



MINNESOTA JUDICIAL BRANCH

State Family Early Case Management/
Early Neutral Evaluation Program

Equal Access ENE Roster Application Process and Criteria

I. Definition of Equal Access ENE:

- a. County has no court-sponsored ENE program.
- b. Providers must accept the Fee Scale for Equal Access ENE approved by the State Family ECM/ENE Committee.
- c. Providers must agree to travel to the county for both FENE and SENE.
- d. Providers must agree to submit the ENE Provider Reports to the court when the sessions are completed.
- e. Providers must follow the application process and meet the criteria below to be accepted to the Equal Access ENE roster(s).
- f. The Roster will be made available through PASS on the MJB website on the County Information Tab, in the dropdown menu for the county, with an explanation of the different level of court sponsored-ness.
- g. The Roster will list those accepted, but parties/attorneys must contact providers directly to schedule ENE sessions. (No scheduling available in PASS.)
- h. Court orders appointing ENE Providers may be issued if stipulated orders are submitted/requested by parties/attorneys and the judge agrees to sign them.

II. Roster Application Process:

- a. Applications will be submitted through the PASS Program, using the universal Supplemental Application.
- b. Applications will be pre-screening in PASS by the State Family ECM/ENE Program Manager.
- c. If Rule 114 qualification and ENE Training status and ride-alongs are verified and there are no “red flags,” Program Manager may approve the application in PASS.
- d. If ENE training is missing, the Program Manager will reject the application and provide information on where/how the applicant may remedy the training requirement
- e. If Rule 114 qualifications or ride-alongs are missing, the Program Manager may determine if the county is a “shortage area”.
 - i. If there is no shortage areas, the Program Manager will reject the application and provide information on where/how the applicant may remedy missing requirements.

- ii. If there is a shortage area, the Program Manager will document whether the applicant is willing to remedy the deficiencies and provide information on how the applicant may remedy the missing requirements.
 - iii. If provisional approval is granted, the Program Manager will verify and track that deficiencies have been remedied within one year of having been added to the roster.
- f. If minimums are met but there are “red flags,” the Program Manager will forward application to the State ECM/ENE Program Committee for a decision on the application.
- g. Depending on the current needs of the county for additional roster members, the Program Manager may make decisions on applications as they are submitted or pool applications to consider as a group.
- h. “Red flags” include, but are not limited to, prior ethics violations, removal from another program’s roster for misconduct (but not for removal for failure to have been selected or failure to use a calendaring system), appearance of a lack of expertise/ experience to give a valid evaluative opinion as to what a court would do, etc.
- i. When the Committee is making a decision on an application to the roster, any providers on the committee shall be permitted to participate in application discussions but not be permitted to vote to avoid the appearance of conflicts of interest.
- j. A shortage area exists whenever there are less than six males or six female SENE providers or six FENE providers—and may exist for only for a certain gender or certain services as needs additional providers.

III. Roster Criteria:

- a. Minimum requirements:
 - i. Be a Rule 114 Qualified Mediator and Evaluator and stay qualified.
 - ii. Be in good standing with the ADR Ethics Board.
 - iii. For SENE: have taken State Family ECM/ENE Program-approved SENE training and appear on the Master Training List, or have been a grandfathered SENE trainer as determined by State Family ECM/ENE Program Manager
 - iv. For FENE: have taken State Family ECM/ENE Program-approved FENE training and appear on the Master Training List, or have been a grandfathered FENE trainer as determined by State Family ECM/ENE Program Manager.
 - v. For SENE: have attended two SENE Ride-alongs (with the sole purpose of observing, not also acting as an attorney in the session) post-SENE training, or have performed a minimum of 5 SENEs as court-appointed provider in another county’s two-member SENE program.
 - vi. For FENE: have attend two (2) two-member SENE Ride-alongs and one FENE ride-along, or two (2) FENE ride-alongs, (with the sole purpose of observing, not also acting as an attorney in the session), post-SENE/FENE

training, or have performed a minimum of 5 FENEs as court-appointed provider in another county's FENE program.

- vii. Be in good standing, or have retired in good standing, with all professional licensing boards with which has ever been licensed.
 - viii. Minimum 5 years of professional experience, with preference for those working with issues in divorce/custody/family law matters.
 - ix. Accept the Equal Access program's policies, processes, and fee scales, etc.
 - x. For both SENE/FENE: possess articulable, valid, verifiable experience and expertise to give a valid evaluative opinion as to what a court would do in a family law case involving Social and/or Financial issues.
- b. Additional preferred qualifications:
- i. For FENE: have taken SENE training also.
 - ii. For both SENE/FENE: Minimum 10 years of professional experience working primarily with issues in divorce/custody/family law matters.

IV. Removal:

- a. The State Family ECM/ENE Committee retains the right to remove providers for "cause" or for a failure to continue to meet the minimum requirements of the roster or to remedy deficiencies for any provisional acceptances to a roster.