

Roles in Family Court

Adapted from *Summary GuideSM Comparing Roles in Family Cases**

Role	Mediator	Parenting Time Expeditor	Parenting Consultant	Custody Evaluator	Early Neutral Evaluator
Duties	Neutral who works with parents to reach a permanent custody and parenting time agreement; mediation sessions often do not include attorneys; mediators court appointed or hired independently by parents before, during, or after divorce	Neutral who mediates disputes not specified in existing court order; make binding decision when parents cannot agree; works to keep family from returning to court; appointed by court order; parties need not agree to submit to order	Defined case by case according to court order and service provider contract; educate parents about child development and communication best practices; make binding decisions about <u>any</u> parenting issue; parents must consent to service before order of appointment	Perform investigation, write court report, and make custody and parenting time recommendations; perform home visits and access all persons and information relevant to full disclosure of child's best interests; may be appointed by court at request of either parent or at discretion of court	Female/male team of Family Court specialists that provides parents and their legal counsel with an early, evaluative opinion about the likely outcome of a custody and parenting time decision made by the court; may request information disclosure; always court appointed
Best Use	To promote agreements whenever possible; to identify key issues and reasonable resolutions	During an active petition or after a final decree for resolving issues quickly; medium-high conflict cases	For parent who need help with communicating and long-term decision making; keep families out of court	Help the court address concerns about parenting abilities and detailed best interest factor information	When rapid custody evaluation feedback would promote an early settlement
Decision-making Authority	None; facilitate agreement only	To enforce, clarify, interpret prior orders; make binding decisions subject to court review	Established by contract and court order; usually broader than Parenting Time Expeditor; equally binding	None; may facilitate agreement between parents	None; may help parents negotiate settlements
Duration of Involvement	Initial administrative process followed by series of 3-hour sessions until settlement reached or parent withdraws	By court order; may be for single issue or until youngest child reaches adulthood	By court order and service provider contract; service provided until youngest child reaches adulthood or parents discontinue service	Custody evaluations typically take 4 months to complete; evaluation continues until settlement or through trial	Series of 3-hour sessions with parents and attorneys until settlement is reached or parent withdraws
Involvement with Child	May meet with child only if parents agree	May meet with child if court ordered or if parents agree	Will meet with children and use Safe Harbor agreement	Will meet with children	May meet with children
Governing Statutes and Rules	§518.619 Rules 114 & 310 [^]	§518.1751	Rule 114.02(a)(10)	§518.167 , §518.17	Rule 114
Immunity	§595.02 , Rule 114.08	Statute prohibits subpoena; immune from civil liability	ADR immunity if so appointed	According to case law if remains within statute	ADR immunity
Testimony	§604A.32 , incompetent to testify, statutory exceptions	Statute prohibits calling as witness	May testify if called unless stated by order or contract	Testifies when requested; court or parent's witness	Cannot be subpoenaed

*Ellen A. Abbott, Kay M. Kraus, (Minnesota Continuing Legal Education, a division of the Minnesota State Bar Association, 2008). <http://www.minncle.org/index>; Note that additional statutes, rules, and considerations may apply in Juvenile Court.

[^]Minnesota General Rules of Practice for the District Courts