

Some important things to remember with every call (updated 8/11/06)

The customer's call may be the only time they reach out for help.

- Recognize each call as perhaps the only opportunity to help someone make the changes they desire in their case (or life). Do your best to help them understand the procedural issue presented to solve the immediate need, identify what resources may be helpful in the future, and provide them with your contact information in case of the need to follow up further.
- It is very likely the call you are on will be the ONLY time the person will talk to us - 85% of our telephone customers have only one contact with the FLSHC. Therefore, it is important to give closure to each contact by providing enough information, forms and instructions to move forward in their case.

You are the authority on court procedure to the customer.

Be mindful of the fact that you are a highly trained facilitator and very likely the most knowledgeable person with whom the customer will have an open and frank conversation about his or her case. When you know the answers, communicate with confidence.

Provide appropriate referrals. Don't ask if the caller wants them, but instead tell them: "Please get a pen to write down the following important contact information . . ."

It is OK to not know all the answers to the customer's problems.

- When you don't know the answer, don't try and hedge or feel badly about it. Do NOT guess, especially if you are unsure of whether you are close to crossing the line between providing legal information and giving legal advice.
- Ask Katherine or Stacey for help if they are available. If not, get the customer's phone number and tell them your supervisor will call them back. When possible, provide closure to the customer's situation by directing them to forms and instructions, and tell them that we will contact them if we can help them further.
- When you don't know the answers, here is a way to communicate clearly that you don't know and you are not providing information on a topic:

- "That's a good question and I don't know the answer. I will ask my supervisor, but it is very likely that getting the answer involves legal analysis and advice, which of course I cannot give you, as we've discussed earlier. If I find out anything helpful, I can call you back, but in the mean time you need to proceed with your case as you see fit."

You are the voice for the Alaska Court System.

Your interaction with the customer will hopefully provide a positive impression for their court experience. You have the opportunity to help a customer and connect with them by letting them know you appreciate some of the challenges they face and the importance of their issues. You may be the only helpful and knowledgeable person the customer may come into contact with from the ACS. On the flip side, the customer may have had negative experiences with the court before and may express bad feelings toward you without any personal basis. Recognize their past bad experience and let them know you are trying to help now.

Customers have many needs and may be calling for more than information about court procedure and forms. They may just want someone to talk to and someone to listen to their problems. They may have experienced something traumatic or may be living with a series of problems.

Show compassion and let them know that you appreciate their situation is difficult, BUT there is nothing we can do other than provide appropriate social service referrals.

Customers may ramble on and talk about things that are outside the scope of our services.

- Explain you understand their issues are important and to be able to help them, you need to keep interrupting them to keep them on track. Remind them that our services are limited to legal information about family law cases if necessary. Here is an example of some language that shows compassion, acknowledges their difficulties, reminds them of the limited scope of our role, and hopefully gets them back on track:
 - "I hear in your voice how terribly painful this time is for you, and I don't want you to think I am insensitive by interrupting, but we need to stay on track with what I can help you with. And as we've discussed, what I can help you with is understanding court

procedure. So lets get re-focused on that and at least make that part less upsetting."

- Provide appropriate legal and social service referrals.

You don't want to know every detail about the caller's situation. You only need to know the relevant information to understand where the case is procedurally.

- You don't want to create the impression that you are giving legal advice by applying the caller's facts to the law. Always give the caution at the beginning of a call with a new customer and restate as necessary. Use hypotheticals to explain concepts that may help the caller understand what you are talking about, but if possible, use an example that is not exactly the same facts that the caller has.
- You don't want to create dependence by the caller on you. While it is important to be responsive to a caller's needs by spending adequate time to help him/her understand procedure and forms and to explain their options, you should not allow the caller to rely on talking to you for every move in their case. Treat each call as if it is the last time you will speak with the caller and give them as much information as you can at that time to proceed on their own. If there is information that you don't know at that time because you haven't seen a file or spoken with a supervisor, give the caller the best information possible at that time and tell them if you find out anything more, you will call back. But if you don't call back, he/she needs to move ahead based on the best information given at that time.
- You don't want to be a witness subpoenaed to testify in the caller's case so the less you know, the less valuable you are as a witness. Be aware that our office does not keep records specific to a call and we do not keep files on individual cases.

Court proceedings may be overwhelming and intimidating and scary to customers.

Let customers know you understand this process can feel overwhelming and intimidating and scary but by actively engaging in their case through educating themselves about what to expect and preparing for each step of their case, they can feel more comfortable and will be more effective in communicating with the judge.

Customers are often confused about what has occurred in their case.

The information you give out to customers is only as good as the information that it is based on. In other words, if the customer gives you an incorrect procedural history or inaccurate statement from the judge or agency, then the information you tell them is likely to not further their case. Always look for red flags by recognizing where the customer's version doesn't make sense and ask more questions. If you can't get a clear picture of what is going on, try to get the file from the court where the case is proceeding (or have someone read or fax you information from the file if the case is outside of Anchorage).

Customers may have difficulty accepting the outcome of their case and call numerous times with unrealistic or unreasonable expectations.

Recognize the emotional difficulties that often accompany family law cases. Remind the customer the limitations of FLSHC services and let them know of their procedural options. When appropriate, kindly let them know we can no longer help them because their case is over or they already understand everything we can tell them to further their case. You can also simply transfer the call to Stacey or Katherine.

Customers may think their situation is an emergency and that the judge should consider the issue on in an expedited motion.

Comment [k1]:

- While some situations are really emergencies and require expedited consideration by the court, most times it is not necessary. It is very important to let the customer know that they should only file an expedited motion if it is a true emergency justifying expedited consideration. You cannot decide whether it is an emergency but you can educate them on situations that are considered good reasons to file an expedited motion.
- Here are some examples of an emergency:
 - Customer knows other side has a plane ticket to leave the state or country with their child in 3 days (despite the standard order to not leave the state without permission of the other side or the court).
 - Customer believes the other side is selling the marital home and closing next week (despite the standing order to not dispose of marital property).
 - Customer wants other side to pay interim spousal support to avoid the house going into foreclosure which is supposed to happen next week.
- Here are some examples of frustration, but not emergencies:

- Customer wants to change the visitation schedule because it hasn't been working out well (no violence or abuse alleged) and wants the court to do it ASAP.
- Customer wants the other side to pay child support that she hasn't been doing and want the court to order it ASAP.
- You CANNOT evaluate for a person whether they have an emergency, however you'll have a sense of where it fits on the continuum. In other words, you must provide the expedited paperwork to anyone who asks. However, you should also provide extensive education about:
 - What exactly an expedited motion accomplishes & how the procedure works. Most people think it guarantees an expedited decision of the underlying motion, when actually it focuses on an expedited briefing schedule. Make sure that the caller understands that a denial of the expedited motion does not mean a denial of the underlying motion.
 - When expedited motions are appropriate - true emergency issues when there won't be enough time for the regular motion practice timelines
 - The downsides to filing an inappropriate one - may make the judge angry
 - All of the requirements that must be met before filing
 - All the requirements on the form
- Remind people that there are other avenues to resolve things than court: OCS, police, coming up with another solution
- Often times, people call asking your permission to violate an existing court order because they don't have time to modify. Here is some language you might find helpful:
 - "I understand what you are saying, but I cannot give you permission to violate a court order. It is your decision what you do. You may want to talk with a lawyer about your options. I can tell you that if you violate a court order, the other side would have to file something in court and ask the judge to "hold you in contempt," which could range from admonishment (a talking to) to imprisonment. You would get a chance to respond to their claims, and perhaps you think you have a defensible position. But you alone are making the final decision, and few minutes of talking with a lawyer about the possible outcomes would be very valuable."

**There may be domestic violence, even if the customer says there is none.
Screen each case for domestic violence.**

If there is domestic violence in a case, the information and referrals you give someone will be different than if there is not. Therefore, look for red flags such as:

- "He is really controlling"
- "He just really freaks out"
- "He won't let us sleep at night"
- "I just had to get out of there, things were getting really bad"
- "He won't let me get a divorce"
- "He kicks/shot the dog"
- "He controls all the money"
- "He won't let me see my friends/family"
- "He is extremely jealous"

If there is DV, you may provide some or all of the following information:

- ❖ Introduce the concept of a safety plan & give the local women's shelter contact and the Alaska Network on DV and Sexual Assault's webpage address
- ❖ Give a shelter referral, explaining that the services go way beyond shelter, to include counseling and coordinated efforts to help someone re-build their life
- ❖ Give them Public Benefits information, possibly explaining the basics of ATAP, food stamps, and housing options
- ❖ If they are involved with the military, provide a referral to base services and tell them that the batterer may be removed from the housing and the dependant can get a ticket "home"
- ❖ Tell them that they may have special legal issues that really do require legal consultation, i.e. decisions to leave the state and the legal ramifications (give them the ANDVSA LAP contact information); immigration status (CSS referral)
- ❖ Provide legal advice options: private attorney, ANJC, ALSC, ANDVSA
- ❖ Tell them about protective orders, explaining the relief they offer and tell them where to find Pub. 22 *How to Represent Yourself in Alaska's Protective Order Process* (available on FLSHC website and hard copy)
- ❖ If taking the child out of the USA is a possibility, tell them about the International Child Abduction webpage

Most people are happy to provide the survey information requested.

While it may seem invasive to ask the survey questions, most people are happy to give the information because they just received free help. Many customers are used to giving out their personal information because they are involved with public and social services and recognize it is part of the routine in getting free government assistance. With the unlikely customer who refuses to answer the survey questions, don't press them for answers.