

**HENNEPIN COUNTY FAMILY COURT AND FAMILY COURT SERVICES
EARLY NEUTRAL EVALUATION**

Early Neutral Evaluation (ENE) is a short-term, confidential evaluative process designed to facilitate prompt dispute resolution in Family Court custody and parenting time (visitation) matters. The program offers the evaluative impressions of experienced Family Court Services (FCS) staff to parties engaged in custody and parenting time disputes. Feedback is provided to parties and their attorneys based on case presentations and a limited amount of information gathering. The ENE process is completed within one month.

1. At any point in the legal process, from the initial judicial management conference to a pretrial settlement conference, the judicial officer may refer parties and their attorneys to Family Court Services for an ENE.
2. A male/female ENE team of experienced FCS staff is assigned to the case.
3. Attorneys and parties meet with the ENE team within one week after the assignment. Each attorney or pro se party is asked to present 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.
4. The ENE team may gather additional information as necessary and the team may interview parties, interview child(ren), or gather limited collateral data.
5. 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.
6. If a full or partial settlement is reached, a copy of the agreement is sent to the judicial officer. If a full agreement is not reached, a report is made to the judicial officer by the ENE team regarding partial agreements that have been reached. The report may be written or oral. The ENE team members may not be called as a witness 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 judicial officer 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 judicial officer for case management purposes. Armed with such information, the judicial officer may opt for a chemical health assessment rather than a full-fledged custody evaluation.

7. If the case does not settle, the judicial officer 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.

[DISCRETIONARY] If the parties choose to have either ENE team member participate in a subsequent evaluation, that team member may testify with respect to the details of the subsequent evaluation, but not with respect to the parties' settlement positions or discussions during the ENE process.