

## **Itasca County Family Court Early Neutral Evaluation (ENE) Program**

Early Neutral Evaluation (ENE) strives to move families through court efficiently and inexpensively by working with them early on to reach agreements that will foster the best interests of their families. ENE helps parties focus on the critical issues they face in a confidential, non-confrontational, and settlement-oriented alternative dispute resolution program.

Early Neutral Evaluation (ENE) is a short-term, confidential evaluative process designed to facilitate prompt dispute resolution in Family Court custody parenting time (visitation), and financial matters. The program offers the evaluative impressions of experienced evaluators to parties engaged in custody and parenting time and/or financial disputes. Feedback is provided to parties and their attorneys based on case presentations and a limited amount of information gathering. The ENE process is usually completed within one month for Social ENEs and within two months for Financial ENEs.

1. At any point in the legal process, from the Initial Case Management Conference (ICMC) to a pretrial settlement conference, the judicial officer may refer parties and their attorneys for a social and/or financial ENE. A social ENE deals with custody and parenting time issues. A financial ENE addresses child support, spousal maintenance, and/or division of property
2. A team of experienced evaluators, ideally a male/female team, is assigned to the case in a social ENE and one evaluator is assigned to the case in a financial ENE. The parties will have the opportunity to choose their team of evaluators (see Itasca ENE website for current roster).
3. Attorneys and parties meet with the ENE evaluators for social ENE within 10 days after the ICMC and for financial ENE within 14 days after the ICMC.
4. There is a flat fee of \$600 per couple (\$300 per person) for ENE services to be paid to the evaluator(s) in advance of the ENE. A request can be made to the judge for a reduced fee. For a reduce-fee application, see Itasca ENE website or contact Lisa or Sandy at Cooperative Solutions at 218-327-4908 or Court Administration at 218-327-2870.
5. At the ENE session, each party is asked to present his/her perspective about the important issues in the case. Unless it is necessary to gather additional information, the ENE evaluators provide immediate feedback about each party's case. Settlement possibilities are discussed and areas needing further scrutiny are identified.
6. The ENE evaluators may gather additional information as necessary and the team may interview parties, interview the child(ren), and/or gather limited collateral data.
7. The attorneys and parties may meet a second time with the ENE evaluators to hear the evaluators' assessment and recommendations. Settlement options for full and partial agreements are discussed. If the case does not settle, the evaluators identify critical issues that may need additional study.
8. Over half of the cases settle during the first ENE session and over three-fourths reach agreement regarding at least some issues.
9. If a full or partial settlement is reached, a copy of the agreement is sent to the judicial officer.
10. In addition to reporting full and partial settlements, the ENE evaluator(s) may communicate with the judicial officer for the limited purpose of facilitating case management. For example, if one issue stands in the way of settlement, such as a chemical health concern, the ENE evaluators may report the disputed issue to the judicial officer for case management purposes. Armed with such information, the judicial officer may opt for a chemical health assessment rather than a full-fledged custody evaluation.
11. The ENE evaluators may not be called as witnesses with respect to the information obtained or the recommendations made during the ENE process.
12. If the case does not settle, the ENE evaluators will advise the Court and the matter will be assigned to a judge.