



An Analysis of Case Data from the Massachusetts Trial Court

An Efficiency and Effectiveness Analysis of Pathways Triage Model

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Table of Contents

Acknowledgements	1
Executive Summary	2
Introduction.....	5
Background.....	6
Methods	8
Analysis.....	12
Conclusions and Next Steps	18
Appendix: The Pathways Initiative Implementation and Training Guide	20

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The Cady Initiative is overseen by the Conference of Chief Justices and Conference of State Court Administrators (CCJ/COSCA), the highest authorities in state court governance. The aim of Triage/Pathways is to guide state courts in achieving improved outcomes for families while managing costs and reducing delays. CCJ/COSCA deemed triage to be so important as to resolve that all state courts “aggressively triage cases at the first opportunity” in 2020. Chief Justice John Casey, in seeking to support his judicial colleagues in managing a demanding caseload, is among the first judicial leaders in the country to work towards statewide implementation of this approach.

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As a final note, the views and opinions expressed in this report are those of the authors and may not necessarily represent the position of the National Center for State Courts or the Massachusetts Trial Courts.

Executive Summary

This report comprises an analysis based on Massachusetts Trial Court Data of the Efficiency and Effectiveness of Pathways Triage Model.

Efficiency Analysis of a Pathways Approach

The Cady Initiative for Family Justice Reform is a nationwide effort to transform the handling of domestic relations cases in state courts. Through principles and a model Pathways approach, the Cady Initiative seeks to guide state courts in achieving improved outcomes for families while managing costs and reducing delays.

This Efficiency Analysis focuses on the Cady Triage/Pathways model. Case triage is a highly proactive form of case management. The purpose of triage is to determine which “pathway” is most likely to provide the services and case management that a family needs to resolve their case, and then to differentiate the court’s management of the case to meet those needs. Triage/Pathways is designed to empower parties who choose the methods they deem most effective in resolving their case.

The Conference of Chief Justices and the Conference of State Court Administrators (“CCJ/COSCA”) deemed triage to be so important as to resolve that all state courts “aggressively triage cases at the first opportunity.” Chief Justice John Casey, presiding over the Massachusetts Probate and Family Court, recognized the need for improved support for his colleagues dealing with a high-volume and demanding caseload. Noting the unique challenges of post-decree modifications, Chief Justice John Casey sought and received support from the State Justice Institute to implement a triage approach post-decree in 2019, calling it the Pathways program in the Probate and Family Court. The Pathways program triages family and domestic relations cases that have previously been disposed into differentiated tracks, depending on each case’s needs. Chief Justice Casey is among the first judicial leaders in the country to work towards a statewide implementation of a triage approach.

The Pathways pilot project was initiated in Barnstable and Plymouth Counties in 2019. Collaborating with the National Center of State Courts, court staff developed new processes to identify post-decree case needs earlier, resulting in a manual (see [Appendix](#)) that outlines the approach to assessing case needs and managing cases according to Pathways.

To monitor the efficiency and effectiveness of Pathways, timeliness data have been examined, covering cases where a complaint for modification was filed between April 2022 and October 2022. Although preliminary, the findings are extremely promising, suggesting that Pathways contributes to increased efficiency and satisfaction within the court system:

- Participating judges and staff have reported satisfaction with the new processes.
- Pathways cases have a higher closure rate (54.6%) compared to non-Pathways cases (41.5%).
- Despite more scheduled and held events, Pathways cases are slightly less likely to go to trial.
- The median time for Pathways cases to reach judgment is 146 days, whereas it is 162 days for non-Pathways cases.¹
- Additionally, for cases with at least one event, Pathways cases have a shorter median time to the first held event (67 days) than non-Pathways cases (82 days).

Massachusetts seeks to fully implement and enhance the effectiveness of the Pathways model in improving family law processes across the state. This report provides initial findings and offers some considerations for support, training, communication, and ongoing monitoring to optimize an already successful implementation effort.

Looking at this analysis, we offer these considerations for next steps and future study:

1. **Early Intervention and Support:** The purpose of Pathways is to proactively identify family needs and provide support at the earliest opportunity. Given the promising findings related to post-decree, Massachusetts should consider broader application of the Pathways model. Early intervention can help to mitigate the risk of legal involvement and provide more opportunities for support to families with legal and other services.
2. **Education and Awareness:** Conduct educational programs to increase awareness and understanding of the legal processes, especially for unrepresented parties and underserved populations. Massachusetts is already providing no- or low-cost legal assistance. Videos and other informational aids could help individuals better understand

¹ This data combines case activity across all three Pathways tracks. We recommend future research to analyze this metric by Pathway type, anticipating that data for less complex Pathways 1 cases would show a reduced median time to judgement.

processes, navigate the system, and advocate for their rights. Legal information and dissemination should be specifically targeted to the communities shown as under-represented.

3. **Enhance Legal Representation:** Ensure that all individuals, particularly those from racial and ethnic minority groups, have access to high-quality, culturally competent, and trauma-informed legal representation. This might involve increased funding for legal aid services as well as initiatives to attract and retain talented lawyers in this field.
4. **Data Collection and Analysis:** Start to collect and analyze data on racial disparities in Pathways-eligible cases, other civil cases, and all aspects of the legal system. This data should be disaggregated by race and ethnicity to provide a clear picture of where disparities exist. Regularly review and update this data to monitor trends, identify problem areas, and assess the effectiveness of implemented measures. Improve data quality by addressing variation in triage between sites, such as supporting staffing resources, utilizing uniform docket codes to indicate when cases are triaged into pathways, and consistency in applying the Pathways triage model.
5. **Ongoing Monitoring and Evaluation:** Implement an ongoing system for monitoring and evaluating the effectiveness of the implemented strategies. This should involve regular reviews of data and feedback from those affected to ensure that the strategies are having the desired impact, and to adjust as necessary.

Introduction

The Cady Initiative for Family Justice Reform², launched in 2017 by the National Center for State Courts (NCSC), with support from the State Justice Institute, aims to improve how state courts handle domestic relations cases. The Cady Initiative seeks to guide state courts in achieving improved outcomes for families while managing costs and reducing delays.

A central tenet of the Cady Initiative is the Triage/Pathways model. The purpose of triage is to determine which “pathway” is most likely to provide the services and case management that a family needs to resolve their case, and then to differentiate the court’s management of the case to meet those needs. By assessing party needs soon after the initiating filing, triaging cases to Pathways is designed to enhance efficiency, ensure proportionality in case management and services, and reduce judicial caseloads and status hearings. As a result, this process improves satisfaction for parties, judges, and lawyers; reduces conflict; and facilitates family transitions during dissolution and parenting plans.

Massachusetts, under the leadership of Chief Justice John Casey, was one of the first courts to seek to implement Pathways on a statewide basis. Noting the particular challenges in post-decree modifications, which constituted a full quarter of the state’s caseload, Chief Justice Casey decided to begin Pathways implementation in post-decree. The original focus of the project was on implementation in Barnstable and Plymouth, and based on the impacts, to continue to expand in other jurisdictions.

This report highlights NCSC’s evaluation of case management and efficiency outcomes for the Massachusetts Trial Court. It was important to Massachusetts Office of the Trial Courts to ascertain the impact of Pathways to ensure that it was working as intended. Thus, Vol. 1 provides a first look at the efficiency of Pathways, examining data from the Massachusetts Trial Court to determine the degree to which Pathways improves efficiency in caseload management.

Massachusetts seeks to fully implement and enhance the effectiveness of the Pathways model in improving family law processes across the state. This report provides a background for how the approach was designed, how Pathways was rolled out to various court locations, and the methodology for analyzing efficiency. This report also offers preliminary but encouraging findings as to the efficiency offered by a Pathways approach, along with recommendations for

² Originally known as the Family Justice Initiative, the effort was renamed for visionary leader Chief Justice Mark S. Cady of Iowa, who first led the effort before his untimely death in 2019.

support, training, communication, and ongoing monitoring to optimize an already successful statewide implementation effort.

Background

In order to address concerns over cost and delay in civil litigation, the Conference of Chief Justices (CCJ) established the Civil Justice Improvements Committee (CJI Committee) in 2013 to develop recommendations to ensure the “just, speedy, and inexpensive resolution of civil cases.” The CJI Committee was charged with developing guidelines and best practices for civil litigation based on evidence derived from state pilot projects and other applicable research. Guidelines and best practices were informed by the results of rule changes and stakeholder input. The CJI Committee also made recommendations as necessary in the area of case management for the purpose of improving the civil justice system in state courts.³ Primary among five core components necessary to achieve timely, cost effective, and procedurally fair justice, is triage. Triage ensures that cases receive attention proportional to their needs. A number of courts have found that a Triage/Pathways approach to case management can dramatically reduce court events, and that many cases can be resolved without significant judicial attention.⁴

The Cady Initiative for Family Justice Reform⁵ aims to improve how state courts handle domestic relations cases. Specifically, the Pathways approach⁶ assesses party needs soon after the initial filing to enhance efficiency and proportionality in case management and services as well as reduce judicial caseloads and status hearings. This process aims to improve satisfaction for parties, judges, and lawyers; reduce conflict; and facilitate family transitions during dissolution and parenting plans.

The Family Justice Principles and Pathways provided new information about case management in domestic relations cases, along with tools and strategies that drew from effective practices used nationally. Finding that a Pathways approach could support state courts in providing timely access to justice and enhancing the transparency and efficiency of family law processes, the

³ *Reimagining Civil Case Management* (NCSC, 2022)

⁴ See e.g., <https://www.ncsc.org/cji/best-resources> (accessed May 22, 2023)

⁵ Originally known as the Family Justice Initiative, the effort was renamed for visionary leader Chief Justice Mark S. Cady of Iowa, who first led the effort before his untimely death in 2019.

⁶ *Family Justice Initiative: Principles for Family Justice Reform* and the supplemental *A Model Process for Family Justice Initiative Pathways* describes the Model process in greater detail.

Conference of Chief Justices and State Court Administrators encouraged state courts across the country to “aggressively triage cases at the first opportunity.”⁷ However, though the Pathways approach reconfigures elements that many family courts already have in place (e.g., active case management, trauma informed practice, and support for unrepresented litigants), to successfully implement the Pathways model, a court needs strong judicial leadership, reliable case management data, and judicial staff with the capacity to triage cases in a standardized way. Operationalization of the Pathways model and implementation in the Barnstable and Plymouth Divisions of the Massachusetts Probate and Family Court provided an opportunity to test the Pathways model in Massachusetts prior to statewide adoption.

Massachusetts’ interest in implementing the Pathways model arose from case management concerns. Chiefly, judges in the Probate and Family Court believed that their cases tended to last longer and were more complex than cases in other departments of the Trial Court. There were several reasons cited for this. The rates of SRLs in Probate and Family Court cases were consistent with the national *[Landscape of Domestic Relations Cases in State Courts](#)* (NCSC, 2018), which showed that 70-80% of parties were self-represented, resulting in judges and court staff alike spending the majority of their time explaining legal processes to the unrepresented. This trend was compounded by the laws and rules requiring the Probate and Family Court judges to issue written findings on their cases, resulting in the need for substantial writing time. Further, a number of experienced judges recently retired from the Probate and Family Court, leaving a void of knowledge. As a result, judges in the Probate and Family Court felt overburdened and believed that more judges were needed in the Probate and Family Court; Judges and court staff agreed that the caseload was burdensome and left judges without the necessary time to write or reflect on their work.

Despite these challenges, the Massachusetts Trial Court was uniquely well prepared to operationalize and implement the Pathways model due to their implementation of the Pathways approach in civil, child protection, and criminal case processes. The Massachusetts Probate and Family Court also had a fully staffed complement of Assistant Judicial Case Managers (AJCMs) that were legally trained and eager to take on a larger and meaningful role in helping families resolve cases, such as completing early screening, identifying appropriate pathways, and conducting case management conferences. Thus, the Probate and Family Court was in a solid and prepared position to participate in the implementation of the Pathways model to demonstrate the benefits of the approach for a statewide implementation for Massachusetts.

Massachusetts identified the Barnstable and Plymouth Divisions of the Massachusetts Probate

⁷ https://ccj.ncsc.org/data/assets/pdf_file/0023/51197/Resolution-4-In-Support-of-a-Call-to-Action-to-Redesign-Justice-Processes-for-Families.pdf

and Family Court as the pilot sites for implementing Pathways. Their caseloads provided an appropriate means of evaluating the effectiveness of the approach. In Fiscal Year 2018, 5,945 cases were filed in Barnstable, and 10,445 were filed in Plymouth. Massachusetts determined that modifications would be the first case type addressed in the Pathways Case Management Initiative, as this case type made up approximately 25% of the total filings in the Probate and Family Court.

The Pathways approach was put into effect in January 2020, initiated by Chief Justice John Casey, former Judicial Case Manager Michael Stevens, and Keith Nalbandian from the Administrative Office of the Probate and Family Court. With assistance from NCSC on the operationalization of Pathways, staff were trained on the procedures for creating three distinct "Pathways" for contested complaints filed in divorce, paternity, or 209C cases. However, the implementation of the Pathways was interrupted in March 2020 due to the COVID-19 Pandemic, and later recommenced in February 2021. Since then, other counties launched Pathways in their jurisdiction.

Methods

Pathways Methods

To launch the implementation of Pathways in Probate and Domestic Relations Courts, NCSC and the Court established an advisory committee to develop and oversee an implementation plan/protocol for the operationalization of Pathways in the Barnstable and Plymouth Divisions. As part of this effort, NCSC conducted an in-person site visit to meet with stakeholders (judges, court staff, attorneys and other domestic relations professionals, Court Service Center representatives, and a parent focus group) to 1) identify perceived benefits of the Pathways model to the case management systems of the Barnstable and Plymouth Divisions; 2) identify potential challenges or barriers to operationalizing Pathways; and 3) determine strategies for addressing those challenges.

Next, NCSC drafted an implementation plan/protocol with an emphasis on monitoring and outcome measurement. As part of this effort, NCSC worked with the Probate and Family Court to establish program monitoring and evaluation for subsequent collection, analysis, and publication of results by the JCMs and AJCMs. Further, NCSC developed and presented a survey methodology for measuring the satisfaction of parties, judges, and staff. NCSC continued to

work with the Probate and Family Court to implement Pathways.

The implementation plan outlined the Pathways process as follows:

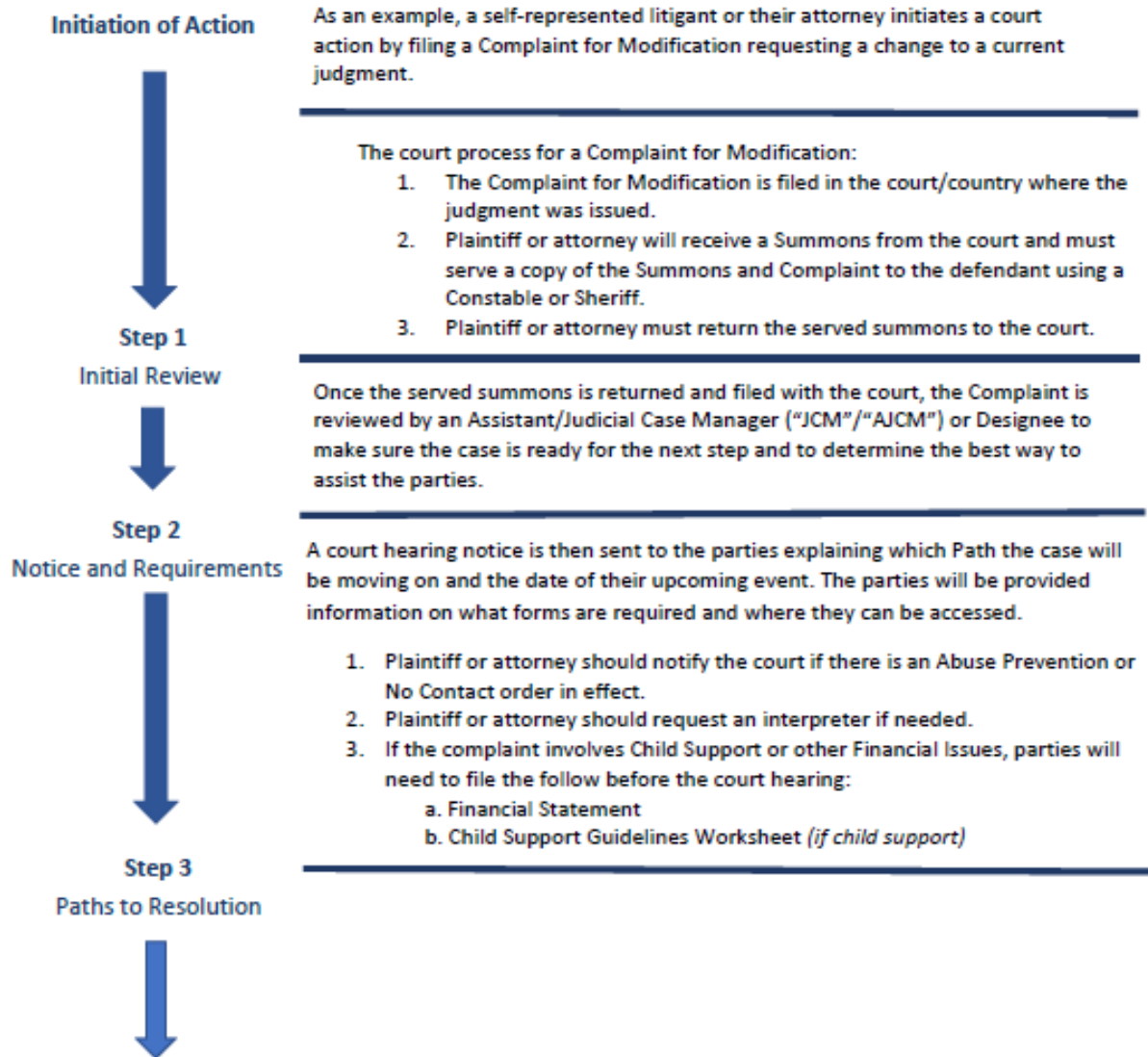
PATHWAYS INITIATIVE

An Approach to Case Management and the Road to Resolution

In the Probate and Family Court, the Pathways Case Management process is being used for different types of complaints. The goal of Pathways is to promote timely and effective resolution to help families focus on cooperative problem solving instead of engaging in long litigation.

Court intervention will occur earlier in the process so parties can be informed of available resources and the court procedure. A timely court date is provided to parties and if the issues are unable to be resolved, the case is placed on the appropriate Pathway. This process will help parties see the end of the road for their current court issue.

Routes To Resolution



Pathway 1

The A/JCM will conduct a Pathways 1 Case Management Conference with the attorney/parties in an effort to help resolve the case.



Pathways 1 Case Management Conference

An agreement is reached.

The agreement is drafted, an order or judgment will enter administratively, and no further action is required by the parties.

In some circumstances, a judge may require the agreement to be heard in a court session. The A/JCM will notify the parties and schedule the case for an uncontested court hearing.

An agreement is not reached.

Possible options:

1. Conduct a further Pathways 1 Case Management Conference.
2. Refer the case to Pathway 2.
3. An order enters scheduling the case to a Pathways 3 Pre-Trial Conference with the judge.

AND/OR

Pathway 2

The case is referred to the Probation Department for dispute intervention. The case can also be referred to mediation, conciliation or other available Alternative Dispute Resolution (“ADR”) program.



Dispute Intervention/Alternative Dispute Resolution Options

An agreement is reached.

Probation/ADR program will refer the case to the A/JCM.

The following options are possible:

1. A temporary order enters, and a court hearing is scheduled.
2. A judgment is entered administratively.
3. If necessary, an uncontested court hearing is scheduled before the judge.

An agreement is not reached.

Probation/ADR program will identify the issues parties are not agreeing on and will refer the case to the A/JCM.

The following options are possible:

1. A Pathways Scheduling Order enters for Pathways 3.
2. The A/JCM may schedule the case back to Pathways 1 for a further Pathways Case Management Conference.

Pathway 3



Judicial Intervention

If the case is not resolved in Pathway 1 or 2, the A/JCM will draft a Scheduling Order to Pathway 3 outlining the agreed upon (uncontested) and not agreed upon (contested) issues, referring a case to an ADR program by agreement, setting deadlines, and scheduling a court hearing to the assigned judge.

1. A Pathways 3 Pre-Trial Conference is scheduled for the earliest possible date. The early intervention by the Court allows for a meaningful and productive Pre-Trial Conference to be conducted with the judge.
2. A determination can be made that the case will also be scheduled for a trial with the assigned judge.
3. If a case is before the Court prior to the initial review, the judge may decide that scheduling the case into Pathway 1 or 2 is appropriate.

More detail on each of these steps can be found in [The Pathways Initiative Implementation and Training Guide](#) (see Appendix, p. 20).

Approximately six months after implementation, NCSC conducted surveys and focus groups of attorneys and parties to identify their satisfaction with the modified processes. In addition to feedback from the public, NCSC conducted a focus group with judges in the Barnstable and Plymouth Divisions to consider what fine-tuning needs to occur to take the process statewide and be fully successful in achieving desired outcomes. A report was publicized with interim results.

Analysis Methods

In the remainder of this report, we present the detailed analysis and findings separately for each case type. This section describes the methods used in all of the analyses detailed below.

The Court's case management system included data on case filings, events, and dispositions.

We sampled Pathways-eligible cases in which one complaint for modification was filed between April 1, 2022, and October 31, 2022.

For the efficiency analysis of Pathways-eligible cases, we present a series of analyses:

- **Descriptive sample information:** This section describes the size of the sample, broken down between Pathways and non-Pathways cases, including by jurisdiction.
- **Relationship between Pathways track, case status, case types, and case processing:** This section compares case status, case type, and case processing between Pathways and non-Pathways cases.

The remainder of this report provides detailed analyses and results.

Analysis

In this section, we briefly synthesize key findings regarding the efficiency of the Pathways approach.

Overall Response

The Pathways approach improved case outcomes by identifying the number of pathways needed and the actions that Judicial Case Managers (JCMs) and AJCMs could perform that did not require judicial involvement. The Pathways approach identified responsibilities for the JCMs and AJCMs, such as preparing cases, running reports for case management, and holding case management conferences. By using the Pathways model, judges spent more time on judicial decision-making, focusing their time on the cases that most need it. The Pathways model resulted in the best resolution for a particular case, leading to satisfaction of the parties, as well as satisfaction of judges and staff. Courts reported great enthusiasm and an overall positive response from all aspects of this initiative. Support was apparent from leadership at the Court, starting with the First Justice, associate judges and Register to the Assistant Judicial Case Managers, Probation and Registry staff. Attorneys and pro se litigants that were contacted generally expressed a very positive reaction to the Pathways Case Management approach.

Pathways-eligible Cases

Pathways-eligible cases are family and domestic relations cases that have previously been disposed. In these cases, parties have filed a complaint for modification of judgment because their circumstances have changed since disposition. The Pathways program triages these cases into three different Pathways, depending on each case's needs: Pathways 1 (Streamlined), Pathways 2 (Probation), and Pathways 3 (Judicial).

Descriptive Sample Information

We sampled Pathways-eligible cases in which one complaint for modification was filed between April 1, 2022, and October 31, 2022. There were **5,537 cases** during this period.

The following table shows how these cases were distributed between non-Pathways and Pathways Tracks:

Cases	Frequency	Percent of sample
Non-Pathways Track	4,589	82.9%
Pathways Track	948	17.1%

The following table shows how these cases were distributed across counties:

County	Non-Pathways track		Pathways track	
	Cases	Percent of non-PW cases	Cases	Percent of PW cases
Barnstable	73	1.6%	156	16.5%
Berkshire	73	1.6%	99	10.4%
Bristol	555	12.1%	0	0.0%
Dukes	5	0.1%	2	0.2%
Essex	529	11.5%	14	1.5%
Franklin	14	0.3%	97	10.2%
Hampden	773	16.8%	0	0.0%
Hampshire	86	1.9%	30	3.2%
Middlesex	876	19.1%	16	1.7%
Nantucket	6	0.1%	0	0.0%
Norfolk	389	8.5%	0	0.0%
Plymouth	172	3.7%	332	35.0%
Suffolk	401	8.7%	38	4.0%
Worcester	637	13.9%	164	17.3%
Total	4,589		948	

Significant variation in the data above was due to the different start dates for each site. Massachusetts did not have a cohesive timeline for when each division started implementing the Pathways triage model. Additional factors that led to variation in triage between sites included staffing resources and the discretion of each court in determining what cases were triaged into Pathways. Limited staff also affected data quality, limiting Massachusetts' ability to assess when cases were triaged into the Pathways model.

Case Status

As of April 14, 2023, 2,423 cases (43.8%) had reached a judgment on the complaint for modification, 3,113 (56.2%) were still active, and 1 had reached a judgment and was then reopened.

Status	Non-Pathways track		Pathways track	
	Cases	Percent of non-PW cases	Cases	Percent of PW cases
Active	2,683	58.5%	430	45.4%
Closed	1,905	41.5%	518	54.6%
Reopened	1	0.0%	---	---

Case Types

The following table shows the distribution of case types in the sample:

Case Type	Non-Pathways track		Pathways track	
	Cases	Percent of non-PW cases	Cases	Percent of PW cases
Domestic Relations	1,792	39.0%	435	45.9%
Paternity Managed	2,317	50.5%	429	45.3%
Joint Petition	430	9.4%	82	8.6%
Equity Complaint/Paternity in Equity	13	0.3%	1	0.1%

Guardianship Managed	36	0.8%	1	0.1%
Protection from Abuse Managed	1	0.0%	---	---

Case Processing

Though Pathways cases had more events on average, these cases were slightly less likely to go to trial. Pathways-eligible cases overall had an average of 2.7 events scheduled and 1.6 events held. Trials occurred in 75 cases (1.4%). The following table shows how these figures differ between non-Pathways and Pathways tracks:

	Non-Pathways Track	Pathways Track
Average events scheduled (range)	2.5 (0 – 22)	3.4 (0 – 18)
Average events held (range)	1.5 (0 – 13)	2.3 (0 – 13)
Cases with trial events	65 (1.4%)	10 (1.1%)

Further, Pathways cases were much less likely to have 0 events (see blue highlights in the following table showing the distribution of case events between non-Pathways and Pathways tracks):

	Non-Pathways		Pathways	
	Frequency	Percent	Frequency	Percent
Events Scheduled				
0	880	19.2%	25	2.6%
1	1197	26.1%	232	24.5%
2	799	17.4%	199	21.0%
3	521	11.4%	131	13.8%
4	400	8.7%	110	11.6%
5 to 7	516	11.2%	170	17.9%
8 or more	276	6.0%	81	8.5%
Events Held				
0	1388	30.2%	87	9.2%
1	1524	33.2%	302	31.9%

2	748	16.3%	228	24.1%
3	432	9.4%	136	14.3%
4	238	5.2%	93	9.8%
5 to 7	228	5.0%	88	9.3%
8 or more	31	0.7%	14	1.5%

1,632 cases (29.5%) reached judgment on the complaint for modification within 6 months; the remaining 3,905 (70.5%) had not yet reached judgment at the 6-month mark.

The median time to judgment (from the date the summons was returned) was 159 days. The average time to judgment was 160.7 days, and the range was 0 to 373 days.

Among cases in which at least one event was held, the median amount of time to the first event held was 77 days. The average was 94 days, and the range was 0 to 372 days. **The median time to judgment in these cases was 161 days.** The average was 163.5 days, and the range was 1 to 373 days.

The following table shows how these figures differ between non-Pathways and Pathways tracks:

	Non-Pathways Track	Pathways Track
Cases with judgment within 6 months	1252 (27.3%)	380 (40.1%)
Time to judgment		
Median	162 days	146 days
Mean	163.3 days	150.8 days
Range	0 – 372 days	0 – 373 days
Time to first held event (days), among cases with at least one event		
Median	82 days	67 days
Mean	96.2 days	86.1 days
Range	0 – 372 days	0 – 366 days
Time to judgment (days), among cases with at least one event		
Median	164 days	147 days
Mean	166.8 days	152.5 days
Range	1 – 372 days	10 – 373 days

Based on the data provided, a few key insights can be drawn:

1. **Case Status:** Among all the cases, 43.8% had reached judgment on the complaint for modification, while 56.2% were still active. A single case reached judgment and was then reopened. When we broke down this data between non-Pathways and Pathways tracks, it became evident that a higher proportion of cases in the Pathways track (54.6%) had been closed compared to those in the non-Pathways track (41.5%).
2. **Case Types:** There was a higher percentage of Domestic Relations and Paternity Managed cases in the Pathways track, while the non-Pathways track had a higher percentage of Joint Petition and Equity Complaint/Paternity in Equity cases. However, there was a substantial difference in the number of Paternity Managed cases in both tracks, with the non-Pathways track having a significantly higher number (50.5% versus 45.3%).
3. **Case Processing:** On average, cases had 2.7 events scheduled and 1.6 events held. Interestingly, despite Pathways cases having more events scheduled and held on average, they were slightly less likely to go to trial.
4. **Event Distribution:** Pathways cases were less likely to have 0 events scheduled or held compared to non-Pathways cases.
4. **Time to Judgment:** The data suggested that Pathways cases tended to reach judgment more quickly than non-Pathways cases. The median time to judgment for Pathways cases was 146 days, compared to 162 days for non-Pathways cases. Similarly, the mean time to judgment was shorter for Pathways cases (150.8 days) than for non-Pathways cases (163.3 days).
5. **Time to First Event:** Among cases where at least one event was held, the median time to the first event was shorter for Pathways cases (67 days) compared to non-Pathways cases (82 days).

In summary, the data suggested that the Pathways track was more efficient in terms of reaching a judgment and holding the first event. Despite having more events scheduled and held, Pathways cases tended to reach judgment quicker and were less likely to go to trial. This efficiency could have been due to a variety of factors, including the nature of the cases, the strategies used in the Pathways track, or the resources available in this track. Further study would be needed to understand the reasons behind these differences. After conducting the above analysis on the sample of cases drawn from April to October 2022, we also had the opportunity to review some summary statistics from a sample of cases drawn from January to July 2023. This more recent sample of cases suggests that there has been a trend in the direction of Pathways cases being resolved even more quickly.

Conclusions and Next Steps

The preliminary efficiency analysis provided here offers promising insights, suggesting that the Pathways approach is improving efficiency and satisfaction within the court system:

- A higher percentage of cases in the Pathways track (54.6%) had closed compared to those in the non-Pathways track (41.5%).
- Despite having more events scheduled and held on average, Pathways cases were slightly less likely to go to trial than non-Pathways cases.
- Pathways cases reached judgment faster than non-Pathways cases, with a median time of 146 days compared to 162 days, and a mean time of 150.8 days compared to 163.3 days.
- For cases where at least one event was held, the median time to the first event was shorter for Pathways cases (67 days) compared to non-Pathways cases (82 days).

As the program continues to expand statewide and into pre-decree matters, further analysis will be necessary. The aim is to ensure the Pathways model can be fully implemented within each family case and be effective in improving family law processes across Massachusetts. As the Pathways initiative expands, it will be crucial to maintain diligent analysis, identifying areas of need, including support, training, and communication, to ensure successful implementation across all departments.

As Massachusetts continues to expand Pathways in Family and other case types, NCSC offers these considerations:

- **Early Intervention and Support:** The purpose of Triage is to proactively identify family needs and provide support at the earliest opportunity. Given the promising findings related to post-decree cases, Massachusetts should consider a broader application of the Pathways model to help mitigate the risk of legal involvement and provide more opportunities for support to families with legal and other services.
- **Education and Awareness:** Conduct educational programs to increase awareness and understanding of the legal processes among those most likely to be affected in Pathways-eligible or other case types. Videos and other informational aids could help individuals better understand processes, navigate the system, and advocate for their rights.

- **Enhance Legal Representation:** Ensure that all individuals, particularly those from marginalized and minoritized racial and ethnic groups, have access to high-quality, culturally competent, and trauma-informed legal representation. This might involve increased funding for legal aid services as well as initiatives to attract and retain talented lawyers in this field.
- **Data Collection and Analysis:**
 - Collect and analyze data on racial and other disparities. Court data should be disaggregated by race, ethnicity, gender, representations status, household income, English proficiency, and other characteristics to provide a clear picture of where disparities exist⁸. Update existing systems and tools (e.g., forms, case management systems) as needed to enable the collection of these data. Increase public awareness about the importance of collecting these data and help court users understand how the data will and will not be used. Train staff on the collection of demographic information to ensure consistent and accurate data. Regularly review and update the data to monitor trends, identify problem areas, and assess the effectiveness of implemented measures.
 - In Pathways cases, improve data on attorney representation for parties after a subsequent action is filed. Currently, representation data is not consistently collected after a subsequent action (such as a complaint for modification) is filed on a case. This makes it difficult to conduct meaningful analysis on how representation may impact case processing, such as time to judgment, which in turn may improve case management practices.
 - Improve data quality by addressing variation in triage between Pathways sites, such as supporting staffing resources, utilizing uniform docket codes to indicate when cases are triaged into pathways, and consistency in applying the Pathways triage model.
- **Ongoing Monitoring and Evaluation:** Implement an ongoing system for monitoring and evaluating the effectiveness of the implemented strategies. This should involve regular reviews of data and feedback from those affected to ensure that the strategies are having the desired impact and to adjust as necessary.

⁸ For more information about measuring race and ethnicity and conducting equity analyses, see National Center for State Courts (2020), [Collecting Race & Ethnicity Data](#); National Center for State Courts (2023), [The Racial Justice Organizational Assessment Tool for Courts](#) (see Part II, Section 1 Guidance starting on page 44); National Center for State Courts (2023), [Data-driven Decision Making for Courts](#).

Appendix

Massachusetts Probate and Family Court The Pathways Initiative Implementation and Training Guide



Massachusetts Probate and Family Court

The Pathways Initiative

Implementation and Training Guide



Introduction

The mission of the Probate and Family Court is to “deliver timely justice to the public by providing equal access to a fair, equitable efficient forum to resolve family and probate legal matters and to assist and protect all individuals, families and children in an impartial and respectful manner.” For many years, the ability of the Court to accomplish this mission has been severely strained due to scarce resources.

Despite the dedication and determination of the Probate and Family Court judges, staff, and bar, the challenges for the Probate and Family Court were noted by the late Chief Justice Ralph Gants (ret.) in his State of the Judiciary address in October 2017 when he stated, “In no other court do we have so many self-represented parties being asked to litigate disputes as complex, as emotional, as enduring, and as life-changing, as in the Probate and Family Court ...The burdens we place on our Probate and Family Court judges are simply not sustainable; we need to reimagine how we do justice in our Probate and Family Court.”

To that end, different groups worked toward creative solutions for case management and staffing. At the request of Chief Justice Gants, the Hon. Margot Botsford (ret.) met with many people involved with the Probate and Family Court and then offered suggestions and guidance. Chief Justice Gants and Chief Justice of the Trial Court Paula Carey (ret.) advocated for additional funding for the Probate and Family Court at the State House. In the fiscal year 2019 budget, former Speaker Robert DeLeo and the Legislature allocated funds to address the specific needs of the Probate and Family Court – the need to hire sessions clerks and legal research and writing staff, the need for case management triage, and the need for alternative dispute resolution resources.

As a result of all these efforts, the Probate and Family Court started to reimagine itself. Sessions clerks were hired so that judicial case managers and assistant judicial case managers could then spend their time outside of the courtroom working on case management. Additional Probate and Family Court law clerks and research attorneys were hired to assist the judges with their legal research and writing.

After this, next steps were taken. The Probate and Family Court began to revamp its case management processes, solidifying and building on ideas that had been discussed for many years. It began utilizing a pathways approach to case management, which includes matching parties and cases to available resources and services. Using the Family Justice Initiative’s Principles and Pathways, and with a grant from the State Justice Institute and the help of the National Center for States Court, the Probate and Family Court initiated a pathways approach to case management in the Plymouth and Barnstable Divisions of the Probate and Family Court. Building on the success in Plymouth and Barnstable, the pathways approach is now being expanded statewide.

All of this is possible because of the work of the many people mentioned above, as well as the staff and judges of the Probate and Family Court and the staff of the Administrative Office of the Probate and Family Court. This guide is a testament to what can be accomplished when there is a common goal and cooperation among many people to meet that goal.

Table of Contents

Purpose of Pathways	4
Background of Pathways in Massachusetts.....	4
Pathways Initiative Rollout in Plymouth County.....	5
Goal of Pathways.....	6
The Pathways Routes to Resolution	6
The Pathways Initiative Process	9
MassCourts Docketing and Resulting Codes.....	11
Pathways Case Management Forms	12
Additional Resources.....	13

Table of Exhibits

- Exhibit 1a: Introduction Letter to Pathways from Chief Justice John D. Casey and Deputy Court Administrator Domenic M. DiCenso
- Exhibit 1b: Flow Chart of the Pathways Process
- Exhibit 2: Sample Pathways Case Management Conference Notice and Order (CJD 220 (11/9/22))
- Exhibit 3a: Letter to the Parties (PATHLTR)
- Exhibit 3b: Pathways Worksheet (PATHWRK)
- Exhibit 3c: Stipulation of the Parties (INTERIM PATHSTIP)
- Exhibit 3d: Order (INTERIM PATHORD)
- Exhibit 3e: Judgment (INTERIM PATHJUD)
- Exhibit 3f: Scheduling Order to Pathway 3 Pre-Trial Conference (INTERIM PATH3ORD)
- Exhibit 4: Pathways Case Management Reference Card

Case Overview For All Divisions FY 2019-2021

FY 2019 Filings for All Case Types

Total Filed: 130,228
Non-Sub.Actions: 78,407
Disposed Sub.Actions: 71,113

FY 2019 Modifications Filed

January through June

Total Filed: 20,479
Disposed: 17,107

FY 2020 Filings for All Case Types

Total Filed: 113,950
Non-Sub.Actions: 70,507
Disposed Non-Sub.Actions:
59,670

FY 2020 Modifications Filed

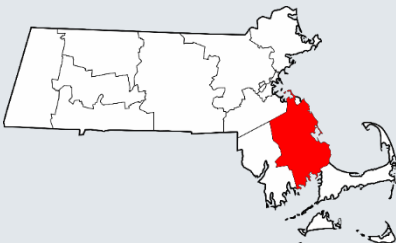
Total Filed: 32,269
Disposed: 26,451

FY 2021 Filings for All Case Types

Total Filed: 107,068
Non-Sub.Actions: 72,342
Disposed Non-Sub.Actions:
57,722

FY 2021 Modifications Filed

Total Filed: 23,973
Disposed: 16,413



Purpose of Pathways

This document has been developed to provide a guide of the work done by the Massachusetts Probate and Family Court to implement Pathways Case Management approach.

As set forth in an evaluation of Alaska's triage and Early Resolution Program, "Courts can resolve 80% of their contested divorce and custody cases between self-represented parties in just one hearing with a special calendar that employs a problem-solving approach, triage, a simplified process, and early intervention" (March 2019).

The Family Justice Initiative is a national effort led by the Conference of Chief Justices and Conferences of State Court Administrators through the National Center for State Courts, IAALS and NCJFCJ.

The principles of the Family Justice Initiative are designed to remove unnecessary procedural barriers that prevent parties from resolving cases quickly, efficiently, and cost-effectively; to offer appropriate resources and tools for parties to use to develop solutions that fit their unique circumstances; and to identify and provide appropriate judicial involvement in high-conflict cases with especially vulnerable parties and children.

Background of Pathways in Massachusetts

The 2017 Massachusetts Justice for All Strategic Action Plan noted that the Massachusetts Probate and Family Court was in crisis due to the burden placed on the Probate and Family Court, and that it was necessary to reimagine how justice was done. The growing number of unrepresented litigants in civil matters concentrated in the Probate and Family Court was coupled with the need to connect users with appropriate resources earlier, simplify processes, and offer broader dispute resolution options. The report also highlighted the need to recognize unique challenges in family law cases, like the complexity of issues and interests, and the relationships of parties before and after litigation.

Due in part to the large number of self-represented litigants in the Probate and Family Court, staff expressed concern that the Probate and Family Court was undertaking functions that it was not equipped to undertake and it was overwhelming the court. The Massachusetts

Probate and Family Court has expressed that there is an inconsistent approach across the state in handling domestic relations cases, especially modifications, and that there is a need to improve the user experience with the Court. Chief Justice John Casey led this effort to assist with operations in the Probate and Family Court throughout Massachusetts. The Probate and Family Court sought and received federal grant funding through the State Justice Institute to implement the FJI Principles in Massachusetts. The first divisions chosen for FJI implementation were the Bristol and Plymouth Divisions. Since 2020, Barnstable, Berkshire, Dukes, Essex, Franklin, Hampshire, Nantucket, Suffolk, and Worcester counties have effectively implemented the Pathways Case Management Initiative.

In many divisions, once a Return of Service is filed with the Court, the first scheduled event is a Pre-Trial Conference with the assigned judge. On the day of the hearing, the case may be referred to the Probation Department for dispute intervention or the parties and/or counsel may be speaking for the first time. Often, parties are preparing paperwork such as Financial Statements and Memoranda that are filed with the Court that day. This may also be the first contact the parties have with the Court on their case.

As modifications make up approximately 25% of the total filings in the Probate and Family Court, it was determined that those case types would be the first addressed in the Pathways Case Management Initiative. The Pathways Case Management approach is the future process for all case types in the Probate and Family Court.

Pathways Initiative Rollout in Plymouth County

The implementation of FJI Pathways in Plymouth County commenced in early January 2020, when Chief Justice John Casey, former Judicial Case Manager Michael Stevens and Keith Nalbandian of the Administrative Office of the Probate and Family Court met with staff to start training regarding protocols for establishing one of three "Pathways" for contested, newly filed complaints for modifications in divorce, paternity or 209C cases. Due to the Covid-19 Pandemic, the Pathways Case Management Initiative was suspended. Pathways resumed in Plymouth in February 2021.

Plymouth County reports great enthusiasm and an overall positive response from all aspects of this initiative. Support has been apparent from leadership at the Court, starting with the First Justice, associate judges and Register to the Assistant Judicial Case Managers, Probation and Registry staff. Attorneys and pro se litigants that have been contacted have generally expressed a very positive reaction to the Pathways Case Management approach.

*"This is the first time I have ever been contacted by the court in years."
- Court User, Plymouth County*

*"It would be great if I don't have to wait at the court for six hours prior to my five-minute hearing."
-Court User, Plymouth County*

Goal of Pathways

The goal of the Pathways Case Management Initiative is to promote timely and effective resolution while helping families focus on cooperative solutions instead of lengthy litigation. Whenever possible matters will be resolved without the need for judicial involvement, reducing the number of cases which judges are required to hear. For litigants that means cases are scheduled sooner, judges will have time to reflect and write decisions, and orders and judgments can be completed in a timelier manner.

Pathways is a case management process that takes a problem-solving approach. The purpose is to assist the parties with resolving their case rather than proceed in an adversarial process. Parties should be provided information and empowered to play a proactive role in their case. The Pathways Case Management process is designed to be fluid to allow a case to be scheduled between the different paths and allows for flexibility to triage a case so that the needs are being met and can be handled in a manner that makes the most sense for that particular case.

Having the court intervention earlier in the process, provide information on appropriate resources and tools for the parties to use to assist them with resolving their cases quickly and efficiently and to provide the parties with information about court procedure.

Since the inception of Pathways, the process has been updated to include more information provided to the parties prior to the scheduling of a Pathways Case Management Conference. Materials to assist with the Pathways Case Management Conferences, along with this guide are available for the A/JCM/Designee. In addition, forms have been created exclusively for Pathways for the divisions. There will also be a hands-on approach by the Administrative Office of the Probate and Family Court to assist the divisions in the implementation and continuing support of the Pathways Case Management Initiative. In June of 2022, a virtual Alternative Dispute Resolution (“ADR”) Training Program for the Probate and Family Court was conducted for the Judicial Case Managers and Assistant Judicial Case Managers, as well as the ADR Coordinators. The training program will be recorded and available to the First Assistant Registers and Assistant Registers. There will be an opportunity for the divisions to request additional or follow up training with the Administrative Office.

The Pathways Routes to Resolution

An Introduction to the Pathways Case Management Initiative, a letter from Chief Justice John D. Casey and Deputy Court Administrator Domenic M. DiCenso, and a Pathways Flow Chart will be available to the public on the Probate and Family Court page on mass.gov as well as at the courthouse locations. The letter and flow chart will also be available on Courtyard for the staff.

The Initial Review

The initial review is a “streamlined” process that requires the Assistant/Judicial Case Manager

("A/JCM") or Designee to review the case for readiness and to determine the best way to assist the parties. The A/JCM/Designee may also contact the parties if more information is needed prior to scheduling. A letter is sent to each of the parties explaining the Pathways Case Management Initiative, the Pathway they are assigned to, paperwork that will need to be filed and a list of resources to assist them. A Pathways Case Management Notice and Order is also sent that provides the parties with information about their scheduled event.

If there is an active abuse prevention order or no contact order, the A/JCM/Designee will reach out to the parties to inform them that the Pathways 1 Case Management Conference is available if they agree to participate. The A/JCM/Designee can discuss parameters, such as meeting the parties individually or meeting the parties without their video on.

The A/JCM/Designee can determine if the Pathways 1 Case Management Conference will be conducted virtually or in person. A virtual conference is preferred, but the A/JCM/Designee may determine that an in-person conference would be more productive and would assist the parties in resolving their case.

The A/JCM/Designee shall screen for domestic violence, child abuse, substance abuse, or mental health issues when determining the scheduling of the case.

The A/JCM/Designee shall complete a Pathways Case Management Worksheet when reviewing the case for either Pathway 1 or 2.

Pathways 1 Case Management Conference

In Pathway 1 the A/JCM/Designee conducts a Pathways 1 Case Management Conference either virtually or in-person with the attorneys and/or parties in an effort to resolve the case. Dedicated Zoom accounts will be created for each division and the conferences are recorded. A virtual For the Record (FTR) recorder can also be assigned to a division if needed.

If the parties reach an agreement, the agreement is drafted, and an order or judgment will enter administratively with judicial authority. In some situations, a judge may require the agreement to be presented. The parties will be notified, and the case will be scheduled for a hearing before the judge.

If an agreement is not reached, the A/JCM/Designee can do the following:

1. Conduct a further Pathways 1 Case Management Conference.
2. Refer the case to the Probation Department for dispute intervention in Pathway 2.
3. Enter Orders scheduling the case to a Pathways 3 Pre-Trial Conference with the judge.

4. Provide the parties with court approved alternative dispute resolution options such as mediation, conciliation, or dispute intervention with the Probation Department prior to judicial involvement. The A/JCM/Designee can identify the contested and uncontested issues in the case as well as provide information to the parties regarding other available resources and court procedure.

A Pathways Case Management Reference Card is available on Courtyard. The card includes the following information:

1. Sample Pathways Initiative introduction, oath, and colloquy.
2. Requirement for a modification.
3. List of court connected ADR resources and court settlement programs as well as Probate and Family Court resources.
4. Helpful tools on conducting case management conferences.

Pathways 2 Dispute Intervention

Pathway 2 is a “tailored services” track where the case can be referred to the Probation Department for dispute intervention. These cases typically involve substance abuse concerns, drug/alcohol testing, supervised parenting time, DCF involvement or any case the A/JCM/Designee determines a dispute intervention by Probation would be beneficial to assist the parties in resolving the case.

If the parties are able to reach an agreement, Probation will refer the case to the A/JCM/Designee with the agreement for either an order and a further date to be scheduled or a judgment to be entered administratively. If necessary, the A/JCM/Designee will determine whether the case will be scheduled for an uncontested hearing before the assigned judge.

If the parties are unable to come to an agreement, Probation will identify the contested issues and will refer the case to the A/JCM/Designee for either a Pathways 1 Case Management Conference or an Order enters scheduling the case for a Pathways 3 Pre-Trial Conference.

Each division will work with their Probation Department to determine how Pathways cases will be referred and scheduled with Probation.

Cases can also be referred to mediation, conciliation, a court-connected program, or other available Alternative Dispute Resolution (“ADR”) program in that particular division.

Pathways 3 Pre-Trial Conference

Pathway 3 is the “judicial” track. If the case is not resolved in either Pathway 1 or Pathway 2, the case is then scheduled for a Pathways 3 Pre-Trial Conference before the assigned judge. A Scheduling Order to a Pathways 3 Pre-Trial is drafted by the A/JCM/Designee outlining the uncontested and contested issues, setting deadlines, scheduling a court date, and a case may be referred for ADR services or conciliation.

As the case has been initially reviewed and triaged by the A/JCM/Designee and may have been scheduled into Pathway 1 or 2, the Pathways 3 Pre-Trial Conference should be scheduled for the earliest possible date that makes the most sense for that particular case and as the judge's calendar permits. As a result of the early intervention by the A/JCM/Designee, a meaningful and productive Pre-Trial Conference can be conducted with the judge.

If a matter comes before the Court prior to the initial review (ie: an emergency), the judge may determine that scheduling the case into Pathway 1 or Pathway 2 is appropriate.

The Pathways Initiative Process

Step 1: Filing of the Complaint

The Registry (clerk's office) shall review the Complaint, such as a Complaint for Modification, upon filing for completeness prior to issuing the Summons.

The Registry shall add the DCM Track Pathways (1PATH) and shall issue a Summons. If the matter came before the Court on an emergency issue, the Registry shall add the DCM Track Ex Parte Path (EX PARTE).

The Registry shall send a copy of the Complaint and Summons to the Plaintiff or Counsel for service on the Defendant.

Step 2: Proof of Service/Return of Service

Once the Proof of Service/Return of Service has been filed with the Court and reviewed by the Registry to confirm that service has been properly made, the case is then sent to the Assistant/Judicial Case Manager or Designee (A/JCM/Designee) for the initial review.

Step 3: File Review by A/JCM/Designee

The A/JCM/Designee will review the file to make sure the case is ready to be addressed and have a better understanding of the issues presented, and then determine the best way to assist the parties.

The A/JCM/Designee will identify the appropriate next steps after identification of conflict, readiness for resolution and possible emergency indicators.

Step 4: Pathways Scheduling

Once the file has been reviewed by the A/JCM/Designee, the case will then be scheduled for either a Pathways 1 Case Management Conference or Pathways 2 Dispute Intervention with the Probation Department. The A/JCM/Designee may also determine that an ADR referral is appropriate.

Each division will be provided a dedicated Zoom Meeting ID to conduct the Pathways 1 Case Management Conference sessions virtually. A Pathways email address has been created for each division to be used by the A/JCM/Designee to communicate with the attorneys and/or parties on Pathways cases.

Pathways Sessions and auto-scheduling slots have been created for both the Pathways 1 Case Management Conferences, Pathways 2 Probation Dispute Interventions, and Pathways 3 Pre-Trial Conferences, as per each Court’s schedule. They are designated as Pathways 1 AJCM/Designee Case Management Conference Session (PWAJCM) and Pathways 2 Probation Department Session (PWPROB).

Each division will determine when and how the cases will be scheduled into each session. The divisions that currently conduct Pathways Case Management Conferences have the cases scheduled each hour beginning at 9:00am. Some divisions keep open slots if the A/JCM/Designee determines that a case needs to be scheduled for a further Pathways 1 Case Management Conference.

A Pathways Case Management Conference Notice and Order will be sent to both parties/attorneys indicating the date and time of the hearing/conference and which Pathway (either 1 or 2) the case is assigned to. A letter explaining the Pathways Case Management Initiative will be sent to each of the parties along with the Notice and Order.

Each division shall work with their Probation Department to determine what additional information, if any, is needed by Probation for the Pathways 2 Probation Dispute Intervention referral.

Step 5: Designate and Record Pathways Cases and MassCourts Codes

MassCourts instructions will be provided to each division as the Pathways Initiative is implemented.

A docket entry is automatically generated once a DCM Track is selected in MassCourts. Ticklers will also be generated when the DCM Track is selected.

The DCM Track will display on the anchor screen with the Track information.

Pathways Tracks in MassCourts:

Track Code:	Description:
<u>1PATH</u>	Pathways
<u>EXPARTE</u>	Ex Parte Path
<u>PATHWAYCL</u>	Pathway Closed

MassCourts Docketing and Resulting Codes for Pathways

EVENT Codes:

PCSC
PPC
PPTDE
PPTO

Descriptions:

Pathways 1 Case Management Conference
Pathways 2 Probation
Pathways 3 Pre-Trial Conference
Pathways Motion

SESSION Codes:

PWAJCM*
PWPROB*

Descriptions:

Pathways1 – AJCM/Designee Case Management Session
Pathways2 – Probation Department Session

* In Barnstable: PATHWAYS

Barnstable Pathways Session

* In Barnstable: PATHWAYS SP

Pathways Probation Session

DOCKET Codes:

EXPARTE
PATHJUD
PATHORD
PATHSTIP
PATHCMC
sent
PATHWAY

Description:

Ex Parte Pathway Modification
Judgment on Pathways S/A
Order on Pathways S/A
Stipulation in Pathway Case
Pathways Case Management Conference Notice and Order
Automated docket entry when an initial DCM Track is entered

RESULT Codes:

PATHJUD
PATHORD
PATHNOAPP
PATHPROB
PATHPT
PATHCON
PATHRES
PATHTR
PATHTOL

Description:

Pathways – Judgment Entered
Pathways – Order Entered
Pathways – Party(s) did not appear
Pathways – Scheduled to Pathways 2
Pathways – Scheduled to Pathways 3
Pathways – Continued
Pathways – Scheduled to Pathways 1
Pathways – Trial
Pathways – Taken Off List

NOTE: Coming soon: ADR functionality to assist in monitoring and tracking cases referred for ADR services. Trainings will be provided once the functionality is implemented. Your ADR Local Coordinator can provide you with more information or contact AOPFC.

Step 6: Data Collection and Performance Measures

The MassCourts Pathways codes created will assist the divisions in not only managing and tracking the Pathways cases but will allow the Probate and Family Court to provide meaningful data on the impact of the initiative on the Judges calendars and the cases themselves.

The codes will provide the following information:

- Number of cases scheduled into the Pathways 1 Case Management Conference session;
- Number of cases scheduled for the Pathways 2 Probation session;
- Number of cases referred to an ADR program, the status of the case, and the outcome;
- Number of cases scheduled for the Pathways 3 Pre-Trial Conference session;
- Number of Pathway events scheduled;
- Number of cases resolved or dismissed in Pathway 1 and/or 2 (clearance rate);
- Time to scheduling of Pathway events;
- Time to disposition; and
- Manner of disposition (ie: dismissed/withdrawn, agreement, judgment entered after bench hearing, default judgment, etc.).

The Pathways forms created will also provide us with information regarding the effectiveness of the initiative and the triage process. The A/JCM/Designee conducting the Pathways Case Management Conference will complete a worksheet, which provides case information, including the result of the conference. The Order provides information on the next event if an agreement was not reached. The Scheduling Order to Pathways 3 Pre-Trial Conference outlines the contested issues involved and the case and indicates that Alternative Dispute Resolutions (ADR) options were discussed and what, if any, participation was agreed to.

Pathways Case Management Forms

The following forms have been created for the Pathways Case Management Initiative:

FORM Identifier:	Description:
PATHLTR	Letter to the Parties
PATHWRK	Pathways Worksheet
PATHNOT	Pathways Case Management Notice and Order
INTERIM PATHSTIP	Stipulation of the Parties
INTERIM PATHORD	Order
INTERIM PATHJUD	Judgment
INTERIM PATH3ORD	Scheduling Order to Pathways 3 Pre-Trial Conference

Additional Resources

Parties can be directed to the following link for standards for filing a Modification, court rules and caselaw, and an explanation regarding the forms required: <https://www.mass.gov/info-details/massachusetts-law-about-modifications-of-family-law-judgments-and-orders>. Information on filing of other case types can be found at: [Probate and Family Court | Mass.gov](#).

Information and helpful links provided in the Letter to the parties and the Pathways Case Management Conference Notice and Order:

Financial Statement forms on mass.gov: <https://www.mass.gov/filing-financial-statements-in-the-courts>.

Child Support Guidelines Worksheet; *The most recent child support guidelines are effective as of October 4, 2021.* Worksheet and additional child support guidelines: <https://www.mass.gov/info-details/child-support-guidelines>.

Court Service Center information: <https://www.mass.gov/court-service-centers>.

Court Service Center locations include Boston (Edward W. Brooke Courthouse), Brockton (George N. Covett Courthouse), Greenfield (Franklin County Courthouse), Lawrence (Fenton Judicial Center), Lowell (Lowell Justice Center), Springfield (Springfield Hall of Justice) and Worcester (Worcester Trial Court Complex).

Virtual Court Service Centers via videoconference: <https://www.zoomgov.com/j/1615261140> or via phone: dial (646) 828-7666 and enter Meeting ID: 1615261140 then press # #.

Probate and Family Court Virtual Registry: [Remote/virtual court services | Mass.gov](#).

Lawyer for the Day programs and other resources: <https://www.mass.gov/probate-family-court-department-resources>.

Alternative Dispute Resolution (ADR):

[Probate and Family Court approved Alternative Dispute Resolution \(ADR\) programs | Mass.gov](#)

More information on Pathways as established by the Family Justice Initiative, resource materials are available on the National Center for State Courts website: <https://www.ncsc.org>.

For additional information or assistance with the Massachusetts Probate and Family Court's Pathways Initiative, please contact Senior Program Manager Michelle Yee of the Administrative Office of the Probate and Family Court at michelle.yee@jud.state.ma.us.