

## The Pathfinder Pilot in the Birmingham Family Courts



From 28th May 2024, the family courts at Birmingham have been participating in a pilot scheme for private children's proceedings, with an aim to have child matters in the courts to proceed faster and more easily, and with less hostility and adversary between the parties. The pilot was launched in Dorset and North Wales in March 2022, and has now been extended to include Birmingham and Solihull.

In matters proceeding under the pilot scheme, upon the court receiving an application to issue children act proceedings, the matter will be referred swiftly to CAFCASS (Children and Family Court Advisory Support Service), who will make investigations and enquiries into the situation and provide advice to the court as to how the matter ought to proceed from the outset.

The aim of CAFCASS becoming involved at the outset of the matter and conducting investigations at an early stage is to make the court process more efficient, given that it will identify issues at an early stage and set out a timetable to deal with any issues identified.

To enhance court proceedings, the pilot program also seeks to protect domestic abuse victims from the trauma of recounting their experiences in multiple hearings. By involving CAFCASS early on, cases with a history of domestic violence can be identified during the initial investigation – using information from the police, local authorities, and domestic abuse agencies – before any hearings occur. This approach prevents victims from having to repeatedly raise these issues or endure multiple fact-finding hearings for the judge to decide.

When preparing a Child Impact Report, CAFCASS will gather information from relevant organisations, as well as from the parents and, ideally, the child. The goal is to ensure that the child's views are expressed and considered as early as possible in the proceedings.

While CAFCASS has traditionally engaged with children to understand their feelings in private children's proceedings, the pilot program introduces this process at an earlier stage. This allows the child's views to be expressed sooner, thereby strengthening their voice in the court proceedings that affect them.

When discussing matters with the child, CAFCASS will not only seek to identify their views surrounding the case as a whole, but also attempt to ascertain the child's views in respect of the proceedings and how much the child wishes to be involved.

When appropriate, the CAFCASS Officer may also direct parents to external resources that could help them reach and facilitate agreements regarding child arrangements. These resources might include family mediation services, contact centres, or counselling.

The primary aim of the pilot is to streamline and expedite cases, place greater emphasis on the child's views, and minimise the need for adversarial hearings whenever possible. Early, in-depth information gathering and discussions with the child allow cases without significant safeguarding concerns to move forward more quickly. In situations involving allegations of domestic violence or safeguarding issues, CAFCASS's early involvement – without requiring parties to attend court and give evidence – helps reduce acrimony and ensures the child's views and opinions receive greater consideration.

Any party involved within the pilot scheme will be invited to provide feedback on the process. So far, in the earlier trials in Dorset and North Wales, the majority of feedback from the parties has been positive.

At Astle Paterson, our expert family lawyers are well-equipped to advise on family and children matters. We will guide you through the process, whether your case proceeds under the new pilot scheme or through the traditional family court process.

*For more information on family law, please contact our expert, trusted Family Law & Divorce team on 01283 743969 or email [enquiries@astlepaterson.co.uk](mailto:enquiries@astlepaterson.co.uk)*

*You can also follow us on Facebook, X and LinkedIn to keep up with the latest information.*