Ethics, governs neutrals.

Team Formation, Appointing a Neutral & Fee Structure

5. Neutrals are selected by the parties. There is one Neutral for FENE, and two neutrals for SENE. For SENE, the neutral pair should reflect the gender makeup of the parties and one team member must be an attorney.
6. Neutrals facilitating SENE should communicate with their other team member, discuss and agree on their approach to sensitive issues that may be brought up in the SENE session including mental health issues, chemical dependency, domestic violence, and child protection issues.
7. Neutrals are not affiliated with Anoka County or the State of Minnesota. Neutrals bill and collect payments independently.
8. Neutrals agree to hold ENE sessions for Anoka County cases at a location within Anoka County, unless otherwise agreed by the parties, attorneys, and neutrals.
9. Neutrals agree to the fee schedule for ENE sessions below. Incidental costs and expenses, including mileage expenses, are not reimbursed.

Anoka County Sliding Fee Scale

Fee Scale if the Party is Represented by an Attorney:

If a party is represented by counsel, other than legal aid counsel, that party will be charged one-half the normal hourly rate charged by that party's counsel. In the event the ICMC Order does not contain the fee each party is to pay for ENE, counsel shall then provide the ENE Neutral(s) with their accurate normal hourly rate within five (5) days of the entry of the ICMC Order. In the event that the party is represented by more than one attorney at a firm, the attorneys shall provide

the ENE Neutral(s) with all of the attorneys' normal hourly rates, and the client shall be charged one-half of the average of the normal hourly rates.

Fee Scale if the party is Pro Se or Represented by Legal Aid Counsel:**

If a party is not represented by counsel, or the party is represented by a legal aid organization, the party's fee is based on their individual gross income pursuant to the following sliding fee scale:

1. IFP if granted by Court prior to the ENE session - \$25.00 per hour
2. 0-\$25,000 annual gross income - \$25.00 per hour
3. \$25,001-\$50,000 annual gross income - \$50.00 per hour
4. \$50,001-100,000 annual gross income - \$100.00 per hour
5. \$100,001 or more gross income - \$200.00 per hour

**If a party is unrepresented at the ICMC, but retains an attorney prior to the ENE, the fee shall be as described under the header "Fee Scale if the Party is Represented by an Attorney."

Preparation Work

The providers will not charge for any work they do before the ENE session.

Feedback and Data Collection

10. Neutrals should immediately communicate any issues, concerns, or best practices about the program or the process to the ENE coordinator, or if there is no coordinator, to the Anoka County ENE Steering Committee.
11. Within 5 days of completing ENE, the Neutrals will complete ENE Evaluator's Reports for each case. Reports will be filed with the Anoka County Court Administrator along with any written memoranda of agreement. Copies of the Reports and written memoranda shall also be sent to each of the parties. Reports and memoranda of agreement are filed confidentially in the case files. Court staff will use the forms to enter appropriate codes into the case files to be used for statistical purposes and case management/case tracking.

Program Timelines

12. Initial Case Management Conferences are scheduled to be held within three (3) weeks of the dissolution being filed.
13. Within three (3) business days of receipt of the ICMC Order for ENE, the Neutral(s) will send out a letter to the parties and attorneys, verifying the session date, time, and location.
14. It is anticipated that SENE will be concluded within thirty (30) days of the Initial Case Management Conference.
15. It is anticipated that FENE will be concluded within sixty (60) days of the Initial Case Management Conference.

Continuances, Rescheduling or Termination of ENE

16. If a party wishes to reschedule or continue a scheduled ENE session they may do so one time, if the following criteria are met:
 - a. All parties agree to the rescheduling or continuance; and

- b. All parties agree to a new date; and
- c. The Neutral(s) can accommodate the new date; and
- d. The new date is within the 30-day (60 days for FENE) timeline, i.e. the session is complete and the written memorandum or letter of no agreement is completed within 30 days (or 60 days for FENE) from the Initial Case Management Conference.

17. If the parties fail to attend ENE or fail to give timely and proper notice of the cancellation of the session because of a full agreement having been completed and reduced to writing, the parties will be responsible for payment of the full cost of the missed ENE session. In addition to paying the cost of the session, the Court may consider violation of the ENE Order into consideration when determining the issue of an award of attorney fees or other disputed issues between the parties.

Miscellaneous

- 18. All parties shall complete a Statement of Assets, Liabilities and Income for FENE to be provided to the Neutral.
- 19. There are no court funds available to pay for interpreters in ENE sessions. Parties shall provide their own interpreters.

Provider Removal

- 20. Providers may be removed from the Anoka ENE Roster for:
 - a. If not selected and appointed by court order in any half-year period (Jan. 1- June 30, or July 1 – Dec. 31) by any ENE Program in the 10th District utilizing Provider Availability Scheduling System (PASS). Periods where a provider is added to the roster part way through the six month time or when the provider is on a sabbatical leave will not count against a provider.
 - b. For failure to remain Rule 114 Family Mediator Qualified.
 - c. For failure to return the Annual Re-Affirmation of Roster Status on time.
 - d. For other good cause as determined by the Anoka ENE Committee.

Acknowledgement

I read and understand the above program policies and guidelines for the Anoka County Early Neutral Evaluation program.

Dated: _____

ENE Provider Signature

Printed Name