

THE PATHWAYS PROCESS IN FAMILY MATTERS

The “Pathways” process gives each case the level of court resources it needs, and it reduces the number of necessary court appearances by setting a schedule at an early point in each case. At the same time, it is designed to make each court appearance a meaningful and productive step toward the ultimate resolution of the case. The process is designed to help parties who are able to resolve their cases by agreement to do so expeditiously. In those cases where agreement is not possible, Pathways is intended to initiate necessary services, such as mediation or custody evaluations, early in the life of the case and to put the matter in position for trial within a reasonable time frame. Unlike the prior short calendar system, which focused attention on pendente lite litigation while prolonging the time needed for a final disposition, Pathways takes a global view of the case with an emphasis on full resolution, while still providing court time to address matters as needed.

The main elements of Pathways are the following:

- A. An early first court date called the **Resolution Plan Date (RPD)**. On the RPD, parties and their attorneys meet first with a Family Relations Counselor to review the case. The Family Relations Counselor (FRC) helps the parties to identify the areas where they agree and disagree, the likelihood of reaching an agreement on any disputed issues, and the kind of help they need to resolve the whole case.

The FRC then recommends an action plan to the court, including any recommended services to support the resolution of the outstanding issues. The FRC will also recommend one of three “tracks” for the purpose of future scheduling and services in the case. Track A is intended for cases that require the lowest level of court time and resources, including cases that are fully resolved on the RPD. Track B is for cases that are expected to require a moderate level of court time and resources. Track C is designed for cases where there are disputes about major issues that are expected to require the highest level of judicial time and resources.

- B. After the parties meet with the FRC, they appear before a judge who considers the recommendations of the FRC and the input of the parties. The judge enters a scheduling order that fits the action plan, including assigning the case to a track, scheduling future court dates, and specifying what the parties are expected to do in between them. Cases placed on Track C will also be assigned to a designated judge for the life of the case. The judge may order, at this early point, any recommended services (such as Family Services mediation or an evaluation) that are appropriate to help resolve case or to provide the court with necessary information in the event of a trial. The judge may also consider and approve any agreements the parties have reached, including the approval of a full agreement and entry of judgment on that day.
- C. Depending on the track assignment for the case, the scheduling order issued on the RPD will include one or more **Case Dates**, scheduling of pendente lite motions on a Motion Docket, a date for a pretrial settlement conference, and a date for a trial if the parties prove unable to reach a full agreement. Case Dates are scheduled as interim hearing dates to address matters like motions for temporary orders on custody, child support, alimony, or

other subjects, to be in effect while the case is pending. Case Dates are also an opportunity for the court to ensure that the case remains on a path toward resolution where the judge can, if relevant, hear reports on the progress of services that have been ordered in the case, address discovery issues, and schedule additional future court dates.

- D. Under Pathways, the filing of a pendente lite motion does **not** automatically result in the scheduling of a new court date on that particular motion. Rather, the motion is included among the matters to be addressed at the next Case Date or other court event that has already been scheduled in the case. However, the Pathways process recognizes that important motions on temporary issues may be filed during the life of a case that should be heard before the next previously scheduled event. To address these motions, each court conducts a **Motion Docket** on a regular basis. A moving party may at any time, either by filing a simple Caseflow Request on the provided form, or orally when appearing before a judge at any court event in the case, request the placement of a motion on the Motion Docket for hearing. The court will consider the request in light of factors such as the nature of the motion and the length of time before the next scheduled court event, placing it on the Motion Docket as appropriate.
- E. Pathways recognizes that prolonged and expensive litigation is harmful to families, and especially to children who need stability and an end to their parents' legal conflict. The process serves the goal of bringing contested cases to a final resolution as soon as reasonably possible by scheduling future trial dates as soon as the need for trial appears likely. In Track C cases, a future trial date is typically discussed and set at the time of the RPD. If a Track B case is not at or close to full resolution by agreement by the first Case Date, the setting of trial dates is typically addressed at that time. Setting trial dates at an early juncture enables the parties to foresee closure to their conflict, and helps them to focus on final resolution rather than ongoing litigation over temporary issues.

In postjudgment proceedings, such as the filing of motions to modify or enforce the provisions of a judgment of dissolution of marriage, legal separation, or custody, the Pathways process works similarly. A Resolution Plan Date is scheduled for the same essential purposes as in new actions. (If a number of postjudgment motions are filed at about the same time, as is common, there may only be one RPD scheduled to address all of the pending issues, as the motions are often related.) Appropriate services may be put in place at the RPD, and a scheduling order is issued. There is usually no need for Case Dates in the postjudgment context, as their primary function of addressing pendente lite issues is not applicable. As a result, the future event scheduled at a postjudgment RPD is often a final hearing on the pending motion(s).

The Pathways approach is designed to help parties reach final agreements as early in the process as possible that are fair and, when custody is involved, in the best interests of the children. In cases where agreement is not likely or possible, the goal of Pathways is to begin necessary services early and schedule the trial or final hearing as soon as possible after allowing time for the parties to gather necessary financial or other information, and for any services ordered by the court (such as a custody evaluation) to be completed.