FLA 101 — Family Law Practice Basics & Case Intake

Comprehensive Outline

Purpose: Train legal assistants to run an effective family-law intake from first call through file opening, initial documents, calendaring, and the attorney handoff—while staying ethical, organized, and client-centered.

Learning outcomes (by end of FLA 101, students can)

- Explain **common family law case types** and typical **case flow**
- Complete a **structured intake interview** without giving legal advice
- Spot **safety risks** (DV/stalking/child endangerment) and follow office protocols
- Perform **conflict checks** and open a case file correctly
- Build a **document request checklist**, organize evidence, and set follow-up tasks
- Create a **deadline/calendar plan** for the first 14–30 days (office workflow)

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1) Family Law Practice Overview

1.1 Core case types (what walks into a family law office)

Case Type	Common Issues	Typical Early Tasks for Legal Assistant
Divorce / Dissolution	property/debt, support, custody, temporary orders	intake + doc list + file open + schedule consult
Legal Separation	similar to divorce, may remain married	same as divorce workflow
Custody / Parenting Time	best interests, schedules, relocation	gather school/medical info; draft parenting plan outline
Child Support	establish/modify/enforce	collect income proof; prepare support docs checklist
Spousal Support (Alimony)	temporary/permanent support factors	collect budgets, paystubs, tax returns
Protection Orders / DV	safety, temporary custody, exclusion from home	safety screening + urgent scheduling + evidence capture
Paternity	establish parentage, custody/support	birth cert, acknowledgments, testing info
Post-judgment (Modify/Enforce)	contempt, arrears, modifications	prior orders + proof of change + payment history

1.2 The “typical” family law case flow (high-level)

Phase	What’s happening	What the legal assistant supports
Intake & Consultation	gather facts, determine fit/urgency	intake form, conflict check, schedule consult
Opening / Initial Filings	retainer, pleadings, service plan	file open, draft templates, service packets
Temporary Orders	support/custody while case pending	motion packet, exhibits, calendaring
Discovery	exchange info, subpoenas	organize docs, track requests & deadlines
Negotiation/Mediation	settlement proposals	prepare mediation packet, version control
Hearing/Trial	evidence & witnesses	hearing binder, exhibit list, logistics
Final Orders	judgment/decree entered	obtain certified copies, close-out tasks
Post-judgment	modifications/enforcement	tickler system, ongoing calendaring

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2) Professional Role, Ethics, and "No Legal Advice" Boundaries

2.1 What legal assistants can vs. cannot do

Allowed (Typical)	Not Allowed (Examples of Unauthorized Practice)
gather facts, summarize, organize	tell client "you'll win custody"
explain office process ("what happens next")	interpret law ("in this state you qualify")
provide blank forms & checklists	choose legal strategy ("file emergency order")
draft from attorney-approved templates	advise on settlement amounts or parenting terms
schedule, calendar, file, serve	represent client in court

"Safe language" phrases (use in intake)

- "I can't give legal advice, but I can **collect information** for the attorney."
- "I can explain our **office process** and what documents we typically request."
- "The attorney will evaluate options after reviewing your facts."

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3) Intake Workflow: From First Contact to Attorney Handoff

3.1 Intake stages (process map)

1. **Initial contact** (phone/email/web form)
2. **Quick screen** (type of matter + urgency + location/jurisdiction fit)
3. **Safety screen** (DV/stalking/weapons/child risk)
4. **Conflict check** (names & related parties)
5. **Consult scheduling** (time, format, fee/retainer info)
6. **Document request** + intake packet sent
7. **File opened** (after approval/retainer)
8. **Attorney handoff summary** (clean case snapshot)

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4) Case Intake Interview (Comprehensive Topic List)

4.1 Standard intake categories (what to collect)

Category	Sample Questions	Notes to Capture
Parties	legal names, DOB, aliases	spelling matters; prior married names
Relationship	marriage date, separation date	cohabitation; prior reconciliations
Children	names, ages, school, special needs	current schedule; decision-making
Residence & Jurisdiction	where parties/children live	moves in last 6–12 months
Safety	DV, threats, stalking, weapons	“Is anyone in danger today?”
Finances	income sources, accounts, debts	employer info; pay frequency
Property	home, vehicles, retirement	approximate values + titles
Existing Orders	prior custody/support/PO	court, date, case number
Upcoming Deadlines	court dates, move-out, school changes	urgency flags
Goals	what client wants	keep neutral, non-advising

4.2 “Quick Screen” (2–3 minutes) to route the call

Question	Why it matters	Example Answers
“What type of family matter is this?”	route to correct workflow	divorce/custody/PO
“Are there children involved?”	triggers custody/support track	“2 kids, ages 7 and 10”
“Any safety concerns today?”	urgent escalation	“He threatened me yesterday”
“Do you already have a court date/order?”	immediate deadlines	“Hearing next Tuesday”
“Where do you and the children live?”	jurisdiction fit	“Both in same county”

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5) Safety Screening and High-Risk Intakes (DV/Coercion)

5.1 Safety screening script (example)

“I’m going to ask a few safety questions that we ask everyone. Are you safe to talk right now?
Has there been any physical harm, threats, stalking, or control over money/phone?
Are there weapons in the home?
Are children at risk or has anyone threatened to take them?”

5.2 Risk flag table (what to do)

Red Flag	Examples	Immediate Office Action
Immediate danger	"He's outside my house"	advise emergency services/911 per office policy; alert attorney
Weapons + threats	firearm + "I'll kill you"	escalate to attorney; urgent consult
Strangulation history	"Choked me"	urgent escalation; safety planning resources
Child endangerment	DUI with kids, abuse allegations	escalate; document objectively
Stalking/tech abuse	tracking apps, hidden cameras	preserve evidence; advise resources (non-legal)

(Important: you can provide resource referrals and office steps without offering legal advice.)

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6) Conflict Checks (Essential for Ethics)

6.1 Conflict check data collection table

Collect	Examples	Why needed
Client legal name + aliases	maiden/prior married names	avoid missed conflict
Opposing party name + aliases	"goes by Mike"	conflict with existing client
Children names	minors	sometimes relevant in prior matters
Related parties	grandparents, new partners	may be parties/witnesses
Employers/businesses	shared business	conflict in business disputes
Prior attorneys involved	other firm	check prior representation

6.2 Conflict check log (template)

Date/Time	Potential Client	Opposing Party	Matter Type	Conflict Result	Notes/Reviewer
02/14/2026 10:15a	Jordan Lee	Casey Lee	Divorce/Custody	Clear	Reviewed by Atty R.

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7) File Opening & Case Setup (Office Systems)

7.1 File opening checklist (front-to-back)

Step	Done?	Notes
Confirm conflict cleared	☐	
Engagement letter/retainer prepared	☐	
ID/contact details verified	☐	
Create matter in case management	☐	matter #:
Create folder structure	☐	digital + physical
Enter key dates (marriage, separation, hearings)	☐	
Create task list (first 14 days)	☐	
Send welcome + document request	☐	
Add communications log template	☐	

7.2 Recommended digital folder structure

- 00 Admin (retainer, IDs, billing)
- 01 Pleadings & Orders
- 02 Correspondence
- 03 Discovery (sent/received)
- 04 Financials (income, taxes, budgets)
- 05 Children (school, medical, childcare)
- 06 Property & Debts
- 07 Evidence (photos, texts, social)
- 08 Hearings/Trial Prep
- 09 Settlement/Mediation
- 10 Final Orders & Closeout

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8) Document Request Lists (By Case Type)

8.1 Universal "Day 1" document request

Category	Examples	Format Tips
Identification	driver's license, address proof	scan PDF
Children	birth certificates, school info	separate child folder
Income	last 2–3 paystubs, W-2/1099	label by year
Taxes	last 2–3 returns	include schedules
Bank	last 3–6 statements	one PDF per account
Debts	credit cards, loans, mortgage	include payoff amounts
Property	deed, title, appraisals	photos okay
Existing orders	custody/support/PO	certified if possible
Communications	key texts/emails	screenshots + export

8.2 Divorce-focused document add-ons

Topic	Documents
Real estate	mortgage statements, property tax, insurance
Retirement	401(k)/IRA statements, pension info
Vehicles	title/registration, loan statements
Insurance	health, life, auto policies
Business	P&L, balance sheet, K-1s (if applicable)

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9) Calendaring and "First 14 Days" Case Plan

9.1 Key dates to capture at intake

Date Type	Examples
Court dates	temporary orders hearing, mediation
Service deadlines	response deadlines after service
School/calendar	breaks, exchanges, enrollments
Safety/PO expiration	protective order end date
Move deadlines	relocation, lease end
Financial dates	paydays, support due dates

9.2 First 14-day task plan (template)

Day	Task	Owner	Notes
1	confirm retainer + open file	LA	
1–2	send intake/doc request packet	LA	
2–5	collect missing party info + addresses	LA	
3–7	draft initial pleadings from template	LA/Paralegal	attorney review
5–10	prepare service packet	LA	
7–14	organize documents + create summary	LA	for attorney

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10) Intake Notes that Help Attorneys (How to Write Them)

10.1 "Objective notes" rules

- Write **facts**, not conclusions ("client reports…")
- Use **dates, times, quotes** where relevant
- Separate **what happened** from **what client wants**
- Flag urgent issues with neutral language ("Safety concern flagged")

10.2 Attorney handoff summary (one-page format)

A. Parties/Children
B. Case Type + Status (no filings yet / already filed / served?)
C. Urgent Issues (safety, upcoming hearing, relocation)
D. Key Facts Timeline (5–10 bullets)
E. Assets/Debts Snapshot (high-level)
F. Client Goals
G. Missing Docs / Next Steps

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11) Examples (Realistic Scenarios + Completed Templates)

Example 1: Initial call (Divorce + children + urgent hearing)

Caller: Jordan Lee
Issue: Divorce; 2 kids; court hearing next week (already filed by spouse)

A) Quick screen result

Item	Data
Matter	Divorce + custody/support
Existing case?	Yes—served yesterday
Deadline	response due in 20 days (per client)
Urgency	hearing on temporary orders next Tuesday
Safety	no immediate danger reported

B) Conflict check entries (sample)

Field	Entry
Potential client	Jordan A. Lee (aka Jordan A. Rivera)
Opposing party	Casey M. Lee
Children	Avery Lee (9), Sam Lee (6)
Related parties	Casey's partner: Morgan Hill

C) Intake note snippet (objective)

- Client reports spouse served divorce papers on **02/13/2026**.
- Temporary orders hearing scheduled **02/18/2026** (client to email notice).
- Children: Avery (9), Sam (6). Current schedule: client has kids weekdays; spouse weekends.
- Client goals: stable custody schedule; child support established; remain in marital home if feasible.

D) Document request sent (top items)

- summons/complaint, hearing notice, any prior orders
- last 2 paystubs + last 2 tax returns
- mortgage statement + deed (if available)
- school contact info + childcare costs

Example 2: Safety-screen scenario (Protection order intake)

Caller: Maria K.
Issue: Requests protection order; stalking; weapons in home

Safety flag outcome (LA actions)

Red Flag	Client Statement	Office Response (Non-legal)
Weapons + threats	"He has a gun and threatened me"	escalate to attorney immediately; provide resource list; confirm safe callback
Stalking	"He tracks my phone"	advise client to use safe device/email; preserve evidence

Objective note example:

- Client reports threats and presence of firearm; states she is safe at this moment and speaking from friend's phone.

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12) In-Class Activities (Hands-on)

Activity A — Intake roleplay (15–20 minutes)

- Student A = client, Student B = legal assistant
- Goal: complete quick screen + safety screen + conflict check data collection
- Deliverable: 1-page attorney handoff summary draft

Activity B — Build a document checklist (10 minutes)

- Provide scenario (divorce w/ home + retirement + kids)
- Students produce a checklist using the tables above

Activity C — "Legal advice or not?" sorting exercise

- Give 12 statements; students label: **OK** vs **Not OK** + rewrite in safe language

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13) Assessments and Deliverables

13.1 Graded deliverables (suggested)

Deliverable	What students submit	Grading focus
Intake form (completed)	scenario-based intake	completeness + accuracy
Conflict check sheet	names/aliases/related parties	thoroughness
Attorney handoff summary	1-page summary	clarity + objectivity
Document request email	professional request	tone + organization
Calendar plan	first 14 days tasks	practical workflow

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14) Ready-to-Use Intake Templates (Copy/Paste)

14.1 Client intake mini-form (starter)

- **Client name / aliases:**
- **Opposing party / aliases:**
- **Children:** names/ages/schools
- **Matter type:** divorce / custody / support / PO / other
- **Safety concerns:** yes/no (details)
- **Existing orders/case #:**
- **Upcoming dates:**
- **Residency (client/children):**
- **Income sources:**
- **Key assets/debts:**
- **Client goals (in their words):**
- **Docs promised (list):**
- **Next steps scheduled:** consult date/time

14.2 Communications log (starter)

Date Method With Summary Next Step