

Koochiching County Family Court ICMC Early Neutral Evaluation (ENE) Program Description

Early Neutral Evaluation (ENE) strives to move families through court efficiently and inexpensively by working with them early on to reach agreements that will foster the best interests of their families. ENE helps parties focus on the critical issues they face in a confidential, non-confrontational, and settlement-oriented alternative dispute resolution program.

Early Neutral Evaluation is a process designed to help promptly resolve disputes in custody, parenting time, and financial matters. The program offers the evaluations of experienced professional evaluators to parties engaged in custody and parenting time and/or financial disputes. Feedback is provided to parties and their attorneys based on case presentations and a limited amount of information gathering. There are two types of Early Neutral Evaluations—Social and Financial.

1. A Social ENE (SENE) deals with custody and parenting time issues. The parties select two neutral providers. For opposite gender parents, there is one male provider and one female provider. Same gender parents may select same gender providers. The initial session is schedule for three (3) hours, and the whole process is usually completed within one month of the Initial Case Management Conference (ICMC).
2. A Financial ENE (FENE) addresses child support, spousal maintenance, and/or division of property. For Financial ENE (FENE), there is one neutral provider assigned to the case. The initial session is schedule for three (3) hours, and the whole process is usually completed within two months of the ICMC.
3. There is a cost for participating in ENE. There is a separate fee for FENE and for SENE. Each party pays a fee, and the amount of the fee is determined by the court at the ICMC. The current fee information is available, along with other ENE Program information, such as the rosters of ENE providers, on Koochiching's ENE website <http://mncourts.gov/Help-Topics/ENE-ECM.aspx#tab03County> or by contacting Court Administration at (218) 283-1160.
4. Parties and their attorneys, if they are represented, attend the ENE sessions together. Parties and attorneys work with the judge at the ICMC to select a date for the initial ENE session. The SENE session ideally is scheduled within 7-14 days of the ICMC. The FENE session may be scheduled a little later but also occurs soon after the ICMC.
5. At the ENE session, each party is asked to present his/her perspective about the important issues in the case. Although attorneys, if the parties have them, are there to support their clients, the ENE providers want to hear directly from the parties. Unless it is necessary to gather additional information, the ENE evaluators provide immediate feedback about each party's case. Settlement possibilities for full and partial agreements are discussed and areas needing further scrutiny are identified.
6. In some cases, the ENE providers may need to gather additional information. Following the initial ENE session, the providers may interview parties, interview the child(ren), and/or gather limited collateral data. If so, then the attorneys and parties may meet a second time with the ENE evaluators to hear the evaluators' assessment and recommendations. The parties will pay for additional sessions based on the fee scale.
7. If the case does not settle, the ENE provider(s) help identify critical issues that may need additional attention. At the conclusion of the ENE process, a written ENE Evaluator's Report regarding the outcome is provided to the court by the ENE provider(s), so the court will know what action to take next. If a partial or full agreement is reached during an ENE session, the written agreement will be filed by the court.
8. Evidence produced during the Early Neutral Evaluation process that is not otherwise discoverable shall remain confidential. Impressions or opinions made by the Early Neutral Evaluator(s) or any other neutral or expert who participates in the process shall remain confidential. The ENE neutral(s) may not be called as a witness with respect to the information obtained or the recommendations made during the ENE process.
9. Although ENE is a voluntary program, once parties agree to enter the program and the judge issues an order for the ENE, the parties must appear and follow through with the process, including paying for the ENE session.