

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into between the Fourth Judicial District Family Court (“Family Court”) and the Department of Community Corrections and Rehabilitation (“DOCCR”) regarding the Family Court Services division (“FCS”) service redesign and associated fee assessment and fee scales.

BACKGROUND

DOCCR is responsible for the provision of custody and parenting time dispute resolution services to Hennepin County residents. Minn. Stat. § 383B.613 (8)&(10) (Duties of the Hennepin County Corrections) and Minn. Stat. § 518.167, subdivision 1. (Court Order in contested custody proceedings) and Minn. Stat. § 518.167, subdivision 5. (Cost) govern the provision of these services.

The DOCCR and Family Court have a long standing collaborative relationship. Their collaborative efforts led to the development and implementation of the innovative Early Case Management/Early Neutral Evaluation (ECM/ENE) model to significantly expedite resolution of custody disputes in the best interest of families and children.

Because of severe budget constraints, the Hennepin County Board and County Administration, in 2011, directed DOCCR to conduct an evaluation and review of the FCS and to explore options for provision of child custody and parenting time dispute resolution services for Hennepin County residents. Hennepin County is one of only three counties in Minnesota that provide county-funded services to family court clients. The 2010 FCS data indicated that 27% of the sample qualified and obtained a court order for In Forma Pauperis (IFP) status and 58% self-reported income below \$25,000. Client revenue covers only 3% of the total cost of service provision. The remaining 97% is property tax funded.

DOCCR and Family Court have a shared goal of providing effective custody and parenting time dispute resolution services to achieve the best outcome for children and families. They have streamlined services options and realigned service delivery to operate more efficiently. This promotes party agreement, party responsibility, and creates cost efficiencies that maximize staff resources.

DOCCR and Family Court recognize the need to be financially accountable and use taxpayer resources wisely. Hennepin County may charge a fee for services provided in accordance to Minn. Stat. § 383B.118.

The parties agree as follows:

AGREEMENT

I. Scope

This MOU covers the services performed by DOCCR FCS, the fees assessed for those services and data collection.

II. Services

- A. Family Court Services staff will provide the following primary services to court ordered litigants as described in attached Exhibit 1, including:
1. Full Custody Evaluations
 2. Brief Focused Assessments
 3. Facilitated Settlement Conferences and Settlement Conferences
 4. Early Neutral Evaluation
 5. Mediation
 6. Ready Response
- B. Family Court Services staff will provide Mediation services to self-referred (i.e., not court referred) Hennepin County residents.
- C. Family Court Services staff will provide referrals to external service providers for court ordered litigants who have been referred for a primary service for the following services:
1. Chemical Health Evaluations
 2. Chemical Health Urinalysis Testing for Drug Usage
 3. Adult Psychological Evaluations
 4. Other community-based services as directed by Family Court
- D. Service Eligibility
- Services will be available to parties who are Hennepin County residents, or have cases venued in Hennepin County Family Court.
- E. Service Reporting
1. Service delivery reporting will occur quarterly.
 2. Reports will be provided to DOCCR Administration, Hennepin County Administration, the 4th Judicial Family Court Chief Judge and Family Court Services staff.
 3. Service Reports will at a minimum include the following data.
 - a. The number and type of service referrals received
 - b. The number and type of services delivered
 - c. The referral source for referred and delivered services
 - d. The agreement rates per service type
 - e. The resolution type per service type

III. Financial Responsibility

- A. Pursuant to Minn. Stat. § 383B.118, the Hennepin County Board of Commissioners will establish the fees DOCCR will charge for the services described in this MOU.

- B. The process for periodically amending the fee scale includes DOCCR consultation with the 4th Judicial Family Court Chief Judge.
- C. The established fee scale(s) will take into account the parties' ability to pay.
- D. DOCCR and Family Court will adhere to the fee scale(s) established by the Board of Commissioners. Attached as Exhibit 2 is the 2013 Fee Scale Family Court Services will recommend to the County Board.
- E. Ability to pay will be assessed based on each parties' Individual's Gross Income.
- F. Individual Annual Gross Income and income source will be clearly documented by the fee assessor.
- G. Fee assessment and associated processes to maximize revenue.
 - 1. The Family Court will order fees for services that will be provided by DOCCR FCS.
 - 2. Family Court and DOCCR Family Court Services will assess fees for service in accordance to the fee scale established by the Hennepin County Board of Commissioners.
 - 3. Fees may only be waived for an In Forma Pauperis (IFP) party.
 - 4. Family Court Services Evaluators/Mediators will not be involved in the fee assessment process.
- H. Financial Reporting
 - 1. Fee orders and collections reporting will occur quarterly.
 - a. FCS will be responsible to collect and report the following data:
 - i. Fee orders
 - ii. Fees assessed, and
 - iii. Individual Gross Income.
 - b. DOCCR Fee Collection Unit will be responsible to report fees collected.
 - 2. Reports will be provided to DOCCR Administration, Hennepin County Administration and the 4th Judicial Family Court Chief Judge.

IV. Administration of MOU

- A. Designated Administrators
 - 1. DOCCR Family Court Services and the 4th Judicial Family Court agree to each designate an administrator of this MOU.
 - 2. MOU administrators will meet on a quarterly basis to assure the effective implementation of this MOU and resolve differences.
- B. Dispute Resolution

1. In the event that the MOU administrators cannot resolve a difference, they will present the issue to the Chief Judge of the Fourth Judicial District and the Director of DOCCR for resolution.
2. In the event the Chief Judge of the Fourth Judicial District and Director of DOCCR still cannot resolve an issue under this MOU, the matter will be presented to the Deputy County Administrator for final determination.

C. Termination


1. This MOU may be terminated by the County Administrator or the Chief Judge of Family Court upon 30 days' written notice to the other.

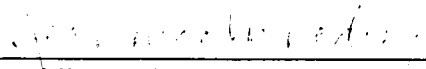
V. Signatures

DOCCR and Family Court having signed this MOU, agree to be bound by the provisions set forth. This MOU may be executed in counterparts.


Department of Community
Corrections and Rehabilitation

Fourth Judicial District Family Court

By: 
Thomas R. Merkel
DOCCR Director
Date: 10/11, 2012

By: 
Presiding Judge of Family Court
Date: Dec 14, 2012

Hennepin County

By: 
Richard P. Johnson
Hennepin County Administrator

Date: 12-12, 2012



Hennepin County Family Court Services

Family Justice Center - MC-L892
110 South Fourth Street, Suite 200
Minneapolis, MN 55401-2278

(612) 348-7556, Phone
(612) 348-6332, Fax
www.co.hennepin.mn.us

SUMMARY OF SERVICES

Service Type

Length of Service

Custody and/or Parenting Time Evaluation

120 days

Court ordered evaluations involving married or never married parents, grandparents, or other interested third parties, to resolve legal custody, physical custody, and parenting time disputes. The evaluator conducts several interviews, gathers pertinent collateral information, and typically observes parents and children in their homes. Process includes child interviews. A comprehensive report with recommendations is provided to the court and counsel, or pro se parties.

Court Referred Mediation

1-2 sessions(90 min. ea.)

Court ordered Alternative Dispute Resolution (ADR) service enabling parties to resolve child custody and parenting time disputes without the need for court intervention. Contents of the process and file are confidential. The mediator will not disclose information unless there is mutual written consent. The mediator reports the status of the mediation to the court. The mediator drafts detailed agreements and provides them to the court, or informs the court when mediation was not successful. Parties are encouraged to participate without direct involvement of attorneys.

Self-Referred Mediation

1-2 sessions (90 min. ea.)

Without a court order, mediation services are provided upon request of both parties, if one of the parties is a Hennepin County resident. FCS will not contact a party on behalf of another. If services are mutually requested within a 14 day time-frame, a mediator is assigned to assist with custody, parenting time, and co-parenting issues. The same confidentiality as court ordered mediation applies, but no information is shared with the court. Agreements are provided to the parties only.

Early Neutral Evaluation (ENE)

1-2 sessions (3 hrs. each)

ENE is a voluntary court ordered ADR process. FCS provides a male/female team of experienced custody evaluators. Appointments are scheduled within 3 weeks of the Court referral. Parties, with their attorneys (alone if not represented) present family history, primary concerns about each other and the child(ren) and rationale for proposed custody and parenting time arrangements. The ENE team asks questions and clarify issues and then provide recommendations and feedback to the parties based on their opinion of the likely results of a full custody evaluation. The parties discuss recommendations with their attorneys and the team facilitates settlement discussion or, if deemed appropriate, another session is scheduled to allow the team to gather critical, but limited, information to inform recommendations and increase the likelihood of agreement. The process is strictly confidential. The parties consent to agreements being submitted to the court. When not successful, the ENE team can recommend if a custody evaluation is required and can identify critical issues without disclosing substantive information from the process.

Ready Response (RR)

Same Day

RR is a daily on-call service provided by the officer of the day. The court can refer a RR to FCS by consulting with the officer of the day to determine if we can help resolve an immediate issue, usually by means of providing abbreviated mediation, an evaluative opinion on a narrow topic, or information gathering or verification. The salient feature of a RR is that it can be completed that same day. If not, the issue is too comprehensive and more appropriate for a different service.

Facilitated Settlement Conference

1-3 hours

In a pending custody/parenting time evaluation, the evaluator may recommend a Facilitated Settlement Conference. If the parties agree, a signed stipulation is submitted and the service is court ordered. The settlement conference is facilitated by a second neutral evaluator to help the parties reach agreement or narrow the issues being addressed, before the evaluation is written. The custody evaluator presents information and interim impressions to the parties, attorneys, and the second neutral evaluator. Participants may ask clarifying questions. The evaluator leaves the room and the second, neutral evaluator leads the settlement discussions. Full agreements may be placed on the record that same day or submitted in writing. Partial agreements are submitted to the Court and the Court may order completion, modification, or termination of the evaluation. The Facilitated Settlement Conference is a confidential process. Both the custody evaluator's and the settlement facilitator's statements and observation are confidential and not discoverable or admissible as evidence in Court. The custody evaluator's involvement in the process does not disqualify the evaluator from completing the evaluation.

Settlement Conference

1-3 hours

Prior to writing the evaluation, the custody/parenting time evaluator convenes a settlement conference with the parties, which may include the attorneys. The evaluator presents information, impressions, and recommendations that would be included in the evaluation should it need to be completed and submitted to court. The process differs from a Facilitated Settlement Conference in that a second neutral evaluator is not included and no stipulation is required. The evaluator is careful to explain that the purpose of the meeting is not to argue with the evaluator's impressions or recommendations or for the evaluator to negotiate his/her conclusions. Rather, the parties have an opportunity to accept the recommendations, understand the rationale for them, and to propose and possibly arrive at alternative agreements on their own. If no agreements are reached, the evaluator completes the evaluation. If a full agreement is reached, the results are summarized and with consent of the parties submitted to the court. Partial agreements may be submitted to the court and, depending on the scope of the issues, with the court's permission, may result in the submission of a less comprehensive written evaluation with narrow recommendations. Or, partial agreements may be incorporated into a final comprehensive evaluation with the full range of recommendations provided.

Brief Focused Assessment (Pilot Program)

Not yet determined

Brief Focused Assessment (BFA) provides an alternative to comprehensive, costly custody/parenting time evaluations. BFA can illuminate solutions to narrowly defined issues in various phases of custody and parenting time disputes. BFA's are narrow in scope. They address well defined questions that require clinical judgment. They provide descriptive reporting of data and, consequently allows limited inference making and do not offer custody recommendations. Examples of appropriate BFA questions include: Seeking information on the impact of chemical health and/or mental health issues on parenting ability; How to reestablish an interrupted parent/child relationship; Assessment of parent-child interaction for relationship/parenting skills. This pilot is in the initial phase of development. A committee of FCS staff and judicial officers are defining referral procedures, timelines for services, and format of completed assessments.

2013 - Proposed FCS Fee Scale

2013 Proposed Family Court Services Fee Scale

Custody and/or Parenting Time Evaluation		Facilitated Settlement Conference		Brief Focused Assessment		Social Early Neutral Evaluation		Mediation	
\$ start of range	\$ end of range	\$ fee	\$ start of range	\$ end of range	\$ fee	\$ start of range	\$ end of range	\$ start of range	\$ end of range
\$ -	\$ 9,999	\$ -	\$ -	\$ 9,999	\$ -	\$ -	\$ 9,999	\$ -	\$ -
\$ 10,000	\$ 19,999	\$ -	\$ 10,000	\$ 19,999	\$ -	\$ 10,000	\$ 19,999	\$ -	\$ -
\$ 20,000	\$ 29,999	\$ 150	\$ 20,000	\$ 29,999	\$ 100	\$ 20,000	\$ 29,999	\$ 25	\$ 20,000
\$ 30,000	\$ 39,999	\$ 310	\$ 30,000	\$ 39,999	\$ 210	\$ 30,000	\$ 39,999	\$ 50	\$ 30,000
\$ 40,000	\$ 49,999	\$ 525	\$ 40,000	\$ 49,999	\$ 350	\$ 40,000	\$ 49,999	\$ 90	\$ 40,000
\$ 50,000	\$ 59,999	\$ 800	\$ 50,000	\$ 59,999	\$ 530	\$ 50,000	\$ 59,999	\$ 140	\$ 50,000
\$ 60,000	\$ 69,999	\$ 1,125	\$ 60,000	\$ 69,999	\$ 750	\$ 60,000	\$ 69,999	\$ 190	\$ 60,000
\$ 70,000	\$ 79,999	\$ 1,510	\$ 70,000	\$ 79,999	\$ 1,010	\$ 70,000	\$ 79,999	\$ 260	\$ 70,000
\$ 80,000	\$ 89,999	\$ 1,950	\$ 80,000	\$ 89,999	\$ 1,300	\$ 80,000	\$ 89,999	\$ 330	\$ 80,000
\$ 90,000	\$ 99,999	\$ 2,450	\$ 90,000	\$ 99,999	\$ 1,630	\$ 90,000	\$ 99,999	\$ 410	\$ 90,000
\$ 100,000	\$ 199,999	\$ 3,000	\$ 100,000	\$ 199,999	\$ 2,000	\$ 100,000	\$ 199,999	\$ 500	\$ 100,000

Scales rounded to nearest \$10. - Mediation rounded to nearest \$5.

