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**45th National Conference  
on Pediatric Health Care**


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**A Roadmap for Supporting  
Children and Adolescents with  
Autism and their Caregivers in  
a Family Court System**

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Jefferson Health



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Experts in pediatrics. Advocates for children.

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**Our Goals Today**

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Identify the challenges encountered by individuals with autism spectrum disorder and their caregivers in the family court setting.

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Describe appropriate strategies when working with individuals with autism spectrum disorder in a family court setting.

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Discuss the benefits of an autism friendly court room for families.



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How Did We  
Get Here?



**Justice Kevin Dougherty**  
Office of Children and Families in the  
Courts Administrative Office of Pennsylvania Courts |  
Supreme Court of Pennsylvania





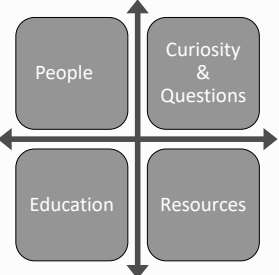
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**Our Path Forward**





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## The Current State

### American with Disabilities Act

- Based on civil rights law to prevent discrimination
- Applies to Autism and invisible disabilities
- But there are no guidelines for invisible disabilities
- The care and support that some need but everyone deserves

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## Social Justice and Autism



- “[P]eople with learning disabilities, developmental disabilities, and mental health issues have become excluded from the social justice organizations that we have been a part of. Even in grassroots collectives and unions that strive to be inclusive and where people know how to talk about disability, many people don’t know concretely what steps to take to make their organizing more inclusive of us.”
- ~ Neurodivergent advocate Liz Kessler (2015)

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## Challenges

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## Autism Facts

1:36 US children  
have autism

4:1 Boys to Girls

Crosses all racial,  
ethnic and  
socioeconomic  
groups

100 million people  
worldwide

50,000 in US enter  
adulthood every  
year

Can be  
unidentified in  
women\*

Can be genetic  
(can run in  
families)

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#### Autism Facts

- Individuals with autism may or may not have intellectual disability
- Autism is not caused by parenting
- There is no medical cure for autism
- If you know one person with autism, you know one person.
- You may not be able to tell an individual has autism.

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#### Parents and Caregivers of Children with Autism

- Mothers of children with autism have as much stress as soldiers in combat
  - Subjective and by cortisol levels
  - Extreme parenting can cause PTSD, priming the person for battle
  - They may react quickly and extremely, and it is important to de-escalate a situation instead of react to them

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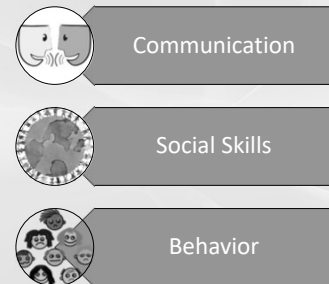
#### What is Neurodiversity

- People experience and interact with the world around them in many ways; there is no one "right" way of thinking, learning and behaving.
- Differences are not viewed as deficits
- Autism
- Intellectual and Developmental Disorders
- Psychiatric Diagnoses
- Neurological Problems
- Aging
- ADHD
- Anyone with a novel and stressful medical condition or significant life stressor (including supporting a family member with challenges)



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#### Autism Affects



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#### Communication

- May not respond to name
- May not respond to 'stop'
- May have difficulty understanding
- May not speak
- May use pictures or technology to communicate
- May repeat or script
- May have language but not be able to have a conversation
- May have trouble expressing needs
- Can be very literal

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#### Social Skills

- May have poor eye contact
- May seem to ignore you
- May not read facial expressions
- May have poor sense of personal space
- May not understand social situations without explanations or practice, including the role of security
- May not understand the perspectives of others

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#### Behavior

- May be affected by changes in sensory information (lights, noises, textures)
- May tantrum
- May have atypical or repetitive behaviors
- spinning, rocking, jumping, looking at things out of the corners of their eyes, head banging
- May get stuck on certain topics
- May read but not be able to speak
- May not understand danger
- May run off-ELOPEMENT

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#### Behavior

- May be very rigid about expectations
- Behavior may worsen in new situations
- May worsen in environments that have crowds and other sensory information or any added stress
- Behaviors can look like a lack of cooperation when they are just efforts to get out of a painful situation
- Avoid simply responding with increased force

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Social Justice Challenges

|                                 |                            |
|---------------------------------|----------------------------|
| Time to Diagnosis               | Availability of Treatments |
| Special Education               | Pandemic Challenges        |
| Americans with Disabilities Act | Neurodiverse Guidelines    |



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The Interview




What does autism look like in a cross-examination or an interview?

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The Parent Experience



Stress
PTSD
Quick to React

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Possible Judicial Challenges


| Person   | Parent   | Medical   | Neglect   |
|--|--|---|---|
| Easily manipulated<br>Poor social understanding<br>Difficult to interview<br>Elopement | Parents might have ASD<br>Parents might erroneously appear to be harming kids<br>Parents are stressed<br>They do not respond to typical parenting strategies | Poor sleep hygiene<br>Altered nutritional habits<br>Dental issues | People with autism are at higher risk for abuse<br>Misrepresentation of situation (yelling can feel violent)<br>Truancy |


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Things You Can Do Now

### Become aware of who has autism






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Things You Can Do Now

|                         |   |
|-------------------------|---|
| Be Patient              | Look for Clues (Rocking, Lack of Eye Contact) |
| Use a calm voice        | Use simple, literal language                  |
| Use one step directions | Allow time for a response                     |
| Decrease distraction    | Ask a parent or caregiver                     |



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Things You Can Do Know in the Court room

|   |  |
|---|--|
| Request a hearing break if possible   | Allow support people in the courtroom        |
| Ensure communication devices such as iPads or phones are allowed in the courtroom | Identify a quiet space within the courthouse |
| Use one step directions and age-appropriate language and tone                     | Allow time for response                      |
| Decrease distraction  | Ask a support person what is needed          |
| Be aware of sensory triggers  | Allow them to be heard                       |



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## A Day in Family Court


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**Strategies to Use Now**

|  |   |
|--|---|
| Meet with your client/attorney several days before a hearing | Schedule a tour of the courthouse and courtroom |
| Help your client understand the court process                | Review courtroom rules and decorum              |

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**Strategies to Use Now**

|   |
|---|
| Communicate with the Judge and other attorneys regarding needed accommodations            |
| Advocate for needed accommodations for your client  |
| Ask your client who they trust and would like to be with them in the courthouse/courtroom |

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**Please Do Not**

|                              |  |
|------------------------------|--|
| Draw conclusions on your own | Stare  |
| Rely on facial expression    | Try to stop self-stimulatory behavior        |
| Demand eye contact           | Talk about someone as if they were not there |



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**APPLYING YOUR KNOWLEDGE**

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### Scenario One

• You are the Guardian Ad Litem in a dependency court matter. Your client, Tommy, is a three-year-old boy with poor eye contact. He does not answer to his name and has been running off, sometimes into unsafe situations. Some of the averments in the dependency petition include:

- He has been thrown out of 3 other preschools/daycares.
- He has had unexplained bruising on his forehead over many months.
- He agreed to the questions asked by the caseworker about his parents hurting him, answering yes to all questions.
- Tommy can use words to communicate but speaks very little to others.
- He has been an elopement risk on the playground at preschool.
- Tommy tends to engage in repetitive behaviors, including sometimes banging his arms, legs, or head.
- Dental records indicate several cavities.
- It was reported that Tommy brings three cheese sticks and a bag of gummy bears daily for lunch.

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### Questions to discuss

1. What are the features of autism in this case?
2. What accommodations might Tommy need in anticipation of a court visit?
3. How would you present your case?

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### What are the features of autism in this case?

- Poor eye contact
- Does not answer to his name and speaks infrequently
- Elopement
- Banging arms, legs, head
- Dental cavities occur as brushing teeth is often a challenge
- Individuals with ASD often have sensory issues, limiting their food intake.

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### What accommodations might Tommy need in anticipation of a court visit?

- Meeting with Tommy several days before the court hearing would be helpful
- Review the questions that he will be asked
- Arrange for a tour of the courthouse and courtroom, so it is not a new situation. Transitions and schedule changes can be difficult.
- Email the Judge and other attorneys to share accommodations that may need to occur for Tommy, such as allowing Tommy to testify from his seat or allowing him to have an iPad with him to assist in communication

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### Scenario Two

- You are representing a 38-year-old mother, Sara, in dependency court. Sara's son, Edward, is six years old. There is a concern that Sara is not caring for her son. She has only been feeding her son a few types of food. This is concerning as he has vitamin deficiencies and has been losing weight. You have only met with Sara 20 minutes before the hearing. You noticed that her eye contact is variable, and she seems very literal in her conversation understanding. Other observations include:
  - Sara is dressed in casual clothing.
  - She fidgets, squirms, and moves in her seat continuously.
  - Sara does not respond for a few minutes when the attorneys or the Judge asks her a question.
  - Sara has poor eye contact with the Judge and other attorneys.

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### Questions to discuss

1. What are the features of autism in this case?
2. What could you do to prepare for the case before the hearing?
3. How would you present your case?

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### What are the features of autism in this case?

- Does not understand the social convention of how to dress for court
- Fidgeting and squirming in her seat may be a way she comforts herself, but it does not mean she is not listening.
- Poor eye contact
- Long pause before answering- Some individuals with ASD need some extra time to process language

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### What could you do to prepare for the case before the hearing?

- Arrange for a tour of the courthouse and courtroom, so it is not a new situation. Transitions and schedule changes can be difficult.
- Practice questions before the hearing more than a neurotypical person
- Email the Judge and other attorneys to share accommodations that may need to occur, such as allowing time after questions for Sara to answer.

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Please Remember!

*If you meet one person with autism, you have only met one person with autism!*


|  |  |
|--|--|
| Everyone with autism is unique                     | Some individuals may have cognitive limitations and some may not           |
| Some individuals may look typical and some may not | Medical and behavioral conditions can occur along with ASD (anxiety, tics) |
| Take a family, school, and community approach      | Transitions make everyone vulnerable                                       |

*Caregivers need support!*

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*I would like to extend my gratitude to our dedicated team at the Jefferson Center for Autism and Neurodiversity. This team has made a profound impact in creating safe and accessible pathways for children with autism and their families in our family court systems.*

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