AUTISM & THE FAMILY COURT

A GUIDE FOR JUDGES, MAGISTRATES & LEGAL ADVISORS

Autism is a developmental condition which affects the way that people communicate with others and interact with the world around them. Around 1% of the UK population has an autism diagnosis, and many more people may be undiagnosed.

The family justice system may be particularly challenging for those on the autistic spectrum, yet there are some simple reasonable adjustments that can help.

Feel free to ask someone what they need – **everyone is different** and many autistic people are happy to explain their specific challenges.

Social hierarchy and professional social interactions may be hard for autistic people to understand, and they may consequently behave in unexpected ways. It is helpful if **YOU** set out at the start what your role is, why you are in charge, and what is expected of everyone in the **court room**.

DISCLOSURE OF DIAGNOSIS: While disclosing a diagnosis of autism can lead to positive adjustments, it may also have negative consequences due to enduring stigma and unfounded stereotypes. Typically, it will be up to your autistic client to decide whether or not to disclose their diagnosis within the family court process.

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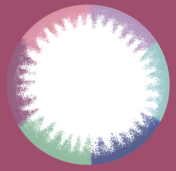
Many autistic people are family court users, and it is helpful if YOU explain what is expected of everyone in the court room. Autism is a wide-ranging spectrum and every autistic person is unique, however many autistic people will experience the following:

DIFFICULTIES WITH SOCIAL COMMUNICATION

Autistic people may find it challenging to start or maintain a conversation, to read body language or gestures, or to understand non-literal language such as expressions like 'it's raining cats and dogs'. Autistic people may also display unusual eye contact, either constantly looking away or looking intently at you. They may make comments or behave in ways perceived as inappropriate which could be misinterpreted or misunderstood.

- Use literal language and speak in short, simple sentences. Do not worry about being blunt, as long as you are respectful, as many autistic people often find this easier.
- Give people time to process information you are providing. Don't fill silences. Use the same wording if repeating the question and ensure they understand.
- With litigants in person or when evidence is being taken, consider giving the option to communicate in other ways, e.g. write down answers to your questions.
- Consider providing different documents on coloured paper.
- An autistic witness may not pick up on the nuance of questions. Consult the *Advocates' Gateway* guide for cross-examining autistic witnesses in criminal court.

RESTRICTIVE, REPETITIVE BEHAVIOURS

Many autistic people have a preference for routine, and deviating from this routine can cause great distress. Some autistic people will make repetitive body movements.

- Be clear about what is going to happen at each hearing and what is being decided that day. Explain when each person will get their chance to explain their position.
- Start the case at the listed time, even if it then has to be adjourned until later.
- Provide clear information about timings, and adhere to whatever is stated (i.e., "break now for at least 10 minutes, and I will have everyone back in 20 minutes at the latest")

ALTERED SENSORY SENSITIVITY

Autistic people often experience sensory information (i.e., lights, sounds, touch, smells) differently from non-autistic people. For example, some may find bright lights or certain sounds painful.

- Consider the sensory environment (i.e., fluorescent lighting, air conditioning noise).
- Physical aspects of the court may be challenging. Where possible, arrange a private waiting room or quiet space and ask for court rooms with natural light.
- Allow extra time and factor in more frequent breaks, especially for a litigant in person or when evidence is being taken.

REMEMBER INDIVIDUALITY: Ask your client (or their advocate) what THEIR preferences and needs are.