

## **THE PATHWAYS PROCESS IN YOUR DIVORCE, CUSTODY OR VISITATION CASE**

During 2021, Connecticut transitioned to a new process for family cases, including custody, visitation, dissolution of marriage, and legal separation cases. Entitled “Pathways,” the process seeks to give each case the level of court resources it needs, and to reduce the number of necessary court appearances by setting a schedule at an early point in each case. The process is also designed to better assist parties who want to try to resolve their cases by agreement, rather than engage in lengthy litigation.

One feature of Pathways is the early scheduling of a court event called the Resolution Plan Date (RPD). Scheduling RPDs as intended was difficult to do in 2021 for reasons related to the COVID-19 pandemic, as the court had to rely primarily on remote proceedings. However, the increased use of in-person proceedings near the end of 2021 allowed many more RPDs to be scheduled in one day than was possible for remote proceedings. As the movement to more in-person events continues, in 2022 the Judicial Branch plans to implement Pathways according to the scheduling guidelines originally designed for the process. The following is a description of the Pathways process and its typical scheduling parameters to be followed in 2022, barring any complications caused by adverse COVID-19 developments.

### **The Resolution Plan Date**

After your case has been filed, it will be scheduled for a “Resolution Plan Date.” **If your case involves financial issues like child support, alimony, or dividing marital property, you should complete and file a Financial Affidavit before your Resolution Plan Date (RPD). Forms and instructions for financial affidavits may be found on the [Family Forms Page](#).** The courts began conducting RPDs in person at the courthouses during the latter part of 2021, and plan to continue to do so in 2022.

On the RPD, you will learn how the court process works and have an opportunity to ask questions. A Family Relations Counselor, who is an employee of the court trained in family matters, will review your case with you and the other party (and your attorneys, if you have them) to identify:

- the areas where you agree and disagree,
- how likely you are to reach an agreement on any disputed issues, and
- the kind of help you need to resolve your case as a whole.

The Family Relations Counselor will then recommend an action plan to the court based on the level of help your case needs to come to a conclusion. The plan will include any recommended services to support your resolution of the outstanding issues. Possible services include information-gathering or evaluations by Family Services, mediation with a Family Relations Counselor, the appointment of a guardian ad litem for minor children, court hearing time, or the assignment of a designated Family Relations Counselor or judge to your case for its duration.

The Counselor will also recommend one of three “tracks” for the purpose of future scheduling and services in your 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.

After you meet with a Family Relations Counselor, a judge will make a scheduling order that fits the action plan, including assigning the case to a track, scheduling future court dates, and specifying what you are expected to do in between them. **The Resolution Plan Date is not the time for a contested hearing or trial before a judge. However, if you agree on all of the issues in your case, a judge may be able to hear your case that day and approve your agreement, finishing the case.** You may also appear before a judge that day to address issues about future scheduling or whether certain services are appropriate in your case.

If you are the plaintiff or applicant and you do not appear for your Resolution Plan Date, your case may be dismissed. If you are the defendant or the respondent and you do not appear, court orders or a final judgment may be entered against you.

The date for your RPD will depend on the type of case, and whether it is a new action (like a complaint for dissolution of marriage) or a postjudgment matter (like a motion to modify a prior divorce or custody judgment). The following table illustrates the expected time frames for scheduling Resolution Plan Dates in various situations.

<b><u>Scheduling Resolution Plan Dates – Effective January 1, 2022</u></b>	
<b><u>For this type of case (new filings)</u></b>	<b><u>The Resolution Plan Date should be set for</u></b>
<b>Custody/Visitation Cases</b>	<b>No more than 30 days after the filing of the application.</b>
<b>Dissolution of Marriage Dissolution of Civil Union Legal Separation</b>	<b>Within 30 to 45 days after the return date.</b>
<b>Postjudgment Motions</b>	<b>Between 21 and 30 days after filing.</b>

### **After the Resolution Plan Date**

As mentioned above, if your case is not resolved on the Resolution Plan Date, the court will enter a scheduling order that assigns the case to a track and sets out important events for the rest of the case. Depending on the nature of the case and the assigned track, the schedule may include one or more Case Dates, 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 in new dissolution of marriage, legal separation, custody and visitation cases, for the court to consider issues that should be addressed before a final trial date. A Case Date is a hearing before a judge to address matters like motions for temporary orders on custody, child support, or other subjects, to be in effect while your case is pending. The judge may also hear reports on the progress of services that have been ordered in your case, and may schedule additional future court dates.

If an issue arises in between pre-set court dates that you believe should not wait until the next scheduled event, there is a procedure to request an earlier hearing or status conference regarding that issue. Similarly, if there is not enough time on a Case Date to hear a pending motion fully, the judge may order that more pre-trial hearing time be scheduled in addition to the Case Dates.

Case Dates are not for the final trial of your case. They are intended as checkpoints along the way to final resolution, to keep your case on track and to conduct brief hearings on issues that need orders in place before there is a final agreement or trial. However, if the parties have reached a full and final agreement by a Case Date, the agreement may be considered and approved at that time by the judge, finishing the case. The number of Case Dates in your case, and the court time available at each, will depend on the track the court decides is appropriate for your case on your Resolution Plan Date.

The following table illustrates the expected time frames for scheduling Case Dates for new actions assigned to Track B or Track C. During 2021, most Case Dates were conducted remotely. However, Case Dates for cases with RPDs occurring in 2022 will be scheduled as in-person events at the courthouse.

<b><u>Scheduling Case Dates as In-Person Proceedings – Effective January 1, 2022</u></b>	
The general guidelines for setting in-person Case Dates are as follows, subject to the discretion of the judge in a particular case based on factors such as the needs of the case, the schedules of the parties and counsel, and the availability of time on the Track B or C Case Date docket for a given date. Case Dates are usually scheduled only for newly filed actions for dissolution of marriage, legal separation, custody, and visitation; they are not typically scheduled for postjudgment motions.	
<b><u>Track</u></b>	<b><u>Typical Case Date Scheduling</u></b>
<b>Track B</b>	<b>One Case Date, set for 30-60 days after the Resolution Plan Date.</b>
<b>Track C</b>	<b>Two Case Dates, the first Case Date set for 30-60 days after the Resolution Plan Date, and the Second Case Date for 5-6 months after the RPD.</b>

As noted above, Case Dates are generally **not** scheduled for postjudgment motions. If your case involves one or more motions filed by a party after the final judgment in a case has entered, such as motions to modify or enforce the judgment, and the matter is not resolved on

the Resolution Plan Date, then the scheduling order will typically assign the case to a track and set a hearing date. The timing of the hearing date will allow appropriate time for the parties to prepare for it, and for any services ordered by the court to be completed. In some postjudgment matters, the court may first schedule an interim brief status conference or hearing for reasons such as receiving a report from Family Services, or addressing issues relating to the appointment of a guardian ad litem for minor children, if applicable.

## **Final Resolution**

There are two main ways that a case can be resolved: by agreement, or by decision of a judge after a contested trial or hearing.

Historically, most cases are resolved by an agreement of the parties. The Pathways approach is designed to help parties reach final agreements as early in the process as possible. It is also designed to assist the parties in reaching agreements that are fair and, when there are children involved, in the best interests of the children. A final agreement of the parties may be considered and approved by the court on any scheduled court date, or on an earlier hearing date if one is requested by the parties. Alternatively, upon the submission of all necessary documents, parties may ask the court to consider their agreement without the need for a court hearing at all.

Sometimes agreement is not achievable. Then a judge must decide disputed issues after a trial or hearing where both sides present their evidence and arguments. In those cases, the goal of Pathways is to 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 service ordered by the court (such as a custody evaluation) to be completed. The court may also schedule a pretrial settlement conference at which the parties make a final attempt to reach an agreement, with the help of a judge who makes impartial suggestions or recommendations.

## **For More Information**

For more information about the family court process in Connecticut, follow the links below for some brief video presentations:

[Connecticut's New Family Court Process - YouTube](#)

[A Focus On The Court Process Regarding Child Custody & Access - YouTube](#)

[What Parties Should Expect and How To Prepare - YouTube](#)

[Staying Out of Conflict - YouTube](#)