

## CHAPTER 494

## COMMUNITY DISPUTE RESOLUTION PROGRAM

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**494.01 COMMUNITY DISPUTE RESOLUTION PROGRAM.**

Subdivision 1. **Definition.** For the purposes of Laws 1984, chapter 564, article 2, sections 133 to 136 "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 dispute resolution program shall be established and administered by the state court administrator's office.

Subd. 3. **Guidelines.** The state court administrator shall develop guidelines for use by community dispute resolution programs and training programs for mediators and arbitrators for those community dispute resolution programs. The guidelines shall provide a method for insuring that participation in dispute resolution is voluntary and shall include procedures for case processing and program certification criteria which must be met in order to receive court referrals. The guidelines shall include standards for training mediators and arbitrators to recognize matters involving violence against a person. Any guidelines developed under this subdivision shall be submitted to the chairmen of the judiciary committees in the house of representatives and senate by February 1, 1985. The guidelines shall not constitute a rule nor shall they be a substantive or procedural law nor shall they take effect until the guidelines are enacted by the legislature. This shall not limit the existing authority of the state court administrator.

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.

**History:** 1984 c 654 art 2 s 133

**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, including incidents arising out of situations that would support charges under sections 609.342 to 609.345, 609.3641 to 609.3644, or 609.365;
- (2) any matter involving a person who has been adjudicated incompetent or relating to guardianship, conservatorship, or civil commitment;

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

(4) any matter arising under section 626.557 or sections 144.651 to 144.652, or any dispute subject to chapters 518, 518A, 518B, and 518C, whether or not an action is pending. 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, 518A, and 518C, or from referring disputes arising under chapters 518, and 518A to for-profit mediation.

**History:** 1984 c 654 art 2 s 135