

## **EXHIBIT A**

### **DAKOTA COUNTY ENE PROGRAM** **POLICIES AND PROCEDURES**

#### Early Neutral Evaluation (ENE) Provider Eligibility & Application

1. Attorneys and other licensed professionals are eligible to be listed on Dakota County's ENE provider roster(s) if they meet the attached eligibility requirements and apply through the Provider Availability and Scheduling System (PASS) and submit the Supplemental Application form.
2. To remain on Dakota County's ENE provider roster(s), neutrals must continue to meet the attached eligibility requirements, follow policies, and keep their information updated in PASS.

#### Neutral Appointment

1. Neutrals are selected by mutual agreement of the parties.
  - a. For Social Early Neutral Evaluation (SENE), parties may choose one neutral to conduct SENE or two neutrals to conduct a "team" SENE. A neutral may apply to be on the team provider roster (PASS service type "SENE") and/or the solo provider roster (PASS service type "ONESENE").
  - b. For Financial Early Neutral Evaluation (FENE), parties choose one neutral.
  - c. Parties may select a single neutral to perform both SENE and FENE.
2. Neutrals are typically selected at the Initial Case Management Conference (ICMC), which is generally held three (3) weeks after the initial filing in an action for dissolution, custody or paternity. However, parties may opt to waive the ICMC if they select their neutral(s) and agree to proceed directly to ENE.
3. Selected neutrals are named in the orders that issue from the ICMC ("ICMC Order and Order for ENE") and the orders waiving the ICMC ("Order to Waive ICMC and for ENE").

#### ENE Fee Structure

1. Neutrals agree to the attached fee schedules for ENE sessions. Incidental costs and expenses, including mileage expenses, are not reimbursed.
2. Neutrals bill and collect payments independently.

#### ENE Timelines

1. It is anticipated that ENE be completed within sixty (60) days of the date of the ICMC/ENE Order or the Order Waiving the ICMC and for ENE.
2. If an ENE process cannot be completed within the deadline set by the court, the ENE provider must file a Request for Order Extending Timeline for ENE (This form is available on the Minnesota Judicial Branch ECM/ENE Webpages).

#### ENE Rescheduling and Cancellation

1. A party who wishes to reschedule an ENE session may do so one time if the following criteria are met:
  - a. All parties agree to the rescheduling;
  - b. All parties and the ENE neutral agree to the new date; and
  - c. The ENE will be completed within the 60-day timeline.
2. By opting into ENE, the ENE session(s) cannot be cancelled unless a full written stipulation on all issues is completed no less than five (5) business days before the ENE session with notice to the ENE Neutral(s). 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 the failure to attend a violation of the ENE Order, and take such violation into consideration when determining the issue of an award of attorney fees or other disputed issues between the parties.

#### Miscellaneous

1. ENE neutrals are not affiliated with Dakota County.
2. There are no court funds available to pay for interpreters in ENE sessions. Parties shall provide their own interpreters.
3. General questions, concerns and suggestions relating to Dakota County's ENE Program should be emailed to [1stDakotaENE@courts.state.mn.us](mailto:1stDakotaENE@courts.state.mn.us).

**DAKOTA COUNTY ENE NEUTRALS**  
**MINIMUM QUALIFICATIONS**

- I. **All Neutrals** must meet and continue to meet the following criteria:
- A. Be a Rule 114 Qualified Mediator and Evaluator listed on the State Rule 114 ADR Program Roster and comply with all ADR Board rules;
  - B. Be in good standing with the ADR Board, ethics boards, and the issuing authority for all professional licenses held;
  - C. Acknowledge and agree to all Dakota County ENE policies and procedures and accept Dakota County's ENE fee structure;
  - D. For SENE applicants, observe two (2) SENE sessions through a "ride-along" with two different providers after completion of specialized ENE training (this requirement is waived for renewal applicants and applicants with experience performing 10 court-ordered SENEs in another ENE program);
  - E. For FENE applicants, observe one (1) FENE session through a "ride-along" after completion of specialized ENE training (this requirement is waived for renewal applicants and applicants with experience performing 10 court-ordered FENEs in another ENE program); and
  - F. Meet the additional criteria listed below for attorney or non-attorney neutrals.
- II. **Attorney ENE neutrals** must also meet the following criteria:
- A. Be an attorney in practice for at least five (5) years with an emphasis in the area of family law.
- III. **Non-attorney SENE neutrals** must also meet the following criteria:
- A. Have a minimum of five (5) years' experience working with families and children on divorce-related matters, including custody and visitation;
  - B. Have a Master's-level Social Work or Psychology degree, LCSW, LICSW, LP or LMFT; and
  - C. Have a professional license in good standing, either in active or retired status.
- IV. **Non-attorney FENE neutrals** must also meet the following criteria:
- A. Have a Certified Public Accountant (CPA) license in good standing, either in active or retired status; and

- B. Have a minimum of five (5) years' experience working with families and children on divorce-related matters, including property valuation, spousal maintenance or child support.

**DAKOTA COUNTY FAMILY COURT DIVISION**  
**SOCIAL EARLY NEUTRAL EVALUATION (SENE)**  
**FEE STRUCTURE**

Each party is responsible for payment of fees for SENE, which shall be individually determined using the fee structure set forth below.

Parties may opt to participate in SENE with either one evaluator or a two-person team of evaluators. For a two-person team of evaluators, the parties' combined SENE fee shall be divided equally between the evaluators.

Each SENE evaluator is required to accept no fee/low fee (total fee of \$50/hour or less) cases if selected by the parties. No evaluator shall be required to accept more than two (2) no fee/low fee cases in any given calendar year.

**ONE-EVALUATOR SENE**

I. Represented parties (non-pro-bono attorney):

If a party is represented by an attorney, then the party's hourly SENE rate shall be one-half the hourly rate charged by the party's attorney. If a party is represented by more than one attorney, then the party's hourly SENE rate shall be one-half the highest hourly attorney rate charged to the party.

If a party is represented by a pro-bono (no fee) attorney, then the party shall pay a flat fee of \$50 for each SENE session.

II. Unrepresented parties and parties with pro-bono (no fee) representation:

If a party is not represented by an attorney, or is represented by a pro-bono attorney, then the party shall pay SENE fees according to the following sliding-fee scale:

<b>Party's Gross Annual Income</b>	<b>Party's SENE Fees</b>
<i>In Forma Pauperis (IFP)</i>	Flat fee of \$50 for each SENE session
\$0 to \$25,000	\$25 per hour
\$25,001 to \$50,000	\$50 per hour
\$50,001 to \$100,000	\$75 per hour
\$100,001 to \$150,000	\$150 per hour
>\$150,000	\$200 per hour

## TWO-EVALUATOR SENE

I. Represented parties (non-pro-bono attorney):

If a party is represented by an attorney, the party's hourly SENE rate shall be the hourly rate charged by the party's attorney. If a party is represented by more than one attorney, the party's hourly SENE rate shall be the highest hourly attorney rate charged to the party.

II. Unrepresented parties and parties with pro-bono (no fee) representation:

If a party is not represented by an attorney, or is represented by a pro-bono attorney, then the party shall pay SENE fees according to the following sliding-fee scale:

<b>Party's Gross Annual Income</b>	<b>Party's SENE Fees</b>
<i>In Forma Pauperis (IFP)</i>	Flat fee of \$50 for each SENE session
\$0 to \$25,000	\$50 per hour
\$25,001 to \$50,000	\$100 per hour
\$50,001 to \$100,000	\$150 per hour
\$100,001 to \$150,000	\$300 per hour
>\$150,000	\$400 per hour

**DAKOTA COUNTY FAMILY COURT DIVISION**  
**FINANCIAL EARLY NEUTRAL EVALUATION (FENE)**  
**FEE STRUCTURE**

Each party is responsible for payment of fees for FENE, which shall be individually determined using the fee structure set forth below.

Each FENE evaluator is required to accept no fee/low fee (total fee of \$50/hour or less) cases if selected by the parties. No evaluator shall be required to accept more than two (2) no fee/low fee cases in any given calendar year.

I. Represented parties (non-pro-bono attorney):

If a party is represented by an attorney, then the party's hourly FENE rate shall be one-half the hourly rate charged by the party's attorney. If a party is represented by more than one attorney, then the party's hourly FENE rate shall be one-half the highest hourly attorney rate charged to the party.

II. Unrepresented parties and parties with pro-bono (no fee) representation:

If a party is not represented by an attorney, or is represented by a pro-bono attorney, then the party shall pay FENE fees according to the following sliding-fee scale:

<b>Party's Gross Annual Income</b>	<b>Party's FENE Fees</b>
<i>In Forma Pauperis</i> (IFP)	Flat fee of \$50 for each FENE session
\$0 to \$25,000	\$25 per hour
\$25,001 to \$50,000	\$50 per hour
\$50,001 to \$100,000	\$75 per hour
\$100,001 to \$150,000	\$150 per hour
>\$150,000	\$200 per hour