

Judicial Script about ADR Options and DV at ICMC

I would like to provide you with some options that are available that might help with resolving your case or with narrowing of the issues. There is a program called an Early Neutral Evaluation or ENE, which is a confidential process where parties discuss social or financial issues as well as options to resolve them and are advised by two evaluators.

For custody and parenting time issues, Hennepin County Family Court Services offers what is called an SENE meaning “social early neutral evaluation” where there is a two-person male/female team who meets with you and your attorneys, if you are represented, to discuss options to resolve custody and parenting time issues. Each party makes a brief presentation on his or her position and proposed plan for custody and parenting time, responds briefly to the other’s presentation and answers questions from the evaluator(s). Then the evaluator(s) provide feedback to the parties about the recommendations they would likely make if you had a full custody and parenting time evaluation done, as well as their opinion about potential settlement options. They offer you the chance to reach agreements on your issues but you do not have to settle the case during this process. This is available on a sliding fee scale at Family Court Services. There is also a similar process available called mediation that doesn’t involve the evaluative component.

Likewise, there is what is called a Financial Early Neutral Evaluation, or FENE, where it is a similar format to an SENE but it specifically addresses “financial” issues. There are private providers that offer this service which we have a list we can provide you with. The discussion that occurs at the ENE, any feedback from the evaluators, remains strictly confidential. No party may tell the court about the discussions, other than (a) reporting any agreements, or (b) reporting that no agreements were reached.

Before deciding whether or not you would like to participate, I would like to provide you with some additional considerations when determining whether this is an appropriate process for you. When deciding whether to participate in an ENE it is important that:

- You will be safe meeting in the same room with the provider(s) and the other party;
- You feel free to participate or not participate in the process or withdraw from it without fear of harm or the threat of harm, including after the process is over;
- You and the other party are willing and able to negotiate freely, deal fairly with each other; prioritize the children’s needs, follow the rules set up for the process and make your own decisions without fear of harm or the threat of harm, including after the process is over;
- You and the other party are able to explain to the evaluators and the other party what arrangements you think will be best for the children and your reasoning;
- If you have any concerns about any of these things, you should discuss them with your lawyer, if you have one, and if you decide to go ahead with an ENE, you should discuss your concerns with the people at Family Court Services. This court does want you to choose a process that is safe and useful for you.

Although we are discussing these options today, I must reiterate that your participation in these processes is entirely voluntary and you are not required to engage in any of these processes. With that being said, these options do provide you with the opportunity to reach resolutions to this proceeding outside of the Court making decisions. Is this something you are interested in today?