

PROGRAM POLICIES AND GUIDELINES

The following are the basic policies and guidelines of the Anoka County Early Family Case Management program and Early Neutral Evaluation 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 the attached fee schedule for ENE sessions. 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 ICMC, the fee shall be as described under the header "Fee Scale if the Party is Represented by an Attorney."

Feedback and Data Collection

9. 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.
10. 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

11. Initial Case Management Conferences are scheduled to be held within three (3) weeks of the dissolution being filed.
12. 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.
13. It is anticipated that SENE will be concluded within thirty (30) days of the Initial Case Management Conference.
14. It is anticipated that FENE will be concluded within sixty (60) days of the Initial Case Management Conference.

Continuances, Rescheduling or Termination of ENE

15. 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.
16. 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

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

Provider Removal

19. 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 the SharePoint ENE Calendar. Periods where a provider is added to the roster part way through the six month time or when the provider is on an approved sabbatical leave will not count against a provider.
- b. For failure to utilize the 10th District SharePoint ENE Calendar by not entering available sessions by posted deadlines; failure to report extended absences of over 30 days to the District ENE Coordinator; failure to return to the Calendar after a reported absence or approved sabbatical; or failure to regularly make available an average of two sessions per week in the Calendar.
- c. For failure to remain Rule 114 Family Mediator Qualified.
- d. For failure to return the Annual Re-Affirmation of Roster Status on time.
- e. 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

**EARLY NEUTRAL EVALUATOR MINIMUM QUALIFICATIONS
ANOKA COUNTY EARLY NEUTRAL EVALUATION**

- I. **All Evaluators**, including financial evaluators (FENE) and social evaluators (SENE) must meet the following criteria:
 - A. Be a MN Rule 114 Qualified Mediator (appear on the State ADR Board Rule 114 Roster), maintain Qualified status—including complying with all ADR Board rules; including, but not limited to, those for continuing education and renewal;
 - B. Complete Early Neutral Evaluation (“ENE”) specialized training;
 - C. Be willing to designate two (2) sessions of three (3) hours each week for FENE or two (2) sessions of four (4) hours each week for SENE, and add these times to the District SharePoint Calendar.
 - D. Report all extended (greater than 30 days) absences (periods without available sessions in the District SharePoint Calendar) and expected return dates to the 10th District ENE Program Coordinator. (Providers with unreported, extended absences or failing to return to the Calendar on expected return dates, may be removed from the Roster for inactivity.);
 - E. Accept the adopted ENE fee structure; and
 - F. Meet the additional criteria as outlined below for attorney or non-attorney evaluators.

II. Attorneys seeking to serve as a Financial Early Neutral Evaluator (“FENE”) or Social Early Neutral Evaluator (“SENE”) must also meet the additional criteria as follows:

- A. Be a practicing attorney at law for at least ten (10) years with substantial emphasis on the area of family law in the last five (5) years, or have equivalent expertise and experience; and
- B. Have family law trial experience or equivalent expertise and experience; and
- C. Have an attorney license in good standing with the Minnesota Supreme Court, either in active or retired status; and
- D. For attorneys seeking to serve as a SENE, observe two (2) Social Neutral Evaluation sessions through a “ride-along.” An attorney may petition for a waiver of this requirement if the attorney has served as an evaluator in ENEs in another ENE program involving custody or parenting time; and
- E. For attorneys seeking to serve as a FENE, observe one (1) Financial Early Neutral Evaluation session through a “ride-along.” An attorney may petition for a waiver of this requirement if the attorney has served as an evaluator in ENEs in another ENE program involving financial issues.

III. Other Professionals (i.e. social worker, psychologist) seeking to be a Social Early Neutral Evaluator (“SENE”) must also meet the following criteria:

- B. Have a minimum five (5) years concentrated experience working with families and children on divorce-related matters, including custody, visitation, or related issues; and
- C. Have a Master’s level Social Work or Psychology degree, LCSW, LICSW, LP, or LMFT; and
- D. Have a professional license in good standing, either in active or retired status; and
- E. Observe two (2) Social Early Neutral Evaluation sessions through a “ride-along.” A non-attorney may petition for a waiver of this requirement if the non-attorney has served as an evaluator in ENEs in another ENE program involving custody or parenting time.

IV. Other Professionals (i.e. accountant, financial advisor) seeking to be a Financial Early Neutral Evaluator (“FENE”) must also meet the following criteria:

- A. Have a minimum five (5) years concentrated experience working with families and children on divorce-related matters, including property valuation, spousal maintenance or child support, or other related fiscal issues; and
- B. Have a Certified Public Accountant license in good standing, either in active or retired status; and
- C. Observe one (1) Financial Early Neutral Evaluation session through a “ride-along.” A non-attorney may petition for a waiver of this requirement if the non-attorney has served as an evaluator in ENEs in another ENE program involving property

valuation, spousal maintenance or child support, or other related fiscal issues may qualify for a waiver of this requirement.

V. Application Review Process:

- A. Applications are accepted on an on-going basis.
- B. Applications will be pooled and considered as space available on the roster warrants.
- C. The best applicants will be selected from those applications available at the time the pooled applications are considered.

VI. 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 the SharePoint ENE Calendar. Periods where a provider is added to the roster part way through the six month time or when the provider is on an approved sabbatical leave will not count against a provider.
- B. For failure to utilize the 10th District SharePoint ENE Calendar by not entering available sessions by posted deadlines; failure to report extended absences of over 30 days to the District ENE Coordinator; failure to return to the Calendar after a reported absence or approved sabbatical; or failure to regularly make available an average of two sessions per week in the Calendar.
- C. For failure to remain Rule 114 Family Mediator Qualified.
- D. For failure to return the Anoka County ENE Program Annual Re-Affirmation of Roster Status on time.
- E. For other good cause as determined by the Anoka ENE Committee.

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