

40 Years

Working Together for Children
1976 - 2016



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Indiana Child Support Conference

Legal Advice v. Customer Service

The Good, the Bad, and the Ugly.
When customer service becomes legal advice

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TOPICS TODAY

- What is customer service
 - What sets us apart
 - Who are our customers
 - Traits of Good Customer Service
 - What IVD Offers and doesn't offer
- What is legal advice
 - The practice of law
 - Rules of Professional Conduct and penalties
- Providing good customer service without legal advice
 - Various customer service scenarios
 - Example responses
 - Local resource suggestions for participants

OUR DEFINITION OF CUSTOMER SERVICE



Understanding and anticipating what the customer needs and then knowing how to meet and exceed those needs.

Paul J. Bogdan

CUSTOMER SERVICE

- Are we in the customer service field?
Why or not?
- What sets us apart from the private industry:
 - Our product sells itself.
 - Captive Audience-or customers don't know what they want and they have no where else to go for the same services we offer.
 - No brand loyalty-our customers don't have a choice to shop around.

Traits of good customer service

- Pleasant voice
- Proper posture and positive body language
- Eye contact
- Not stereotyping
- Pleasant greeting
- Pleasant closing
- Consistency
- Ability to move on from confrontation

Customer Service

Customer Service is an integral part of our job and should not be seen as an extension of it. Our most vital asset is our participants. Without them, we would not exist.

Who are the customers?

A person with whom one has dealings

- Custodial Parents
- Noncustodial Parents
- Dependents
- Employers
- Courts
- Other Agencies (IV-A, Sheriff's Depts., Police, Interagency Depts., etc.)
- Child Support Enforcement Workers

You Deliver Customer Service Every Time That You

- Pick up the phone
- Talk with Anyone Face-to-face
- Work a case
- Assist a co-worker



What is Effective Customer Service

Prompt Attention
Courtesy

Personal Attention
Empathy

Reliability

Knowledge

Reliability

Let your customer know ahead of time if you are unable to provide the service a customer seeks

Do not build false expectations

Knowledgeable

Know the product

Use your knowledge to help our customers

Empathy

- *I can see why you feel this way*
- *I see what you mean*
- *That must be very upsetting*
- *I understand how frustrating this must be/ I understand your frustration*
- *I'm sorry to hear about this*
- *Let's see what we can do about this*

Stick to what the agency can and can not do

Let the customer seek an attorney

if he/she is not sure what to do

What IV-D Offers

- Title IV-D Services:
 - Locate
 - Establish Paternity
 - Establish Child Support Orders
 - Enforcement of Child Support Orders
 - Modification of Child Support Orders
 - Establish Orders for Health Insurance

What IV-D Does Not Offer

- Mediation, Litigation, or Dispute resolution over:
 - Custody
 - Visitation
 - Parenting Time
 - Parenting Time Credit
 - Tax Exemptions
 - Establishment or Enforcement of post secondary education expenses
 - Disestablishing Paternity for Mother or Father
 - Obtaining judgments on Medical Expenses

What is Legal Advice?

Giving of a professional or formal opinion regarding the substance or procedure of the law in relation to a particular factual situation.

What is Legal Advice?

- Give advice or opinions about legal effects of documents
- Give advice or opinions about legal rights of parties
- Advise people as to what legal steps they should pursue
- Evaluate a case and then advise someone they can proceed *pro se* (represent themselves)

Practice of Law

“The practice of law includes ‘the doing or performing services in a court of justice, in any matter depending therein, throughout its various stages ... [b]ut in a larger sense it includes legal advice and counsel....’ ” *Matter of Fletcher*, 655 N.E.2d 58, 60 (Ind.1995) (quoting *Fink et al. v. Peden*, 214 Ind. 584, 589, 17 N.E.2d 95, 96 (1938) (other citations omitted)).

Dumes v. State, 23 N.E.3d 798, 803 (Ind. Ct. App. 2014)

Why is this important?

Rules of Professional Conduct 5.3(c)

Attorneys in the office **SHALL** be responsible for conduct of [nonlawyer assistants] that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer.

1. Lawyer knows about the conduct
2. Fails to stop the conduct or correct the conduct

Why is this important?

Rules of Professional Conduct R5.7

Requires that reasonable measures are taken to assure that each person using the law related services know that the services provided are not legal services and that this is not a client-lawyer relationship

Scenario 1

Mrs. Jones calls you and tells you that she wants to claim the children on her taxes this year.

She says that her ex-husband “has claimed the children for YEARS! And he’s not even paying his child support!”

What can I do to claim the kids this year and stop him from claiming them on his taxes.

What does my court order say? Well, can you file contempt against him for claiming the kids on his taxes when he’s not supposed to?

Scenario 2

Mr. Michael comes into your office and want to talk to his caseworker about stopping his child support.

Mr. Michael says: “The kid’s Mom just dropped them off at my house and left. It’s been a month and I can’t reach her and she hasn’t come back. I want my support stopped NOW!”

What if CP is receiving TANF benefits?

Scenario 3

Ms. Sarah Martin calls your office and asks you for help with changing the names of her twins that were born 20 years ago.

Ms. Martin has not been a program participant for several years and wants to join again for the name change.

Ms. Martin wants to know how to get the middle names of the girls fixed.

Scenario 4

Mr. Johnson calls you. After he tells you he wants to get full custody because Mom isn't letting him see the children, you give him the SELF-SERVICE LEGAL CENTER website:

(<http://www.in.gov/judiciary/selfservice/index.htm>)

Mr. Johnson then comes into your office later and says:
“There’s too many forms. I don’t know which one to use.
Can you help me fill it out?”

Scenario 5

Marsha calls you and wants to know about how she can get Greg to pay the medical bills. He's never paid!

You say: I can help you with that. Ok, this is what you need to do. First, get a copy of all the medical bills. One copy for the court and one copy for Dad. If you've got copies of any messages that you already gave Greg to pay, bring a copy of those. You'll need to file a Motion with the Court for Medical Expenses. Here's the website to get the form. If you need help filing the form out, just give me a call back, but it pretty much explains itself. Then you'll just file everything with the court and get him served. I'd suggest personal service that way if he doesn't show, the Judge might let you proceed without him there. Now, it looks like you've gone to court on this once before and got a judgment. Wasn't that for the braces? Ok, so this time, you'll want to let the Judge know how much he's paid towards that.

Finally, Marsha just asks, why can't your office just file this motion for me? You tell her because our office doesn't get the judgments we just enforce them.

Scenario 6

Mr. Spencer calls you and tells you that he was diagnosed with terminal, stage 4 cancer and that he was approved for SSD. That his son is eligible for derivative benefits and will be getting \$943.00 per month. He asks for a child support modification because of the change in his income. He also tells you that his driver's license was previously suspended as well as his passport. He wants to get he asks you how he can get his driver's license back and his passport because his sister wants to take him on one last trip.

What can you do for Mr. Spencer?

Scenario 7

Tammie Johnson is one of your well know custodial parents. She calls in often for enforcement because she wants her child support and little Tammy Jr. needs that money.

You contact NCP, Mr. Schweller, and ask him about his job and job searches in an effort to learn the circumstances.

Mr. Schweller tells you, “I didn’t think I had to pay child support since the CHINS court placed the kids with me. At least, that’s what the CHINS court told me.”

Sometimes you have to say “No”

- Explain why it can't be done
- Don't quote “because it's office policy” or “because it's the law”
- Offer an alternative

What you Can Say

I'm sorry we/I can not help [this situation]. What I can do is offer you some resources that you might use to assist you in this matter

And/or...

If you would like to contact an attorney I can give you some resources to contact an attorney or to get self-help legal forms.

Lawyer Referral Service: Their office hours are Mondays – Fridays from 9:00 AM to 2:00 PM. Their telephone number is (260) 423-2358.

Legal Line: (Helpful if participant is not sure they need an attorney. You can speak directly with an attorney for free every Tuesday evening from 5:00 PM to 7:00 PM just by calling (260) 423-2358.

Volunteer Lawyer Program of Northeast Indiana: (260) 407-0917 or toll free at 1-(877) 407-0917. Their Website is <http://www.vlpnei.org/>.

Indiana Legal Services: (260) 424-9155 or (888) 442-8600. Their fax number is (260) 424-9166. Their website is <http://www.indianalegalservices.org/>

Local Bar Association or Indiana State Bar Association <http://www.inbar.org/>

Indiana Supreme Court Self-Service Legal Center <http://courts.IN.gov/selfservice/>

Indiana Government - Family Website

<http://www.in.gov/core/family.html>

Public Library for research materials