Who Is Walking Through Your Office Door?

How to Recognize and Raise the Issue of Family Violence in Court

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JOHN

How we will work together

- Five fictional composites with different needs
- Four polls about the next useful step
- Send Questions through Zoom Q&A, without client identifiers
- We reserved a few minutes for audience questions before closing this presentation

Assume no immediate emergency in each poll unless the facts say otherwise.

The client we might misread

- The calm professional who describes fear without visible emotion
- The angry parent who has trouble giving a linear account
- The man or LGBTQ+ client who expects disbelief
- The teen who calls surveillance “relationship drama”

Appearance and demeanor give us questions to ask. They do not resolve credibility.

A private first conversation

- “Can you speak freely, and who can access this device?”
- “What happens when you disagree or try to leave?”
- “Has anyone blocked an exit, forced sex, strangled you, or threatened you?”
- “What would make legal help safer and more useful today?”

Nadia wants the divorce finished

"I earn the money. He controls every account."

- Nadia, 36, is a physician and parent of two children.
- Her spouse checks her phone and threatens immigration consequences.
- Her spouse has assaulted her physically in front of the children on several occasions.
- Last month he blocked the doorway and gripped her arm.
- She wants a quick agreed divorce. She fears what serving her husband will trigger.

Fictional teaching composite

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Poll 1
What comes next for Nadia?

A. Send the intake packet to the shared family email

B. Agree on a safe contact method and clarify her priorities

C. File and serve immediately without further consultation

D. Invite her spouse to explain the account restrictions

Choose one answer. We will discuss after voting.

Nadia needs a plan she can use

- B is the best next step under these facts.
- Discuss service, separation and likely points of retaliation.
- Review available funds, records and housing before commitments.
- Consider tailored temporary relief and qualified immigration counsel.

A survivor’s decision to proceed slowly can reflect an informed safety choice.

MAISHA

Culture and identity in the interview

- “What might happen if family or community members learn this?”
- “Who feels safe to involve, and who does not?”
- “Which language or communication format works best for you?”
- “What assumptions have other helpers made about you?”

The client explains the meaning of family, faith and identity in this case.

Poll #2
Nadia’s temporary hearing

A. Connect specific incidents and evidence to tailored relief

B. Rely on the phrase “coercive control” without supporting facts

C. Wait for a criminal conviction before raising family violence

D. Offer a standard parenting app as the full safety response

Choose one answer. We will discuss after voting.

The court needs specific facts

- What happened, when and who observed it?
- What evidence supports or contradicts the account?
- How did the conduct affect this client or child?
- Which legal requirement and requested relief connect to those facts?

Abuse assessment, statutory proof and admissibility require separate analysis.

A request the court can act on

- A supports a fact-based request for relief.
- Apply §153.004 to conservatorship and access when children are involved.
- Address exchanges, contact, decision-making and enforcement details.
- Evaluate the family-violence objection to SAPCR mediation under §153.0071(f).

Match the statutory findings and proof to the relief requested. A DV disclosure does not decide every issue.

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Marcus says he fought back

"I pushed him away. Now I am the one who was arrested."

- Marcus, 41, seeks divorce from his husband. They co-parent a child.
- He describes repeated threats, blocked exits and financial monitoring.
- He pushed his husband during the latest incident. His husband fell and hit his head. He sustained a large contusion. The police were called and Marcus was arrested.
- He fears that his anger and the arrest will define the custody case.

Fictional teaching composite

Poll #3
How should counsel assess Marcus?

A. Treat the arrest as conclusive proof of who abused whom

B. Advise him about the criminal charge before asking about safety

C. Examine the pattern, context and purpose of each person’s conduct

D. Delay all screening until the criminal case ends

Choose one answer. We will discuss after voting.

Conduct in context

- C supports an individualized assessment.
- Document threats, injuries, restraint and earlier incidents.
- Examine fear, control and any defensive purpose.
- Preserve favorable and unfavorable evidence. Coordinate with criminal counsel.

Texas definitions exclude defensive measures to protect oneself. Apply the legal facts carefully.

Renée needs access to her own money

"He says I cannot manage without him."

- Renée, 68, seeks divorce after 32 years of marriage.
- A stroke affected her speech and mobility. She understands the discussion.
- Her spouse withholds medication and moves retirement funds.
- Her adult daughter answers every question and offers to pay counsel.

Fictional teaching composite

Access and autonomy for Renée

- Ask Renée which accommodations and supporters she wants.
- Clarify who the lawyer represents and what the daughter may receive.
- Address medication, funds and housing alongside the divorce.
- Apply the elder-abuse reporting duty when its threshold is met.

Tex. Hum. Res. Code §§48.002, 48.051. TDRPC 1.08(e), 1.17.

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Eli wants the messages to stop

"Please do not tell my parents who I am dating."

- Eli, 15, reports an ex-partner's tracking and threats to share intimate images.
- The ex also threatened to hurt Eli after school.
- Eli fears family rejection and losing access to friends.
- A parent wants to hire counsel and receive every update.

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Poll 3
Before Eli’s detailed interview

A. Let the paying parent direct the interview

B. Promise that every disclosure will remain confidential

C. Give the parent a full account automatically

D. Clarify the client, privacy limits and opportunity to speak privately

Choose one answer. We will discuss after voting.

Representing a teen client

- D creates a clearer starting point for representation.
- Define the role, scope, conflicts and any fee-payer arrangement.
- Use age-appropriate explanations and check understanding.
- Assess protective-order options separately from other service consent.

TDRPC 1.05, 1.06, 1.08(e), 1.17. Tex. Fam. Code §82.002.

Confidentiality and reporting limits

- All persons must report qualifying child abuse or neglect immediately.
- A covered professional must report within 24 hours and cannot delegate.
- The duty includes attorneys despite otherwise privileged communications.
- The reporting agency depends on the alleged actor and setting.

Tex. Fam. Code §§261.001, 261.101, 261.103. SB 571 changed 48 hours to 24 in 2025.

A digital safety plan Eli can keep using

- Map shared accounts, location access and school contact.
- Discuss retaliation before changing access or blocking accounts.
- Preserve threats safely without circulating intimate images.
- Choose safe support and communication that preserve connection.

Darren wants counsel to “send a message”

“Subpoena her therapist. She will learn not to challenge me.”

- Darren denies abuse but admits monitoring his spouse’s location.
- He wants litigation to pressure her into returning.
- He has a right to legal representation and to contest allegations.
- His instructions raise questions about improper use of the case.

Fictional teaching composite

Representation with clear boundaries

- Evaluate relevance, privilege and the lawful purpose of discovery.
- Explain court orders and the consequences of continued monitoring.
- Decline tactics that use counsel to threaten or harass.
- Offer accountability resources. Assess confidentiality duties if threats emerge.

TDRPC 1.02(c), 1.05, 3.04, 4.04. A referral or certificate alone does not establish safety.

A plan for the next client meeting

- Record a safe contact method and explain privacy limits.
- Ask about behavior, fear and the consequences of disagreement.
- Agree on the client’s next legal step and needed support.
- Document facts and revisit safety before each major case event.

Questions and application

What fact would change your next step?

Where might your office process create a barrier?

What would you need before asking the court for relief?

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Effective representation begins at intake

A client needs a safe way to tell you what is happening and a legal plan they can use.

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