

## Sherburne ECM/ENE Program Policies and Guidelines

The following are the basic policies and guidelines of the Sherburne County Family Early Case Management (ECM) program and Early Neutral Evaluation (ENE) process:

### Eligibility and Continuing Eligibility

1. Neutrals shall remain Qualified Mediators and Evaluators on the State ADR Board Rule 114 Roster.
2. Rule 114, Alternative Dispute Resolution of the Minnesota General Rules of Practice for the District Court, governs the ENE confidentiality policy and mandatory reporting requirements.
3. The Minnesota General Rules of Practice Rule 114, Code of Ethics, governs neutrals.

### Team Formation, Appointing a Neutral & Fee Structure

4. Neutrals are selected by the parties. There is one neutral for FENE, and two neutrals for SENE. For SENE, the neutral pair should reflect the gender makeup of the parties and one team member must be an attorney.
5. Neutrals 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. Neutrals are not affiliated with Sherburne County or the State of Minnesota. Neutrals bill and collect payments independently.
7. Neutrals agree to Sherburne's fee scale which is available on Sherburne County's ECM-ENE webpage: <http://mncourts.gov/Help-Topics/ENE-ECM.aspx#tab03County>. If the fee scale changes, neutrals agree to accept the changes or to resign from the roster. Incidental costs and expenses, including mileage expenses, are not reimbursed. The fee for the initial ENE session(s) includes any preparation work that the neutral may perform prior to the initial session. Neutrals are not allowed to charge for preparation work done prior to the initial session.

### Feedback and Data Collection

8. Neutrals 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 Sherburne County ENE Steering Committee.
9. Within five (5) days of completing ENE, or the cancellation of the ENE session, the neutrals will complete ENE Evaluator's Reports for each case. Reports will be filed with the Sherburne

County Court Administrator along with any signed memoranda of agreement. Copies of the Reports and written memoranda 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

10. Initial Case Management Conferences are scheduled to be held within three (3) weeks of the dissolution or custody matter being filed.
11. Within three (3) business days of receipt of the ICMC Order for ENE, the neutral(s) will communicate with the parties and attorneys, verifying the session date, time, and location and requesting any necessary documentation.
12. It is anticipated that SENE will be concluded within thirty (30) days of the Initial Case Management Conference.
13. It is anticipated that FENE will be concluded within sixty (60) days of the Initial Case Management Conference.

#### Continuances, Rescheduling or Termination of ENE

14. 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. The neutral(s) can accommodate the new date; and
  - d. The new date is within the 30-day (60-day for FENE) timeline, i.e. the session is complete and the ENE Evaluator's Report and written memorandum is completed within 30 days (or 60 days for FENE) from the Initial Case Management Conference.
15. 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 violation of the ENE Order when determining the issue of an award of attorney fees or any other disputed issues between the parties.

#### Interpreters

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

Provider Removal

17. Providers may be removed from the Sherburne ENE Roster:
- a. If not selected and appointed by court order in a one-year period (Jan. 1 - Dec. 31) by any ENE Program in the 10th District utilizing the Provider Availability Scheduling System (PASS). Periods where a provider is added to the roster part way through the one-year period or when the provider is on an approved sabbatical leave will not count against a provider.
  - b. For failure to remain Rule 114 Family Evaluator Qualified.
  - c. For failure to return the Annual Re-Affirmation of Roster Status on time.
  - d. For other good cause as determined by the Sherburne ENE Committee.

**Acknowledgement**

I read and understand the above program policies and guidelines for the Sherburne County Early Neutral Evaluation program and I agree to abide by them.

Date: \_\_\_\_\_

\_\_\_\_\_  
ENE Provider Signature

Printed Name: \_\_\_\_\_