

**Fifth Judicial District
Social Early Neutral Evaluation
Fee and Confidentiality Agreement**

_____ County
Court file: _____

_____ and _____, parties to this agreement, have engaged Attorney, _____ and Child Related Professional, _____ to perform a Social Early Neutral Evaluation subject to the following terms:

Early Neutral Evaluation (ENE) is a short term, confidential evaluative process designed to facilitate prompt dispute resolution in Family Court matters.

1. It is understood that all ENE sessions will occur with Attorney, _____, Child Related Professional, _____, and the parties present with counsel for each party.

2. Confidentiality. The parties will not:

- Electronically record any of these proceedings without written consent of all participants;
- Subpoena the evaluators or any records containing the notes or impressions of the evaluators;
- Evidence produced during the ENE process that is not otherwise discoverable remains confidential. The parties and counsel are prohibited from attempts to obtain through discovery or use as evidence any records deemed to be confidential under the ENE process;
- The parties will not subpoena the evaluators including but not limited to members of the evaluator's staff, any records or documents of the evaluator in any legal proceedings of any kind. If so called or subpoenaed, the evaluator may refuse to testify or produce the requested documents;
- Should any party attempt to compel such testimony or production, such party shall be liable for, and shall indemnify the evaluator against any liabilities, costs or expenses, including reasonable attorney's fees, which the evaluator may incur in resisting such compulsion

3. Fees

ENE Team members normally bill SENE services at a flat fee of \$300.00 per party per session plus a \$25.00 travel fee if required. All payments are due at the beginning of the SENE session

directly to the neutrals.

Exceptions:

a. A party(s) with *In Forma Pauperis (IFP)* status must meet one of the following criteria to be considered for the reduced fee rate.

- The party is *IFP* and is self-represented.
- The party is *IFP* and is represented by Legal Services.
- The party is *IFP* and is represented by a pro bono attorney.

When funds are available the party may receive a reduced fee rate and pay an additional travel fee (if applicable).

If a party is *IFP* and has hired a private attorney, they are required to pay one hour of their attorney's hourly fee rate up to \$300.00 total.

At this time the Petitioner, _____, is required to pay \$_____ (does or doesn't include travel fee) per SENE session, and the Respondent, _____, is required to pay \$_____ (does or doesn't include travel fee) per SENE session. Fees are to be divided equally between the two neutral, payable in cash or money order, and due at the beginning of the SENE session directly to the neutrals.

If there is only one travel fee, the parties will split the \$25.00 fee and payable to _____.

Services provided by the evaluators include: preparation for ENE sessions, time meeting with the parties and counsel during the ENE sessions, and drafting of any memorandum which summarizes any agreements of the parties and/or notification to the Coordinator or Judge that an agreement has been reached.

I have read, understand, and agree to the Fifth Judicial District Program Fee and Confidentiality Agreement.

DATED: _____

Neutral Provider: _____ Neutral Provider: _____

Petitioner: _____ Respondent: _____

Attorney: _____ Attorney: _____

(ALL PARTIES PRESENT IN THE ENE SESSION MUST SIGN THIS AGREEMENT. This includes professional interpreters, family or friend interpreting, and ENE roster applicants participating in a ride-along)