

## Question Flowchart – Determining Legal Issue

This tool is not an 'intake tool'. It is most useful at the 'triage stage'. These questions will ensure the clients time with the solicitor is maximised and to assist lawyers prior to their appointment.

You do not need to ask all these questions at the first contact if your centre prefers to do a short intake before being triaged by a separate team.

Where the word is **highlighted**, it indicates that the client should bring this documentation to their appointment. This can also be found in the ['Email templates - client requirements – what to bring'](#) document. Where the script is **red**, you may choose to use this wording or personalise it.

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## Important note - No shows or cancellations

Once collecting this information from a client, if the notes are placed into an outlook appointment prior to the client attending the CLC for the first time, and being entered as a client in CLASS, it is important that it is not deleted.

This ensures the CLC is adhering to a trauma informed practice model and the CLC is compliant with the Risk Management Guide. If the client is a 'no show' or cancels their appointment, the CLC may consider changing the title of the appointment in Outlook to reflect this but should not delete the appointment.

## Determining area of law

### Example -

*Do you need legal advice or some other kind of help?*

*Is it about your family, a crime or something else?*

*Who is your concern?*

*Are you in immediate danger? (I understand it is a triage question, but it from my experience, a DV victim or example may always need to be consistently prompted to assess their safety)*

*What resolution are you hoping for?*

## Areas where the centre doesn't provide advice

### Example -

*We don't have lawyers who provide advice on that area of law, but here are some other options for you.*

Use your knowledge of local services to create warm referrals or provide referrals to clients\* You may also want to use the [CLCQ website](#) or [Ask Lizzy](#).

## Triage information

### Safety questions

### Example -

- 1. Are you in danger right now?*
- 2. Is it safe for us to contact you by phone or SMS or email?*
- 3. Is it safe to announce it is the legal centre calling if I need to call you back?*

4. *Do you have a number I can contact you on if the call drops?*
5. *Have you tried to contact any other community legal centres or legal aid before calling?*
6. *What is the best time for us to call you back?*
7. *Do you need me to contact police/ambulance on your behalf?*
8. *Do you need me to contact police/ambulance on your behalf confidentially?*

## Areas of law

Below you will find questions to ask according to the areas of law the client is requesting advice on -  
Feel free to also add your own.

## Family

1. Were you married or defacto?
  - a. How long were you together?
  - b. How long have you lived under the same roof?
  - c. Do you share finances or bills?
  - d. Do you have any bank accounts together?
  - e. Did you both put money in for bills and rent and anything you needed to buy?
2. Are you separated or **divorced**?
  - a. How long have you been separated?  
*Be mindful of time limits: 1 year for property settlement after divorce is final.*  
*Divorce may only be applied for 1 year and 1 day after proven separation.*
  - b. Has either person applied for a divorce?
3. Are there any children to the relationship?
  - a. How many and ages
  - b. Any safety concerns for the children?
  - c. Are there any arrangements in place for the children?
    - i. Consent **orders** or parenting orders or parenting plan?
  - d. Have you been to **mediation**?
    - i. When?
    - ii. What was the outcome?
  - e. Are there any court dates coming up?
4. What are the current arrangements?

- a. Who do the children live with?
  - b. Do any of the children have additional needs or experience a disability?
  - c. Are there any safety concerns for the children?
  - d. Are there any arrangements in place like:
    - i. Consent **orders**?
    - ii. Parenting **orders**?
    - iii. Parenting **plan**?
  - e. Have you been to mediation or tried?
    - i. When?
    - ii. What was the outcome?
    - i. Did you get a **certificate** from them?  
*Section 60I Certificate - certificate from mediator acknowledging that attempts to mediate were made, but no resolution can realistically be reached.*
  - f. Have you started the court process?
    - i. Have you received any court **paperwork**?
    - ii. Are there any court dates coming up?
5. Is there an issue with **proof of paternity**? If so, has part of your Centrelink payment been suspended while you seek child support? (If yes to both, tell client to apply for a grant of legal aid for proof of paternity as soon as possible).
6. Does the other party pay child support?
- a. Is this privately or through Department of Human Services?
  - b. Is there any disagreement about it?
  - c. Do you need help enforcing the payments?
7. Is there any property together?
- a. House? Vehicles? Bank accounts? Shares? Superannuation?
8. Are there any debts together?
- a. Loans? Mortgage? Car loans? HECS?
9. Has there been any domestic or family violence?
- \*Go to domestic and family violence questions\***

## Child Support

1. How old are the children?
2. Who do the children live with?
3. Are you seeking child support or paying child support?
4. Is this collected privately or through an agency?

## Property settlement

1. Were you married or defacto?
  - a. How long were you together?
2. Are you separated or **divorced**?
  - a. How long have you been separated?  
*Be mindful of time limits: 1 year for property settlement after divorce is final.*
  - b. Has either person applied for a divorce?
  - c. Has the divorce become final? When?
3. Was there real estate, superannuation, motor vehicles, savings, shares, businesses?
  - a. What is the equity of the assets?
  - b. What is the amount of the debts from the relationship?
4. Have you spoken about dividing the assets?
  - a. Is there an agreement in place like a **binding financial agreement or pre marriage agreement**?
  - b. Is there a dispute about dividing property?
  - c. Are there any **court orders** about the property?
5. What is the equity in the assets? Do you have a **current mortgage statement**?
6. What is the debt from the relationship? Do you have the **debt agreement** or amount?
7. Do you have access to any of the funds?

## Domestic and Family Violence

1. Are you safe at the moment?
  - a. If not refer to police or DV organisation such as DV Connect on 1800 811 811
2. Has there been any type of violence?
  - a. Physical, psychological, verbal, financial or controlling behaviour?

- b. Does your partner tell you who you can and can't talk to or where you can and can't go?
  - c. Are you allowed to work?
  - d. Do you have access to money?
- 3. Have the police been involved?
- 4. Has there ever been any domestic violence **orders** made between you and the other party against you or them?
- 5. Has an application for a **DVO** been made?
  - a. If so, who is it against? Do you know the conditions?
  - b. Is there a temporary order in place?
  - c. Were the police the applicants?
  - d. Any kids on the order?
- 6. Are there any children involved?
  - a. Are they on the order?
  - b. How old are they?
- 7. Are you getting any support at the moment?
  - a. Refer to [DV Connect](#) for emergency accommodation or [1800Respect](#) for support (or other DV support service such as MICAH or BDVS).

## Child Protection

- 1. Has your child been taken immediately into custody?
- 2. Have you been contacted by child safety?
- 3. Has there been a child protection order **application** made against you in court?
  - a. Do you have a copy of the **application**?
- 4. Has there been a **a court assessment order** made against you?
  - a. Do you have a copy of the **application**?
- 5. Is there a **temporary assessment order**?
- 6. Is there a **child protection order** in place?
- 7. Is there **an intervention with parental agreement** (IPA)?

## Crime and criminal law

- 1. Have you been questioned by police or charged with a crime?
  - a. Have they asked you to come to the station?
  - b. What are the charges?
- 2. Have you been to court?

- a. How many times?
  - b. Which court?
  - c. Did you see the duty lawyer?
  - d. What date?
  - e. When is the next court date?
3. Do you have a copy of your criminal history and QP9 or statement of facts?
  4. Do you know what you want to plead?

## Civil

### Money and debt

1. Is this about a fine?
  - a. What is the due date?
  - b. Have you elected to go to court?
1. Does someone owe you money?
2. Do you owe money?
3. Is there a dispute about how much or whether any is owed at all?
4. Was there a contract?
  - a. Do you have a copy of the contract?
    - \*they'll need a copy to get advice\*
5. Has it been to court or is it going to?
  - a. Have you been served with paperwork?
  - b. What does it say on the front page of the paperwork?
    - i. It will usually have 'application' and the response required date is usually 28 days from service
6. Have you made a response?
7. What stage are you at?
  - a. Were you sent a default notice, served with a Claim and Statement of Claim?
  - b. Was a default judgment given?
  - c. Have enforcement proceedings starting and have you been asked to give a statement of your financial position?
  - d. Is someone trying to repossess your vehicle or another asset?
8. Is there an order about it?

9. Has someone written you a **letter** or have you written a **letter of demand**?
  - a. What day did you/they get it?
  - b. Was it in the post or did someone give it to you? (were you served)
  - c. Have you/they **responded**?

## Centrelink

1. Have you received a **decision** from Centrelink that you disagree with?
  - a. Have you received it in **writing/a letter**?
2. Have you made an **application** to the Administrative Appeals Tribunal (AAT)?
  - a. You should apply within 13 weeks after receiving the decision.
  - b. Do you have a copy of the **application**?
3. Have you applied for a second review to the General Division of the AAT?
  - a. You should apply within 28 days of the first review decision.
  - b. Do you have a copy of the **application**?
4. Have you **applied** to Centrelink for a copy of your file under the Freedom of Information Act?
  - a. Do you have a copy of your file?
5. Have you received an overpayment?
6. Have you been served with court documents?

## Vehicle accident

1. Were you in an accident?
  - a. Were you at fault/liable or was the other person?
  - b. Is there a dispute about who is at fault?
2. What date?
3. Do you have **insurance**?
  - a. Comprehensive or 3<sup>rd</sup> party?  
***\*You may want to refer them to their insurance company if they do have insurance\****
  - b. Do they have insurance?
4. Have you put in a claim for damage?
  - a. Have they?
5. Have you got the **contact details** of the other party?



They will need to get the details of the other party before they can proceed after an initial advice. Need before first appointment. They can request the other party's details by requesting a [Queensland Motor Vehicle Register](#) search. To make an application you must supply 1 or more of the following:

- *a police traffic accident report (only if the police investigated the accident)*
- *a written permission from the registered operator*
- *an official request on letterhead from your insurance company, solicitor or lawyer supporting the vehicle incident or accident report*
- *a statutory declaration describing the off-road incident and property damage, with a copy of any available witness statements*
- *a statutory declaration describing the incident, with a repair quote.*

6. Did the police attend?
  - a. Was there an **accident report**?
7. Do you know how much damage there is?
8. Do you have a quote for repair?
9. Are there any court proceedings?
  - a. Have you been given any paperwork about a court date?
  - b. When were served/ given the paperwork (usually on front of first page)?
  - c. What's the next court date?

## Neighbourhood dispute

1. Do you have the other parties' details?
2. Have you been abused or harassed?
  - a. Do you have any examples or photos or videos?
3. Is there a peace and good behaviour order?
  - a. Are you the applicant or respondent?
  - b. Do you have a copy of the application/ paperwork?

## Employment

1. Were you employed or working for yourself?
  - a. Full time? Part time? Casual? **Contract**?
  - b. For how long?
2. How big is the company you worked for?
  - a. How many employees?

3. Were you dismissed?
  - a. Were you given a letter of dismissal?
  - b. When were you dismissed?
    - i. \*21 day limit applies for unfair dismissal with FWC\*
4. Was there discrimination?
  - a. What date/s?
5. What was your salary?
6. Have you spoken to the Fair Work Commission or the Fair Work Ombudsman or Human Rights Commission?
  - a. Have you made an application with them?
  - b. Do you have a conciliation coming up?
7. Are there any unpaid wages?

## Anti-discrimination

1. How do you believe you were discriminated against?  
*(make sure the person feels safe to say so, they need to feel heard and believed)*
  - a. When?
  - b. Where?
2. Have you spoken to the Queensland Human Rights Commission?
  - a. Did you make an application?
  - b. Do you have a conciliation date set?
3. Have you spoken to the Australian Human Rights Commission?
  - a. Did you make an application?
  - b. Do you have a conciliation date set?

## Buying a Car

1. Was it purchased privately or through a dealer?
2. How long ago?
3. Do you have the paperwork/receipt/emails?
4. Do you still have the car?