

## Resolution working for you and clients – Child Focused Model (Pathfinder)

The Child Focused Model (previously the Pathfinder pilot) aims to improve the court experience and outcomes for children and parents involved in private family law proceedings, including those who have experience of domestic abuse. The initial pilot was designed in response to recommendation from the Harm Panel report to reform private law by trialling a more problem-solving, investigative approach which better supports victims of domestic abuse and other harms. The usual Child Arrangements Programme (CAP) is suspended and replaced with a revised process for relevant cases.

Unfortunately, feedback from members in the pilot areas suggested that there had been little consideration of how legal aid would fit into the new Pathfinder Court process. Resolution has worked with the Law Society and the other family practitioner representative groups to bring this issue to the Ministry of Justice's and the LAA's attention.

The Ministry of Justice was planning to amend the legal aid regulations to fit them to the Pathfinder pilot; but our joint view is that it would take too long and is unnecessary. At the end of February the representative groups jointly proposed the following:

- A change to the scope limitation should be adopted to explicitly cover the pathfinder process. This can be achieved through the use of the following existing wording: “Limited to Family Help (Higher) and to all steps necessary to negotiate and conclude a settlement. To include the issue of proceedings and representation in those proceedings save in relation to or at a contested final hearing.”
- That orders listing the hearings should be amended so that they do not list the case or state that the case is a final hearing and make it clear that the listing is for a judge led conciliation and decision hearing, without calling it a final hearing.
- That once the wording of the orders is resolved and standardised, the LAA produce guidance on Pathfinder to clarify the position and improve consistency.

The MoJ have responded that unfortunately, because Decision Hearings are treated as contested final hearings, Family Help (Higher) cannot cover the level of work required, so the proposal wouldn't be able to resolve the issue.

MoJ have shared updated information for LAA caseworkers. They have also asked senior judiciary to write to lead Child Focused Court judges about the timelines required to facilitate decisions on legal aid applications. MoJ Legal aid policy are actively considering the issues that have been raised and are working to develop viable solutions. Ministers will shortly be receiving further advice. A more substantive update will be provided asap.

We will keep our members informed of developments.