

Early Neutral Evaluation

Guidance Notes

- Early Neutral Evaluation ("**ENE**") is a service offered by the Family Division of the Royal Court of Jersey to assist parents or carers in reaching agreement about any decisions which need to be made relating to children in their care.
- At ENE, the parties invite an experienced judge not otherwise involved in their case to give an indication of what decision they might make about the issue/s in dispute.
- ENE is offered to parties who are engaged in private law court proceedings about children before the Family Judges of the Royal Court. It is not available to parties involved in proceedings brought by the Minister for Children and Education.
- At the discretion of the Royal Court, ENE may be available to parties who are involved in private law proceedings before the Bailiff, Deputy Bailiff or one of the Commissioners and the Jurats of the Royal Court. Parties should ask the court for a stay for the case to be referred to ENE if not invited to participate by the court. Referral by the Royal Court to the ENE Judge is at the discretion of the Royal Court.
- ENE is (currently) a voluntary process: parents or carers are not obliged to participate should they not wish to do so but they will have to explain to the court why they do not wish to take part.
- ENE is conducted by one of the specialist Family Judges of the Royal Court (the "ENE Judge"): as ENE is offered to parties who are already engaged in court proceedings, the ENE Judge will not be the Judge who will make any final decisions in the case (the "Decision Maker"), should it not settle at, or following, ENE.
- The ENE Judge will require a bundle of relevant documents to be filed 7 days before the ENE appointment by uploading to CaseLines. Guidance as to how to upload bundles to CaseLines may be sought from the Family Proceedings' Officers. Documents which are relevant are likely to include any application forms, medical records or Children Service records disclosed into the proceedings, all Jersey Family Court Advisory Service ("**JFCAS**") reports. The ENE Judge is unlikely to read copies of correspondence or exchanges by email, text/WhatsApp messages or other social media.

- With limited exceptions, ENE is "without prejudice" – that means that any proposals made by parties in an attempt to settle their case cannot be referred to before the Decision Maker. Unless something that is said gives rise to a reasonable concern that a child has suffered or is at risk of suffering significant harm, what is said by the parties during ENE remains confidential.
- The view expressed by the ENE judge during the ENE process remains confidential and cannot be shared with the Decision Maker.
- The view expressed by the ENE Judge is an indication which is intended to assist parties in reaching agreement. It is not binding on the parties.