

CHAPTER 494

COMMUNITY DISPUTE RESOLUTION PROGRAM

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494.01 COMMUNITY DISPUTE RESOLUTION PROGRAM.

Subdivision 1. **Definition.** For purposes of this chapter, "dispute resolution" means a process voluntarily entered by parties in disagreement using mediation or arbitration to reconcile the parties' differences.

Subd. 2. **Establishment; administration.** The state court administrator shall administer the dispute resolution program.

Subd. 3. [Repealed, 1991 c 321 s 11]

Subd. 4. **Reports.** The state court administrator shall compile statistical data regarding community dispute resolution programs, including the operation budget, the number of referrals, categories or types of cases referred, number of parties served, number of disputes resolved, nature of resolution, amount and type of awards, rate of compliance, returnees to the dispute resolution process, duration and estimated costs of proceedings, and any other pertinent information.

Subd. 5. [Repealed, 1991 c 321 s 11]

History: 1984 c 654 art 2 s 133; 1Sp1985 c 13 s 363; 1986 c 444; 1990 c 584 s 1,2

494.015 PROGRAM AND TRAINING GUIDELINES; CERTIFICATION.

Subdivision 1. **Guidelines.** The state court administrator shall adopt guidelines for use by community dispute resolution programs and training programs for mediators and arbitrators for the community dispute resolution programs. The guidelines must include provisions to ensure that participation in dispute resolution is voluntary, procedures for case processing, and program certification criteria that must be met to receive court referrals. The guidelines must include:

- (1) standards for training mediators and arbitrators to recognize matters involving violence against a person; and
- (2) training in family law matters that must be completed by mediators before acceptance of postdissolution property distribution matters and postdissolution visitation matters.

Subd. 2. **Certification.** The state court administrator shall certify programs that meet the requirements for certification set under subdivision 1.

History: 1990 c 584 s 3; 1991 c 321 s 5

494.02 CONFIDENTIALITY OF COMMUNICATIONS.

Any communication relating to the subject matter of the dispute by any participant during dispute resolution shall not be used as evidence against a participant in a judicial or administrative proceeding. This shall not preclude the use of evidence obtained by other independent investigation.

History: 1984 c 654 art 2 s 134

494.03 EXCLUSIONS.

The guidelines shall exclude:

- (1) any dispute involving violence against persons, in which incidents arising out of situations that would support charges under sections 609.221 to 609.2231, 609.342 to 609.345, 609.365, or any other felony charges;
- (2) any matter involving competency or civil commitment;
- (3) any matter involving a person who has been adjudicated incompetent or relating to guardianship or conservatorship unless the incompetent person is accompanied by a compe-

tent advocate or the respondent in a guardianship or conservatorship matter is represented by an attorney, guardian ad litem, or other representative appointed by the court;

(4) any matter involving neglect or dependency, or involving termination of parental rights arising under sections 260.221 to 260.245; and

(5) any matter arising under section 626.557 or sections 144.651 to 144.652, or any dispute subject to chapters 518 and 518B, whether or not an action is pending, except for post-dissolution property distribution matters and postdissolution visitation matters. This shall not restrict the present authority of the court or departments of the court from accepting for resolution a dispute arising under chapters 518 and 518B, or from referring disputes arising under chapters 518 and 518A to for-profit mediation.

History: 1984 c 654 art 2 s 135; 1986 c 351 s 3; 1Sp1986 c 3 art 1 s 68; 1991 c 321 s 6; 1995 c 226 art 2 s 7

494.04 GRANT PROGRAMS.

Subdivision 1. **Authority.** The state or a municipality may contract with or make grants to a person carrying out a community dispute resolution program for the furnishing of program services provided by the person. The community dispute resolution program may be established under this chapter or otherwise. The grants may be in amounts as the state or municipality considers necessary or proper to assist in carrying out the purposes of this chapter.

Subd. 2. **Municipality defined.** For the purposes of this section, "municipality" means a statutory or home rule charter city or a county.

History: 1987 c 117 s 1

494.05 GRANTS.

Subdivision 1. **Eligibility requirements.** A community dispute resolution program is not eligible for a grant under this section unless it:

- (1) complies with this chapter and the guidelines and rules adopted under this chapter;
- (2) is certified by the state court administrator under section 494.015, subdivision 2;
- (3) demonstrates that at least one-half of its annual budget will be derived from sources other than the state;

(4) documents evidence of support within its service area by community organizations, administrative agencies, and judicial and legal system representatives; and

(5) is exempt or has applied for exemption from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or is administered and funded by a city, county, or court system as a distinct, identifiable unit that has a separate and distinguishable operating budget.

Subd. 2. **Funding.** Grants under this section must be used for the costs of operating approved programs. A program is eligible to receive an amount of money equal to one-half of its estimated annual budget, but not more than \$25,000 a year.

Subd. 3. **Reports.** The state court administrator shall compile a summary report of the data submitted in the previous year and any other relevant information from other sources. The report must be submitted to the legislature by February 1 of each year.

History: 1990 c 584 s 4; 1994 c 636 art 8 s 10