

8TH JUDICIAL DISTRICT
Early Neutral
Evaluation (ENE)
Program

EFFECTIVE
1/1/2011

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INTRODUCTION:

At the direction of the 8th Judicial District judges, a workgroup was formed to investigate the feasibility and utility of forming an Early Neutral Evaluation (ENE) program in all or parts of the district. This steering committee consisted of two judges, two law clerks and six family law attorneys, all of whom were trained and certified as neutrals. The workgroup met on several occasions to discuss the feasibility and scope of the program, proposed procedures and forms to be utilized, fee schedules and qualifications for neutrals to be utilized in the program. Upon completion of the initial work of the workgroup, recommendations will be presented to the entire district bench for discussion and possible implementation. Upon implementation, the work group will continue to meet periodically to evaluate the program and propose and modifications.

THE HISTORY AND CONCEPT OF EARLY CASE MANAGEMENT NEUTRAL EVALUATION:

The concept of early neutral evaluation is not new. It appears to have been initially developed in California in the early 1980's as an alternative method of resolving all types of civil litigation. The original concept was designed to explore settlement early in the process to rein in the rapidly expanding costs of litigation and reduce the burden upon court calendars. Gradually it was expanded to address primarily the financial aspects of family law cases. It then progressed to address the significantly emotional issues relating to child custody and parenting time. As the concept progressed to include these highly divisive issues, another very significant benefit to the process became evident. While reduced costs and reduction of calendar backlog continued as benefits, it was also discovered that early attempts at collaborative resolution of family law cases also resulted in reduced acrimony and divisiveness between the parties. Rather than initially focusing upon "winning" and the confrontational tactics that winning required, the parties are encouraged to channel their energies toward collaborative resolution of family issues. Early results of the process seem to demonstrate more long-lasting resolutions with reduced acrimony.

In Minnesota, the Early Neutral Evaluation process appears to have been first utilized on a formalized basis in Hennepin County in 2001. The program was developed and administered by the Family Court Services office of the Hennepin County Department of Community Corrections. As success was demonstrated in the Hennepin County program, the concept expanded with other pilot programs in other areas of the state. The Minnesota Judicial Branch adopted the concept of Early Neutral Evaluation in its Fiscal Year 2007-2009 Strategic Plan as one of the programs to be emphasized to address the branch's strategic priorities of Access to Justice, Administering Justice for Effective Results, and Public Trust, Accountability and Impartiality. ENE programs have continued to be strategic priorities for the Judicial Branch in subsequently developed strategic plans. If adopted in the 8th District, ENE programs will be operating in all or part of all ten judicial districts in Minnesota.

WHAT IS FAMILY EARLY CASE MANAGEMENT:

Early Case Management (ECM) is an emerging process for the handling of marriage dissolution and custody cases. There are essentially two components to Early Case Management. The first, the Initial Case Management Conference (ICMC), is a mandatory case management conference attended by both parties and, if they are represented by counsel, their attorneys within three weeks of the initial filing of a marriage dissolution, child custody case or post-decree motion. With few exceptions, discovery and motions may not be served or filed prior to the ICMC. At the ICMC, the judge has the parties identify the

issues and then explains the use of and encourages the parties to utilize some type of alternative dispute resolution.

The second component of Early Case Management is the use of Early Neutral Evaluation (ENE). ENE is a type of alternative dispute resolution involving the use of neutrals to identify areas of agreement and to utilize an evaluative process by experienced neutral evaluators to assist the parties in resolving areas of dispute. There are two types of early neutral evaluation. Social Early Neutral Evaluation (SENE) is a process in which two neutrals (one female and one male) who are experienced in custody issues evaluate and address with the parties issues involving children including custody, parenting time, child support, and similar collateral issues. The second type, Financial Early Neutral Evaluation (FENE), is a process in which one neutral experienced in the financial aspects of family law cases evaluates and addresses with the parties the financial aspects of family cases including property valuation and division and spousal maintenance. Both processes, while encouraged by the Court, are entirely voluntary. Most cases will involve only one type of ENE. The ENE process is designed to take place ideally within 30 days of the ICMC, and, with limited exceptions, the parties cannot engage in discovery or motion practice until the ENE process has been completed.

BENEFITS OF THE ENE PROCESS:

Several benefits have been identified from the ENE process in family law cases:

- reduced costs and acrimony for the parties
- earlier resolution and certainty for children
- increased settlement rates
- reduced time from filing to disposition
- fewer appeals and post-decree proceedings
- reduced need for extensive and expensive custody evaluations and trials

CASES IN WHICH THE EARLY CASE MANAGEMENT PROCESS WILL BE APPLICABLE:

The workgroup recommended that the Early Case Management process should be utilized in all of the following cases filed in the district, whether the parties are represented by counsel or self-represented:

- Marriage dissolution cases
- Paternity cases in which custody or parenting is at issue
- Motions for custody and/or parenting time
- Post-decree motions in any of the above-cases except child support cases which would be subject to the expedited child support process

Any of the above-referenced cases in which the initial filing is accompanied by an executed settlement agreement which resolves all issues in dispute would not be required to participate in the ECM process.

INITIAL CASE MANAGEMENT CONFERENCE (ICMC):

The foundation of Early Neutral Evaluation is laid at the Initial Case Management Conference. Strong judicial involvement at this early stage is of utmost importance in setting the tone for the entire case. The purposes of the ICMC include:

- Provides early intervention by the Court

- Establishes the Court's control over the progress of the case
- Provides the early opportunity to discuss and encourage the use of Alternative Dispute Resolution (including ENE)
- Establishes discovery limitations and deadlines
- Assigns dates for future conferences if necessary

Experience in other districts has demonstrated the importance of this initial involvement by the Court, in particular the presentation by the judge. Although judges' approaches to this presentation may vary, this discussion usually focuses upon the following:

- Parties can save a lot of time and money by minimizing fights over custody or property
- Custody fights usually hurt children, albeit to varying degrees
- Developmental needs of children, as opposed to the wants or needs of parents, should control the outcome
- Custody labels mean less than the parents may believe since they do not control the amount of time spent with the children and have less effect upon child support
- Early neutral evaluation has proven to be enormously successful (approaching 70% settlement) in assisting the parties in resolving their disputes in a less costly fashion and usually with less acrimony
- ENE allows the parties to receive an independent evaluation from a trained, experienced family law professional who can assist the parties at arriving at a mutually acceptable agreement
- In cases involving alleged domestic abuse, if the parties *voluntarily* wish to participate in ENE, appropriate safeguards can be put into place during any ENE sessions

How a judge conducts an ICMC varies depending upon a particular judge's style. Some are informal with the judge in chambers not wearing a robe. Others hold the ICMC in the courtroom on the record (particularly with self-represented individuals).

A script outline taken from the 3rd/5th District ENE Program Manual is included in the Appendix at page 2. Also included in the Appendix (pages 4-14) are sample Orders relating to the ICMC, along with the Confidential Initial Case Management Conference Data Sheet that has been recommended by the 8th District workgroup. A DVD from the 3rd/5th District Program with a sample ICMC with the judge's presentation is available for reference.

Upon the filing of a designated family law case, the judge will execute an Order Setting Initial Case Management Conference in such a fashion so that the conference can be held within 3 weeks of the initial filing. Each judge will work with court administration and judicial staff to designate who is responsible for drafting and sending out the order. The order should be sent to each party or their counsel if they are represented. Included with the order should be a copy of the Confidential Initial Case Management Conference Data Sheet which is to be filled out by each party and returned to the court at least two days prior to the ICMC. This form will provide to the Court each party's initial assessment of the issues and a summary of the applicable financial picture for the parties.

Following the ICMC, if the parties have been unable to resolve their case at the ICMC, the Court should issue an Order Following Initial Case Management Conference (see sample in Appendix) which details the next steps in the case including voluntary participation in SENE and/or FENE, other mandatory alternative dispute resolution if available, or further

scheduling matters. **If the entire case happens to settle at the ICMC, some follow-up order is needed for statistical purposes in order to properly evaluate the effectiveness of the ICMC/ENE process.**

THE EARLY NEUTRAL EVALUATION PROCESS:

Early Neutral Evaluation is a strictly voluntary, confidential ADR process which provides prompt and affordable evaluations by highly qualified and trained neutrals with the goal of generating long-lasting settlements of issues in family law cases. ENE is not the only available ADR process that can be utilized, and it should be emphasized to the parties that it is entirely voluntary. ENE may not be appropriate in every case.

As is the case in most ADR processes, ENE is designed to be confidential. The neutrals generally have the parties sign a confidentiality agreement at or prior to the first meeting. The information gained during the process is not discoverable and ENE evaluators cannot be involved in any subsequent evaluations conducted in connection with the case.

The crux of any useful ENE process is the use of highly trained neutrals. The opinions and evaluations of the neutrals must be knowledgeable and credible or the persuasiveness of their evaluations will be called into question. Simply put, if a neutral's evaluation lacks factual or legal substance, the greater chance that the parties or their counsel will disregard them. At the outset, the 8th District program has set minimum qualifications for the training and professional experience of those individuals who seek inclusion on the 8th District list of neutrals. Each neutral must have attended and become certified in the ENE training in which that neutral intends to participate. In addition, each neutral must have at least five years of experience as either a family law attorney or five years of other family law professional experience (e.g. GAL, custody evaluator, CPA) in the area in which they seek to be a neutral. Finally, as part of the on-going evaluative process, the parties will be able to provide input on neutrals which might have an impact upon their remaining on the neutral list.

For the SENE process, two neutrals, one male and one female, are preferred. The reason for the use of this female/male team is to provide a gender neutral forum so as to reduce any gender bias concerns that any party might have relating to the crucial areas of custody and parenting time. Not only does this team approach reduce concerns of gender bias, it also allows the team to better assess the verbal and non-verbal communication as it plays out during an evaluation process. While one neutral is speaking, the other can watch and listen to assess the cues and reactions of the parties.

In the FENE process, issues of gender bias are less prevalent. Accordingly, usually, but not always, one neutral is utilized to address issues of the marital estate and spousal maintenance.

If the parties at the ICMC agree to utilize the SENE and/or FENE process, the parties are provided a list of approved neutrals from which to select either the dual gender SENE team or single FENE evaluator. The parties shall have the responsibility for contacting the evaluator(s) to set up the initial meeting and meet any financial obligations set forth by the program as outlined elsewhere herein. If the parties are unable to agree upon a neutral, they shall notify the Court so that the Court may make the appointment. Each judge should determine whether court staff or judicial staff shall make the initial contact with the evaluator and determine availability and conflicts of interest.

In terms of timing, the initial ENE session should usually be held within 14-21 days of the ICMC. Most SENE cases complete the process within 30 days, most often at the initial 3-4 hour session. FENE cases usually are completed within 60 days and are completed in less than 6 hours, although some additional time might be necessary if additional collateral information must be obtained. Both parties and, if applicable, their counsel, must attend all ENE sessions. Average ENE settlement rates throughout Minnesota in recent years are 74% for SENE and 68% for FENE.

A typical ENE session begins with the introductory phase which sets forth processes and protocols, and sets forth data privacy concerns and civility expectations. The next phase is the evaluative phase in which each side tells their side of the story. The evaluators may ask questions and the other side is allowed time to respond. The process then continues into the consultation (SENE) or analysis (FENE) phase in which the evaluator(s) analyze the information, determine if additional information is needed, and then formulate viable settlement options. The next stage in the process is the feedback phase in which the evaluator(s) give opinions relating to possible resolution of the case. The parties are then allowed to caucus with counsel if applicable and then the negotiation stage commences. During this phase, the parties discuss their reactions to the evaluator's recommendation and their willingness to negotiate is ascertained. This stage continues as the parties exchange settlement proposals. The final phase in the process is the wrap-up phase. If the case settles the court is notified and a date for filing of the final stipulation is set by the parties. If the case does not settle, the court is notified and the court then issues the appropriate continuing case management order setting deadlines and additional evaluations if necessary.

EARLY NEUTRAL EVALUATION FEE STRUCTURE:

The 8th District ENE workgroup has recommended the following fee structure for early neutral evaluations, subject to approval by the 8th District judges:

For SENE Matters:

A flat \$600.00 fee (\$300.00 from each party) on all cases including IFP cases.

For FENE Matters:

Fees will be calculated on a sliding fee basis, based upon the total annual gross income of both parties for child support purposes or the combined net worth of the marital estate, whichever is greater. Fees will be payable by each party according to the following guidelines:

<u>Gross income/net estate</u>	<u>Fee per party for 1st 3 hours</u>	<u>Fee per party for each hour thereafter</u>
IFP, recipient of MFIP or General Assistance	\$75.00	\$75.00
\$0. To \$25,000.	\$150.00	\$75.00
\$25,001. To \$50,000.	\$225.00	\$100.00
\$50,001. To \$90,000.	\$300.00	\$125.00

\$90,001. To \$125,000.	\$450.00	\$150.00
\$125,001. To \$250,000.	\$600.00	\$200.00
More than \$250,000.	Determined by the Court	Determined by the Court

The appropriate fees will be collected from each party by the neutral prior to the commencement of the first ENE session unless other arrangements are made between the parties and the neutral. The court will not be involved in fee collection.

DOMESTIC ABUSE CONSIDERATIONS IN THE ENE PROCESS:

Rule 310.01 of the Minnesota Rules of General Practice prohibits a court in a family law matter from requiring a party to participate in Alternative Dispute Resolution if one of the parties claims to have been the victim of domestic abuse at the hands of the other party or if the court finds probable cause to believe that one of the parties or the child of a party has been physically abused or threatened with physical abuse by the other party. However, experience in other judicial districts demonstrates that some parties in which domestic abuse has been an issue actually want to participate in the ENE process. Since the ENE process is strictly voluntary, it does not violate Rule 310.01. However, there are some substantive and procedural safeguards which should be utilized to safeguard the parties and maintain the integrity of the process:

1. At the outset and continuously throughout the process, it should be emphasized that the ENE process is entirely voluntary.
2. ENE teams should be trained in domestic abuse issues and the training should be regularly updated.
3. Screening for domestic abuse should occur early in the process. Attorneys, if involved, should explore the issue with their clients prior to the Initial Case Management Conference. Questions on the Confidential Initial Case Management Conference Data Sheet should alert the court to the issues prior to the ICMC. The ENE team should also encourage the parties to bring up domestic abuse issues during the introductory phase of the process.
4. If domestic abuse issues are present or suspected, the ENE team can caucus with each side separately to reduce the pressure upon the abused party. Counsel for the abused party should be encouraged to bring up issues that the abused party might be hesitant or intimidated to address in front of the other party.
5. The use of female/male teams in the SENE process should assist in ensuring gender balance and create sensitivity to gender issues.
6. The neutrals must be careful not to overtly or covertly put pressure on the abused party to settle. The parties should be given additional time, outside of the ENE session, to consider the recommendations of the neutral(s) and settlement options that have been proposed. This is particularly necessary with self-represented parties. These parties often require additional

caucusing. With self-represented parties, the voluntariness and confidentiality of the program should be continuously stressed.

7. Neutrals conducting sessions in which domestic abuse is an issue should strongly consider utilizing the courthouse or other secure location for the sessions. Court security or law enforcement should be alerted so that greater scrutiny can be provided. Arrival and departure times should be staggered.
8. During breaks, the neutrals should ensure that appropriate space is available so that the parties can be placed in separate areas.

EVALUATION OF THE ENE AND ICMC PROCESS:

Since the 8th District Early Neutral Evaluation program is a dynamic process, it is important to obtain feedback from the parties. Not only will this feedback be used to make changes in the program at the district level to address the identified needs of the parties, it will also be forwarded to the state level to provide more data on the success of the program state-wide and to assist in making any modifications in future training for neutrals.

The feedback from participants shall be obtained by asking the parties and attorneys, if applicable, to fill out the Eighth Judicial District ICMC/ENE Participant Feedback form which can be found in the Appendix at page 16. Court administration will transmit the form to the parties and their attorneys if applicable according to the following timelines:

- If an ICMC is conducted and either the case settled at the ICMC, or no ENE was agreed upon or the parties were referred to some other Alternative Dispute Process, then the form should be transmitted either at or within two working days after completion of the ICMC.
- If the parties participated in SENE and/or FENE, the form should be transmitted within five working days of the court receiving notice that the case had settled in ENE and a settlement agreement will be forthcoming or notice that the case did not settle and further scheduling is necessary.

Upon receipt of completed forms, court administration should forward them to the person designated by the district bench to compile the information. The compiled information should periodically be transmitted to the appropriate person at State Court Administration. In addition, every six months the compiled information should be transmitted to the 8th District workgroup to assist it in making suggested changes in the program. Base statistics should be reported to the 8th District bench on an annual basis.

A P P E N D I X

ICMC Script Outline

This is a sample outline of points a judge could cover in an ICMC. It stresses the importance of ICMC. It is also used to inform attorneys what to expect at the ICMC and how to prepare their clients. Some of these points, as noted, are applicable only to prospective SENE cases in which children are involved.

ICMC Introduction

- a)** Tell the parties you have studied the pleadings and any case management information. This gives you some idea of what the case is about and the contested issues.
- b)** Jot down or highlight the names and ages of the children (the focus is on the kids). **[In SENE cases]**
- c)** Review financial statements (for ADR options and what may be affordable to them).

The ICMC

- a)** May be done in the courtroom or in chambers, off the bench, out of robe, off the record (judge's style dictates approach).
 - b)** Make introductions and shake hands with the parents (and attorneys if represented), ask for pictures of the kids, if applicable.
 - c)** Explain why you are not wearing a robe today. You are **not** here to decide anyone's rights or the case.
 - d)** Explain the meeting is about case management. You are here to learn everything about the case so you can work with the parties and attorneys to craft a schedule to bring the case to conclusion as quickly and inexpensively as possible.
 - e)** Explain cost savings if custody or other issues are not contested.
 - f)** Explain that if issues are **really** contested, the case may well take up to a year to conclude and cost them significantly more money.
 - g)** Focus on the litigant who may be posturing regarding custody or other issues and maybe does not really want a contested fight. You want both litigants to understand that they will be giving up a great opportunity for a prompt, inexpensive court experience, if they choose to fight over custody or any other issues.
- **The point here is to turn the parents' focus away from themselves and towards their children. [In SENE cases]**
 - **Have them place themselves in the position of their children for just a moment, and perhaps see how the children might be hurt by a custody fight despite their best intentions. [In SENE cases]**

[In SENE cases] If at the ICMC, you are led to believe that one or both parents are fighting about custody without a good understanding of what physical custody actually means, then you can try the following approach. (Each judicial officer will have to come up with some script that can be said with conviction depending upon his or her experience and beliefs.) For example:

- Say that it is quite clear to you that custody fights hurt kids, it is just a matter of degree.
- Give examples from learned authorities or other sources that have an impact and support your position.

- Explain that you have concluded that fighting over custody is far more damaging to their children than their reasoned agreement.

[In SENE cases] Again, inform the parties that physical custody is not as important as the litigants' friends, neighbors, and family members might have them believe. Bring to light the strengths and weaknesses of each parent's position, disabuse them of their erroneous impressions regarding what is meant by physical custody, and explain how the impending custody fight will hurt their child. Appeal to their good nature and sense of what's right. Custody/parenting time is not about what mom wants or dad wants, or what's "fair" to mom or dad, it's about their children's childhood and developmental needs. Tell them, it is your role to ensure that the children will have enough time with each parent to maintain the kind of relationship that will advance the children's best interests.

[In SENE cases] Remember, all your efforts here are designed to soften the parties' positions, influence them to start thinking about their kids first, and make them receptive to the ENE process or any other ADR option.

[In SENE cases] Lastly, ask whether they would like to volunteer for the program, if they qualify. Tell them if they agree to go into this with an open mind, understand that it's all about childhood development, not what mom wants or dad wants, and are willing to do this in good faith and work hard, then they should participate.

Emphasize these points:

- 1) Parties can save a lot of time and money if they choose NOT to fight over custody or other issues;
- 2) Custody fights hurt children; it's only a matter of degree **[In SENE cases]**;
- 3) Children's developmental needs, rather than parents' needs/wants should determine the outcome; **[In SENE cases]** and,
- 4) Custody labels mean much less than parents believe because they do not determine the amount of time each parent will spend with their children and custody labels have a less net positive effect on child support (after subtracting the enormous cost of the custody battle). **[In SENE cases]**

*The judicial officer needs to make clear that the focus of the dispute will be on the children's needs and the children's best interests. **[In SENE cases]***

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF:

JUDICIAL DISTRICT
File No.

Petitioner,

**Order Setting Initial Case
Management Conference**

vs.

Respondent.

Date Case Filed:

**READ THIS ORDER CAREFULLY and COMPLETELY.
YOU ARE RESPONSIBLE FOR COMPLYING WITH ITS CONTENTS.**

The Petitioner, Respondent, and their attorneys, if any, must come to court for an Initial Case Management Conference before Judge _____ in the _____ County Courthouse, _____, Minnesota, on _____, at _____ .m. Please check with court administration for the specific location. The purpose of this conference is to learn about the court's process and to plan the timing of future activity in the case.

The parties shall participate in the Initial Case Management Conference and will be encouraged to participate in Early Neutral Evaluation, Mediation, Arbitration or another form of Alternative Dispute Resolution for all unresolved issues.

The initial case management conference is scheduled for one half hour. Any issues agreed to may be included in an Order. **No motions should be filed, scheduled or heard by the Court, before the initial case management conference.**

At the conference, the issues in the case may be discussed, a discovery schedule may be agreed to, alternate dispute resolution may be arranged, studies, appraisals and evaluations may be ordered, in some cases a temporary hearing and/or trial date may be set and settlements reached may be placed on the record.

At the Initial Case Management Conference, the parties must be prepared to elect which form of alternative dispute resolution will be used in this case under Rule 114, and decide how the fees for these services shall be paid. **In disputed child custody issues the parties may be required to participate in a form of alternative dispute resolution (ADR) for unresolved issues. In cases that involve custody/parenting time and after the Initial Case Management Conference, the parties will have two business days following the ICMC to contact their choice of ADR and schedule appointments.**

The court currently lists the following participants in this action:

Petitioner:

Respondent:

Attorney for Petitioner:

Attorney for Respondent:

At least two business days before the scheduled Initial Case Management Conference (ICMC) each party must submit the following with the Court:

1. The completed Confidential Initial Case Management Conference Data Sheet (available at (court public website? Court forms website?) with all necessary documentation attached.
2. A detailed list and explanation of all unresolved/contested issues.
3. A list of all issues which have been resolved or are not in controversy.
4. A detailed, specific list of what each part wants the other to disclose.
5. If an interpreter will be needed, please notify court administration.

These documents are for the Court's use at the conference only and will not be subsequently admissible into evidence substantively or for impeachment.

Failure to file this documentation with the Court at least two business days before the Initial Case Management Conference may result in personal sanctions.

This case has been assigned to Honorable _____, Judge of District Court.

If you have any questions regarding scheduling matters respecting this case or this conference, please contact *Court Administration at* _____.

Judge of District Court

3. Have any of the children been the subject of a child protection case?

Yes No If yes, when _____, where _____.

4. Is there an agreement regarding legal custody of the children?

Yes No

5. Is there an agreement regarding physical custody of children?

Yes No

6. Is there an agreement regarding parenting time?

Yes No

7. Give a statement of what the agreement is for each issue that is resolved: (attach additional pages as required)

INFORMATION REGARDING ALTERNATIVE DISPUTE RESOLUTION

OPTIONS: (Check One)

Mediation

Parties agree to retain the services of _____ and will pay all costs.

Early Neutral Evaluation

Parties agree to participate in court annexed ENE program for a set fee.

Parties agree to participate in a private ENE program and pay all costs.

Other (please indicate)

INFORMATION REGARDING FINANCES

1. Petitioner's Employer and Address: Respondent's Employer and Address:

2. Petitioner's gross monthly income:
 Respondent's gross monthly income:

3. Summary of monthly budget expenses (for the party preparing this form):

Expenses:	Amount:
Mortgage	
Rent	
Food	
Telephone	
Heat	
Sewer/Water/Garbage	
Electricity	
Cable TV	
Medical Expenses	
Health/Life Insurance	
Home Insurance	
Car Insurance	
Car Payment	
Car Repair/Fuel	
Child care	
School Expenses	
Donations	

Loans:	Amount:
Credit Card Bills (itemize)	Amount:
Other (itemize)	Amount:

4. Homestead Address:

Homestead Expenses:	Amount:
a. Approximate Homestead Value	
b. Mortgage on Homestead	
c. Date of Purchase	

5. Checking Accounts and Balances:

Bank Name:

Balance:

Checking Account:
Savings Account:
Checking Account:
Savings Account:
Checking Account:
Savings Account:

6. Health and Dental insurance (specify what insurance coverages are available to you and what is the cost of the coverage)

7. Pensions and Profit Sharing Plans (specify account name, approximate value, how it is owned and by whom):

8. Automobiles (make, model, year, approximate mileage, and approximate value):

9. Recreational equipment (boats, guns, ATV, motorcycles, etc.) (make, model, year, approximate value):

10. Other Assets of value (do not include normal household goods and furnishings). List each with an approximate value:

11. Are there non-marital claims? Non-marital property means: (1) anything that you or your spouse owned before the marriage; (2) anything that you or your spouse received as a gift, bequest, devise, or inheritance, *to you or your spouse alone*; (3) anything that you or your spouse got in trade or in exchange for your non-marital property; (4) anything that is an increase in the value of non-marital property; (5) anything you or your spouse received after the valuation date set by the court; or (6) anything defined as non-marital property by a valid antenuptial contract.

Yes No

If yes, itemize:

ATTACH THE FOLLOWING DOCUMENTS TO THIS DATA SHEET:

1. Pay stubs for the last three months of employment.
2. Please attach your most recent Federal Tax Return with all attachments, including W-2s and 1099's as applicable.

-
3. Please attach any unemployment compensation statements or worker's compensation statements and all other income received during the last three months, including any public financial assistance in money or in-kind services (grants, heating assistance, medical assistance, etc.)

THIS FORM WAS PREPARED BY:

Print

Signature

Address/Telephone Number:

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF:

JUDICIAL DISTRICT
File No.

Petitioner,

vs.

**Order Following Initial Case
Management Conference**

Respondent.

The above matter came on for an Initial Case Management Conference on _____, at the _____ County Courthouse, _____, Minnesota, before the Honorable _____. The Petitioner appeared with attorney _____. The Respondent appeared with attorney _____.

The Court met with counsel and the parties and discussed numerous alternate methods for resolving their disputes, narrowing the issues, and crafting a schedule to bring this matter to conclusion in an expeditious manner. Unless otherwise noted, all of the arrangements set forth herein were agreed upon by the parties.

After meeting with the parties, the Court has determined that the following issue(s) are unresolved or in dispute:

The following issues have been stipulated to by the parties:

The parties contact information is as follows:

Petitioner: Contact phone number:
 Physical address:
 E-mail address (if any):

Respondent: Contact phone number:
 Physical address:
 E-mail address (if any):

ORDER

The issues stipulated above are adopted by the Court and shall be incorporated in this Order, AND the Findings of Fact, Conclusions of Law, and Order for Judgment and Judgment which will be issued by this Court OR (Bifurcated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree which will be issued by this Court OR Temporary Order.

No later than _____, the parties shall provide to each other a letter requesting whatever information and documents they need to settle or try this case. The requested information and documents shall be provided to the requesting party no later than _____, unless the providing party conducts a conference call with the Court and the Court determines that the disputed documents need not be provided.

The parties are **ORDERED** to undertake the following Alternative Dispute Resolution:

Early Neutral Evaluation (ENE). Within two (2) business days from the date of this Order, the parties shall make contact as directed to implement the ENE process. Each party shall pay one-half of the cost of this program.

Private ENE. The parties shall contact the private ENE evaluator(s) they have chosen to hire, _____ and _____, within two (2) business days from the date of this Order to schedule the first ENE session. ENE shall commence no later than 30 days from the date of this Order. The evaluator's fees shall be equally divided between the parties unless other payment arrangements are mutually agreeable.

Mediation

1. The parties shall mediate the following issues:

- a.
- b.
- c.

2. The parties shall attempt mediation with _____, on the above issues, and any other issues relating to this matter either wishes to address. The parties shall contact _____ within five (5) business days of this Order and shall meet with said mediator within _____ days of this Order.

3. Within 30 days, said mediator shall notify the assigned judge, either by phone or in writing, of the date alternative dispute resolution is scheduled to commence.

Other:

This case has been assigned to the Honorable _____, Judge of District Court.

A status hearing is scheduled on _____ at _____ .m. Each party is required to appear in person to advise the court as to the status of the case unless appearance by telephone is approved in advance of the hearing.

Judge of District Court

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF:

JUDICIAL DISTRICT
File No.

Petitioner,

vs.

**Order for
Financial Early Neutral Evaluation
(FENE)**

Respondent.

The above matter came on for an Initial Case Management Conference on _____, at the _____ County Courthouse, _____, Minnesota, before the Honorable _____. The Petitioner appeared with _____. The Respondent appeared with _____.

Based on the agreements of the parties and counsel, the Court makes the following:

ORDER

1. The Court described the Financial Early Neutral Evaluation program. Both parties understand the process and advised the Court that they wish to participate in the program.
2. The parties have chosen _____ to serve as a neutral regarding the following issues:
 - a. Spousal maintenance
 - b. Non-marital property
 - c. Valuation of martial property
 - d. Qualified and non-qualified plan assets
 - e. Non-martial tracing
 - f. Other
3. Is an order for protection in place? YES NO
4. The parties shall provide by _____ (2 days prior to FENE date)
 - a. copies of the Petition and Answer (if any),
 - b. their Data Sheets,
 - c. three most recent paycheck stubs, and
 - d. tax returns for the last three years.

And provide documentation for the following:

- a. Assets acquired during the marriage
- b. Assets acquired before marriage
- c. Assets acquired by gifts or inheritance during the marriage
- d. Liabilities acquired during the marriage
- e. Liabilities acquired before the marriage

5. The parties shall equally pay the fee for the evaluator(s).

6. The parties and counsel are ordered to cooperate with the Neutral. The parties are to cooperate with the Neutral and shall provide all necessary documentation.

7. Evidence produced during the FENE process that is not otherwise discoverable remains confidential.

Judge of District Court

Eighth Judicial District ICMC/ENE Participant Feedback

We welcome all comments. Your input and feedback are important to improve and refine the ICMC/ENE Program. Thank you for your time.

Case file number: _____

You are: _____

If you are Mom or Dad, were you represented by an attorney for the

ICMC/ENE? _____

Were your filing fees waived? _____

Initial Case Management Conference

1. Did you participate in an Initial Case Management Conference (ICMC)? _____
(If "no" go to #8.)

2. Was this your first ICMC? _____

3. Was the ICMC scheduled in a timely manner? _____

4. On a scale of 1 to 5, with 1 being totally dissatisfied and 5 being totally satisfied, please rate your satisfaction with the ICMC process. _____

Comments:

5. What was the outcome from the ICMC? _____

6. Would you recommend the process to someone else? _____

7. What suggestions do you have to improve the process? _____

Early Neutral Evaluation Process

8. Did you participate in the Early Neutral Evaluation (ENE) process? _____
(If "no", complete no other questions. If "yes", please complete questions #9 – 20)

9. Was this your first ENE? _____

10. Was the ENE scheduling respectful of your schedule? _____

11. On a scale of 1 to 5, with 1 being totally dissatisfied and 5 being totally satisfied, please rate your satisfaction with the ENE process. _____

12. On a scale of 1 to 5, with 1 being totally dissatisfied and 5 being totally satisfied, please rate the ENE team's performance:

a. All parties had the opportunity to be heard. _____

b. The team was impartial. _____

c. The team was helpful. _____

d. The team was respectful. _____

13. Was there undue pressure to settle? _____

14. What did you like and/or dislike about the team's performance?

15. ENE fee was: _____ ENE fee amount: _____

16. What was the outcome from the ENE:

Other ADR:

17. Since you used ENE, do you feel that the level of conflict was:

- Greatly reduced conflict
- Somewhat reduced conflict
- No effect on conflict
- Somewhat increased conflict
- Greatly increased conflict

18. In terms of the time expended, did the use of ENE:

- Greatly reduced time expended
- Somewhat reduced time expended
- No effect on time expended
- Somewhat increased time expended
- Greatly increased time expended

19. Would you recommend the ENE program to others? _____

20. What suggestions do you have to improve the process? _____

STATE OF MINNESOTA
COUNTY OF

IN DISTRICT COURT
FAMILY COURT DIVISION
EIGHTH JUDICIAL DISTRICT

**Early Neutral Evaluation
Memorandum of
Non-Agreement**

Petitioner

File #

Respondent

The above parties met for the scheduled Early Neutral Evaluation on _____, the parties were unable to reach an agreement on the disputed parenting issues.

Required Designation of Legal and Physical Custody Minn. Stat. §518.1705 Subd. (4). Solely for enforcement of the final judgment and decree where this designation is required for that enforcement and for no other purpose or legal effect under the laws of this state, any other state, or another country, the following designations are made: **Physical Custody is DISPUTED.**

Parties will continue to work on a settlement with their attorneys and report to the court within **thirty (30) days** by _____, of settlement status, or if future court involvement is needed.

Parties have elected to pursue mediation, another form of ADR, or custody study. Attorney _____ will notify the court within 3 business days of selected mediator or evaluator and timeframe for completion.

To the extent the parties have not resolved all issues related to their dissolution **within 30 days**, the attorney indicated below will notify the court with a status report. The court will then reschedule.

Attorney _____ (initial here) Dated: _____

PRO SE ONLY:

All issues have been stipulated per the signed Memorandum of Agreement.

The following issues remain disputed:

Client Signature

Attorney Signature

Client Signature

Attorney Signature

EIGHTH JUDICIAL DISTRICT EARLY NEUTRAL EVALUATION WORKGROUP

Susan Holt	Attorney	Litchfield
Will Dolan	Attorney	Litchfield
Greta Smolnisky	Attorney	Willmar
Robert Dalager	Attorney	Morris
Lynnae Lina	Attorney	Morris
Ronald Frauenshuh, Jr.	Attorney	Ortonville
William Bannon	Attorney	Willmar
Suelanna Kinney	Law Clerk	Willmar
John Lindemann	Law Clerk	Willmar
Donald Spilseth	Judge	Willmar
Jerry Seibel	Judge	Morris