

## Checklist for Judicial Officers

### Disabilities and Communication Disorders

# Expressive Language Difficulties

- **Description:**
  - *Expressive Language (the use of language):*
    - The ability to convey thoughts, needs, or emotions or messages to others through speech, writing, or gestures.
    - How we use language to describe, retell a story and answer questions
- **Barriers:**
  - Difficulty articulating/ explaining thoughts and ideas clearly
  - Limited vocabulary
  - Difficulty formulating grammatically correct sentences
  - Use of hesitations and fillers such as, like, um, uh, etc.
  - May talk in circles and not give a cohesive retell
- **Strategies**
  - Allow extra time for responses.
  - Use open-ended questions such as, tell the first thing that happened, what was the next thing that happened, what did you do after, etc.
  - Be patient and avoid interrupting
  - Consider the use of writing or other visual aids
  - Use a witness/ communication intermediary to facilitate communication

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# Receptive Language Difficulties

- **Description:**
  - *Receptive Language (the understanding of language):*
    - The ability to understand words and language, to follow instructions and pay attention and listen to verbal information.
    - The ability to comprehend spoken language
- **Barriers:**
  - Misinterpret legal language or complex questions
  - Difficulty following courtroom proceedings
  - Can become overwhelmed by rapid questions
  - Difficulty retaining and remembering information
  - May acquiesce or provide an ambiguous response
- **Strategies**
  - Use simple, clear language
  - Speak slowly and clearly
  - Provide instructions and information in bite-sized chunks
  - Use visual aids
  - Repeat and rephrase.
  - Try to avoid saying ‘do you understand?’. Ask instead for them to repeat back to you what they understood.
  - Avoid idiomatic language, e.g., ‘let me jog your memory’.
  - Allow frequent breaks.
  - Use a witness/ communication intermediary to facilitate communication

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# Autism Spectrum Disorder (ASD)

- **Description:** A neurodevelopmental condition that affects social communication and social interaction. Autistic individuals may have sensory processing difficulties and be restrictive and repetitive in their behaviour. It is a spectrum condition, therefore no two autistic people will be the same. Autism has a high co-morbidity rate with Attention Deficit Hyperactivity Disorder, intellectual disability and mental health impairments.
- **Barriers:**
  - Difficulty understanding social cues, courtroom etiquette and non-verbal behaviour
  - Sensory sensitivities to noise, lighting, or the feel of a bench or chair.
  - Challenges in maintaining focus or managing anxiety in unfamiliar settings resulting in difficulties with emotional regulation. They do not like change in routine or something occurring unexpectedly.
  - Literal in their language and understanding; will not be able to detect a speaker's intended meaning
  - Prone to acquiescence
  - Impaired Theory of Mind- will not comprehend that other people have different thoughts/ knowledge and ideas to them.
- **Recommendations:**
  - Create a sensory-friendly environment
  - Provide information in a clear and structured manner; use visual aids where required
  - Avoid idiomatic language and sarcasm
  - Ask simple, direct questions that contain a single point
  - Allow for regular sensory breaks
  - Provide advance notice if there are changes to the court process
  - Use a witness/ communication intermediary to facilitate communication

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# Intellectual Disabilities

- **Description:** A neurodevelopmental disorder that affects reasoning, abstract thinking, problem solving, etc.
- **Barriers:**
  - Difficulty understanding legal rights, court procedures and legal terminology
  - Challenges in responding to questions about inference, in particular the motivation of others
  - Difficulty with time concepts, before and after.
  - Vulnerability to misunderstanding, suggestion and acquiescence.
  - Challenges with memory and recall of information that is presented verbally.
  - Difficulty with tag and multi-faceted or double-barrelled questions, and questions containing double negatives.
- **Recommendations:**
  - Use plain language and visual aids
  - Confirm understanding through simple, direct questions.
  - Provide extra time to process and respond to questions
  - Avoid legal jargon
  - Remind them about the rules of communication, saying ‘I don’t know, I don’t understand and I can’t remember’.
  - Provide frequent breaks
  - Use a witness/ communication intermediary to facilitate communication

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### Disabilities and Communication Disorders

# Attention Deficit Hyperactivity Disorder (ADHD)

- **Description:** A neurodevelopmental disorder characterised by inattention, hyperactivity, and impulsivity.
- **Barriers:**
  - Difficulty focusing on lengthy proceedings and maintaining attention for long periods.
  - Difficulty retaining complex information.
  - Impulsivity, which may lead to interruptions or inappropriate behaviour.
  - Challenges in organising thoughts or presenting a coherent testimony.
- **Recommendations:**
  - Break proceedings into shorter, manageable segments.
  - Provide frequent breaks to allow for movement; allow the use of a fidget item
  - Ask clear questions, avoiding the use of legal jargon
  - Use visual aids
  - Allow extra time to process and question and to respond.
  - Use a witness/ communication intermediary to facilitate communication and help with focus/ attention/ breaks

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### Disabilities and Communication Disorders

# Trauma/ Anxiety

- **Description:**

**Anxiety:** An emotion that occurs when a person anticipates danger- the ‘fight/ flight/ freeze’ response; a state of heightened worry or fear.

- Can be triggered by perceived threats/ thoughts that something may or may not happen
- Symptoms can include restlessness, difficulty concentrating and rapid heartbeat

**Trauma:** A psychological response to distressing events

- Can lead to flashbacks, emotional numbness and lack of trust for others.

- **Barriers:**

- **Language and communication:** Difficulty understanding legal jargon or complex language
- **Emotional Distress:** Difficulty focusing, paying attention and communicating effectively
- **Cognitive Challenges:** Memory difficulties and ‘blinking out’; Difficulty with comprehension
- **Power Dynamics:** Feeling intimidated by the formality of court procedures/ the court environment; may lead to reluctance to participate.

- **Recommendations:**

- **Simplify communication:** Use simple, clear language and plain language to explain proceedings and decisions
- **Create a safe Environment:** Be empathetic and patient; recognise distress; allow frequent breaks
- **Flexible Scheduling:** Offer alternative sitting times for court trials to accommodate needs
- Use a neutral tone
- Use a witness/ communication intermediary to facilitate communication