

Tenth Judicial District ENE Policies & Guidelines

The policies and guidelines of the Tenth Judicial District Family Court Early Case Management (ECM) program and Early Neutral Evaluation (ENE) are below. The Tenth Judicial District ENE Program covers Anoka, Chisago, Isanti, Kanabec, Pine, Sherburne, Wright, and Washington counties.

Eligibility and Continuing Eligibility

1. ENE Providers shall remain Qualified Neutrals on the State ADR Board Rule 114 Family Law Evaluative/Hybrid Roster.
2. The Minnesota General Rules of Practice Rule 114 Alternative Dispute Resolution, governs the ENE confidentiality policy and mandatory reporting requirements.
3. The Minnesota General Rules of Practice Rule 114, Code of Ethics, governs providers.

Team Formation, Appointing a Provider & Fee Structure

4. Providers are selected by the parties. There is one provider for FENE, and two providers for SENE. For SENE, the neutral pair should reflect the gender makeup of the parties and one provider must be an attorney if a party is unrepresented.
5. Providers 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.
6. If the court order for ENE does not comply with the Tenth Judicial District ENE Program, Policies and Guidelines, Fee Policy, or the provider's availability offered in Provider Availability Scheduling System (PASS), the provider may request an amended order or decline the appointment. Providers shall notify the Court in writing within ten days of the ENE order appointing the provider.
7. Providers are not affiliated with the county or the State of Minnesota. Providers bill and collect payments independently.
8. For providers who offer in-person ENE sessions in PASS, providers agree to hold in-person ENE sessions at a location within the county that ordered ENE, unless otherwise agreed by the parties, attorneys, and providers.
9. Providers and the Court agree to the Tenth Judicial District ENE Fee Policy, which is available on ECM/ENE Help Topic under county information: <http://mncourts.gov/Help-Topics/ENE-ECM.aspx>. If the fee policy changes, providers agree to accept the changes or to resign from the roster. Incidental costs and expenses, including mileage expenses, are not reimbursed. The providers will not charge for any work they do before the ENE session without prior agreement with the parties or their attorneys.

Feedback and Data Collection

10. Providers 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 Tenth Judicial District ENE Committee.
11. Within five days of completing ENE, or the cancelation of the ENE session, the providers will complete ENE Evaluator's Reports for each case. Reports will be filed with Court administration along with any signed memorandum of agreement. Copies of the reports and written memorandum shall also be sent to each of the parties. 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 (ICMCs) are scheduled to be held within three weeks, whenever possible, and no later than four weeks, from when the family matter is filed.
13. Within three business days of receipt of the ICMC Order for ENE, the providers will communicate with the parties and attorneys, verifying the session date, time, and location and requesting any necessary documentation.
14. It is anticipated that SENE will be concluded within 30 days of the ICMC.
15. It is anticipated that FENE will be concluded within 60 days of the ICMC.

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. Providers can accommodate the new date; and
 - d. The new date is within the 30-day for SENE and 60-day for FENE timelines, i.e. the session is complete and the ENE Evaluator's Report and written memorandum is completed within 30 days for SENE or 60 days for FENE from the ICMC.
17. By opting into the ENE program, the parties are required to attend the ENE session unless otherwise determined by the Court, with notice given to the ENE providers. If the parties do not pay the ENE providers at least 5 days before the ENE session, the providers shall cancel the ENE session and notify the Court of non-payment. If the parties fail to pay or attend the ENE session, the Court may order sanctions against them for violation of ICMC Order.

Interpreters

18. There are no court funds available to pay for interpreters in ENE sessions. Parties shall provide their own interpreters.

Application Review Process

19. Applications are accepted on an on-going basis for each county, except if you are applying to the PICK roster you must apply to all four counties (Pine, Isanti, Chisago and Kanabec).
20. Applications will be pooled and considered twice a year (April and October) by the Tenth Judicial District ENE Committee.
21. The best applicants will be selected from those applications available at the time the pooled applications are considered. The Committee may consider the length of time the applicant has worked with families in divorce and custody related work, experience providing evaluative opinions, located within local court area, feedback from providers hosting ride-alongs, diverse background, prior removals from roster, area of shortage on roster, and any other relevant information.

Provider Removal

22. Providers may be removed from the ENE Roster:
 - a. If the provider fails to maintain ADR credentials or enter their availability for the Tenth Judicial District ENE Program in PASS in any half-year period (April 1 – Sept. 30, or Oct 1.- March 31). Periods where a provider is added to the roster part way through the six month timeframe or when the provider is on sabbatical leave will not count against a provider.
 - b. For failure to remain Rule 114 Family Neutral Qualified.
 - c. For other good cause as determined by the Tenth Judicial District ENE Committee.