
FAMILY LAW RIPPLES

"A pebble drops, transforming the lake"



March 2010, Vol. 6, Issue 1

About Family Law Ripples

"Ripples" is a bi-monthly publication focused on legal matters affecting families. It promotes responding to family change with an eye to cooperation, connection and positive values.

SENE: Adding to the Alphabet Soup

Over the years, the practice of family law has seen increasing use of acronyms -- MTA, PC, J&D, ICMC, and many others make up what some call Alphabet Soup. A recent addition to the pot is Social Early Neutral Evaluation (SENE), an out of court means for resolving custody and parenting time issues. Family law attorneys and clients should know the key characteristics of this process.

1-- SENE's occur **early** in a case before there has been a lot of information exchanged between the parties. The SENE neutrals listen to each side tell his/her story and give the parties an "outsider's" view of the key issues in the case along with recommendations for custody and parenting time. See definition of Early Neutral Evaluation in Rule 114.01(4) of the M. Gen. R. Prac.

2 --The participants in an SENE process are usually two neutral evaluators and the parties **with their attorneys**, though the process is also available to pro se individuals. Most of the district court pilot projects require a male/female team of neutrals. If the SENE is occurring outside of a pilot project, parties are free to proceed with one SENE neutral.

3 --The SENE process is intended to be **brief and much less costly than a custody study**. SENEs may consist of one multi-hour session or several such sessions. When SENE begins, each side shares its views of the situation with the evaluators and the other side. The evaluators may also ask questions.

Then the evaluators confer privately on their impressions. If necessary to their understanding of the children's circumstances, the evaluators may ask for permission to obtain isolated additional information before formulating their recommendations.

SENE Characteristics

Early in the Case
With Attorneys
Brief
Confidential
Not Decision-Making
Not Admissible Evidence
Private Pay
Procedures Vary by County

4--Though SENE is evaluative, it is **confidential** as to all statements and other evidence that the parties share with the evaluators unless they are independently subject to disclosure to the other side under the court rules for discovery.

5--SENE is **not an evidence-producing process**. SENE evaluators cannot testify and their recommendations are not admissible at hearings or trial of the case.

6--SENE is **not a decision-making process**. SENE recommendations are presented orally, after which the evaluators facilitate discussion towards settlement, including providing additional input during the negotiations. Counties vary as to whether any agreements reached must be reported to the Court by the SENE evaluator.

7--All SENEs are **private pay** unless the evaluator is serving pro bono. Some counties require pilot project evaluators to charge flat rates; others require use of a sliding rate fee scale.

8--For SENEs pursuant to a pilot project, participants should be familiar with the **policies and procedures for the particular county**, many of which are published by county on the Minnesota Judicial Branch website at www.courts.state.mn.us.

IN THE MEDIA:

Parenting Through Divorce -- thought-provoking perspectives for parents on the impact of divorce on children and how parents can make a difference. Brochure published by AAMLmn and available from barb@bestmeetings.com.

My Mom and Dad Are Getting a Divorce! – guidelines for talking to children ages 4 to 12 about divorce – includes a story to read to children. Brochure available from www.afcc.net.

What Should We Tell the Children? A Parents' Guide for Talking about Separation and Divorce – fully discusses the issues arising when talking to children of all ages about divorce including how to deal with special circumstances such as domestic violence and mental illness. Booklet available from www.aaml.org.

QUOTES OF THE MONTH

Children are like wet cement. Whatever falls on them makes an impression.

HAIM GINOTT

I take my children everywhere, but they always find their way back home.

ROBERT ORBEN

FAMILY LAW RIPPLES is published by Deborah N. Dewalt, Dewalt Law Office, 2412 - 117th Street East, Lower Level, Burnsville, MN 55337. Telephone Number 952-895-5543.