

CLAY COUNTY FAMILY COURT EARLY NEUTRAL EVALUATION PROGRAM DESCRIPTION

Early Neutral Evaluation (ENE) is a confidential, voluntary evaluative process designed to facilitate prompt dispute resolution in custody, parenting time (visitation), and financial matters. The program offers the evaluative impressions of experienced professionals to parties engaged in custody, parenting time, and financial disputes. Feedback is provided to parties and their attorneys based on the parties' descriptions of the case and a limited amount of information gathering. The ENE process is typically completed within one month. A party may choose to end the ENE session at any time.

1. At any point in the legal process, from the Initial Case Management Conference (ICMC) to a pretrial settlement conference, the judge may refer parties and their attorneys to the ENE program.
2. For Social ENE (SENE), there are two neutral evaluators assigned to the case, one male evaluator and one female evaluator.
3. For Financial ENE (FENE), there is one neutral evaluator assigned to the case.
4. There is a cost for participating in Early Neutral Evaluation. Petitioner and Respondent each pay a fee, and the amount of the fee is determined by his or her income. The initial session is a set cost and set time length. Any additional sessions are charged by the hour. If a person has no or little income or receives cash public assistance, the court may determine that the person may pay a discounted fee to participate in the program.
5. Attorneys and parties meet with the ENE team within 7-10 days after a court referral to ENE. Each attorney or unrepresented party is asked to describe and present information about the important issues in the case. Unless it is necessary to gather additional information, the ENE team provides immediate feedback about each party's case. Settlement possibilities are discussed and areas needing further scrutiny are identified.
6. The ENE team may gather additional information as necessary, and the team may interview parties, interview child(ren), or gather limited collateral data.
7. The attorneys and parties may meet a second time with the ENE team to hear the team's assessment and recommendations. Settlement options for full and partial agreements are discussed. If the case does not settle, the team identifies critical issues that may need additional study.
8. If a full or partial settlement is reached, a copy of the agreement is sent to the judge. If a full agreement is not reached, a report is made to the judge by the ENE team regarding partial agreements that have been reached. The report will be written. The ENE team members may not be called as witnesses with respect to the information obtained or the recommendations made during the ENE process.

In addition to reporting full and partial settlements, the ENE team members may communicate with the judge for the limited purpose of facilitating case management. For example, if one fact issue stands in the way of settlement, such as a chemical health issue, the ENE team may report the disputed issue to the judge for case management purposes. Armed with such information, the judge may opt for a chemical health assessment rather than a full-fledged custody evaluation.

9. If the case does not settle, the judge consults with the parties and their attorneys to decide the next step, which may be mediation, an expedited evaluation of the remaining issues, or a full custody evaluation.