

Common Disabilities Experienced by Youth in the Juvenile Legal System

The below brief descriptions of some of the most common disabilities experienced by youth involved with the juvenile legal system were taken directly from the sources linked in the footnotes. Click the links to learn more.

Learning Disabilities¹

Learning disabilities are neurodevelopmental disabilities that are characterized by a persistent impairment in at least one of three major areas: reading, written expression, and/or math. Youth with learning disabilities may experience:

- Difficulty reading (e.g., inaccurate, slow and only with much effort).
- Difficulty understanding the meaning of what is read.
- Difficulty with spelling.
- Difficulty with written expression (e.g., problems with grammar, punctuation or organization).
- Difficulty understanding number concepts, number facts or calculation.
- Difficulty with mathematical reasoning (e.g., applying math concepts or solving math problems).

Examples of possible case impacts:

- Defense attorneys may need to read discovery to clients with learning disabilities, instead of asking them to read themselves.
- Instead of asking a young person with a learning disability to return in 45 minutes (which would require applying a math concept), a probation officer may need to tell them the specific time they should return.
- Youth with learning disabilities may display embarrassment, frustration or anger when told to complete a task outside their ability level—e.g. writing a court-ordered apology letter.

¹ *What is Specific Learning Disorder?*, American Psychiatric Association, available: <https://www.psychiatry.org/patients-families/specific-learning-disorder/what-is-specific-learning-disorder>

- A child with a learning disability may need their *Miranda* rights explained thoroughly (using simple language and over several meetings) before they are able to comprehend what they are and the consequences of waiving them.

Speech and Language Disabilities²

Youth with speech-related disabilities may have trouble with the production of speech sounds, the rhythm and flow of speech, the quality of pitch, resonance, or loudness. Youth with language disabilities may have trouble understanding or being understood through all forms of communication — verbal, nonverbal, and written. This can cause difficulty understanding the meaning of words and putting words together to form an idea.

There are different types of language disabilities:

- A **receptive disability** is when a person doesn't understand what is being communicated to them.
- An **expressive disability** is when a person has trouble communicating thoughts and feelings to others.
- A **cognitive-communication disability** affects a person's ability to remember things, pay attention, solve problems, organize thoughts, and more.

Youth can have one or more of these disabilities, and can have trouble with:

- reading, writing, or spelling
- finding the right words to say or write, or combining words to form ideas
- applying grammatical rules, like using past, present, or future tenses of words
- understanding the meaning of words and sentences
- understanding or following directions
- taking turns during a conversation.

Examples of possible case impacts:

- A young person with a receptive language disability may struggle to comprehend a police officer's commands.
- A cognitive-communication disability may cause a young person to be unable to quickly reply to police questions.

² *Speech and Language Disorders Factsheet (for Schools)*, Nemours Kids Health, available: <https://kidshealth.org/en/parents/speech-language-factsheet.html>

- When giving a statement to police, a child with an expressive language disability may incorrectly report the sequence of events due to challenges with grammatical rules.

Attention Deficit Hyperactivity Disorder (ADHD)³

ADHD is a developmental condition characterized by an ongoing pattern of one or more of the following types of symptoms:

- Inattention, such as having difficulty paying attention, keeping on task, or staying organized
- Hyperactivity, such as often moving around / fidgeting (including during inappropriate times), feeling restless, or talking excessively
- Impulsivity, such as interrupting, intruding on others, or having trouble waiting one's turn, taking hasty action without forethought.

It is common for people to show these behaviors some of the time. However, for people with ADHD, the behaviors are frequent and occur across multiple situations, such as at school, at home, at work, or with family and friends.

ADHD also affects executive functioning – the cognitive abilities needed to achieve goals. A person with ADHD may have trouble organizing, remembering instructions, staying on track, and following through with a task. These are signs of executive dysfunction. Executive dysfunction can be described as a set of symptoms that occurs due to the disruption in a person's ability to control how they think, feel, and act. As a result, they may struggle with memory, attention, and self-regulation.

Examples of possible case impacts:

- Challenges with executive function may contribute to a young person forgetting they were supposed to appear in court.
- A teenager with ADHD may be unable to sit still long enough for their electronic ankle monitor to charge.
- ADHD can cause a young person to be unable to focus on what the judge is saying in court, resulting in them missing important information about a no contact order.

³ Attention-Deficit/Hyperactivity Disorder (ADHD), National Institute of Mental Health, available: <https://www.nimh.nih.gov/health/topics/attention-deficit-hyperactivity-disorder-adhd>; Understanding ADHD , Attention Deficit Disorder Addociation, available: <https://add.org/executive-function-disorder>

Autism Spectrum Disorder (ASD)⁴

Autism spectrum disorder (ASD) is a developmental disability caused by differences in the brain. People with ASD often have problems with social communication and interaction, and restricted or repetitive behaviors or interests. People with ASD may also have different ways of learning, moving, or paying attention. Social communication and interaction skills can be challenging for people with ASD. People with ASD have behaviors or interests that can seem unusual. These behaviors or interests set ASD apart from conditions defined by problems with social communication and interaction only. People with ASD may experience:

- Difficulty with social interaction and communication
 - Problems forming friendships
 - Mistaking social cues or body language
 - Misinterpretation of conversations
 - Finding it easier to form friendships online
 - Poor eye contact
 - Expressing that they ‘don’t fit in’
- Inflexibility or rigidity of thought (‘black and white’ thinking)
- Sensory processing difficulties
 - Experiencing sensory overload e.g. finding the noise of school overwhelming
 - Being unable to cope with queues or crowds
 - Sensitive to touch
 - Having difficulties with the planning and organization of their work, bag or school day
- Emotional difficulties
 - Low self-esteem
 - Difficulty or reluctance to express or label their own emotions
 - Levels of anxiety which seem excessive compared to the situation triggering them
 - Low mood or depression
 - A desire to withdraw from the outside world.

Examples of possible case impacts:

- Authority figures may interpret lack of eye contact as indicative of a guilty conscience.
- Youth with autism may pull away when police attempt to handcuff them due to sensory processing difficulties.

⁴ *Signs and Symptoms of Autism Spectrum Disorder*, CDC, available: <https://www.cdc.gov/autism/signs-symptoms/index.html>

- A young person with autism who struggles with social difficulties might misunderstand a probation officer's joke and respond by storming out of the room or becoming angry.

Intellectual Disability⁵

Intellectual disability is a condition characterized by significant limitations in both intellectual functioning and adaptive behavior that originates before the age of 22. Intellectual functioning—also called intelligence—refers to general mental capacity, such as learning, reasoning, problem solving, and so on.

One way to measure intellectual functioning is an IQ test. Generally, an IQ test score of around 70 or as high as 75 indicates a significant limitation in intellectual functioning. Adaptive behavior is the collection of conceptual, social, and practical skills that are learned and performed by people in their everyday lives.

- Conceptual skills—language and literacy; money, time, and number concepts; and self-direction.
Social skills—interpersonal skills, social responsibility, self-esteem, gullibility, naïveté (i.e., wariness), social problem solving, and the ability to follow rules/obey laws and to avoid being victimized.
- Practical skills—activities of daily living (personal care), occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use of the telephone.

Examples of possible case impacts:

- A teenager with intellectual disability may be unable to figure out the bus schedule, causing them to miss their probation appointment.
- Intellectual disability may cause a young person to be unable to understand a plea offer, despite their attorney's multiple attempts to explain.
- A youth with intellectual disability may act as a “get-away driver” at a peer's direction without understanding why their friend wanted them to wait outside and speed away as soon as they returned.

⁵ *Defining Criteria for Intellectual Disability*, American Association on Intellectual and Developmental Disabilities, available: <https://www.aaidd.org/intellectual-disability/definition>.

Post-Traumatic Stress Disorder (PTSD)⁶

PTSD is a mental health condition that some people develop after they experience or witness a traumatic event. The traumatic event may be life-threatening or pose a significant threat to your physical, emotional, or spiritual well-being. People with PTSD have intense and intrusive thoughts and feelings related to the experience that last long after the event. PTSD involves stress responses like:

- Anxiety, depressed mood, or feelings of guilt or shame
- Having flashbacks or nightmares
- Avoiding situations, places, and activities related to the traumatic event.

These symptoms can cause distress and interfere with daily functioning.

Examples of possible case impacts:

- PTSD may cause a young person to experience flashbacks during police encounters, causing them to react with seemingly over-the-top fear or defensiveness that the police characterize as resisting arrest.
- Sleep disturbances (common with PTSD) cause a teenager to be so tired he falls asleep during their trial.
- A young person who has had a traumatic experience at school may refuse to attend and shut down when asked for a reason.

Oppositional Defiant Disorder (ODD)⁷

ODD includes a frequent and ongoing pattern of anger, irritability, arguing and defiance toward parents and other authority figures. ODD also includes being spiteful and seeking revenge, a behavior called vindictiveness.

- These emotional and behavioral issues cause serious problems with family life, social activities, school and work.
- Treatment of ODD involves learning skills to help build positive family interactions and to manage problem behaviors. Other therapy, and possibly medicines, may be needed to treat related mental health conditions.

Emotional and behavioral symptoms of ODD generally last at least six months. They include angry and irritable mood, argumentative and defiant behavior, and hurtful and revengeful behavior.

⁶ PTSD (Post-Traumatic Stress Disorder), available: <https://my.clevelandclinic.org/health/diseases/9545-post-traumatic-stress-disorder-ptsd>

⁷ Oppositional Defiant Disorder (ODD), Mayo Clinic, available: <https://www.mayoclinic.org/diseases-conditions/oppositional-defiant-disorder/symptoms-causes/>

Angry and irritable mood

- Often and easily loses temper.
- Is frequently touchy and easily annoyed by others.
- Is often angry and resentful.

Argumentative and defiant behavior

- Often argues with adults or people in authority.
- Often actively defies or refuses to follow adults' requests or rules.
- Often annoys or upsets people on purpose.
- Often blames others for their own mistakes or misbehavior.

Hurtful and revengeful behavior

- Says mean and hateful things when upset.
- Tries to hurt the feelings of others and seeks revenge, also called being vindictive.
- Has shown vindictive behavior at least twice in the past six months

Important information for the delinquency context:

- ODD is over diagnosed for Black youth.⁸
- Depression, PTSD, and ADHD are often misdiagnosed as ODD.⁹
- Consider:
 - seeking out a new evaluation for youth diagnosed with ODD and
 - filing motions requesting the judge not consider an ODD diagnosis

⁸ Joyce Marter, *There Are No Bad Kids*, Psychology Today (January 10, 2025), available: <https://www.psychologytoday.com/us/blog/mental-wealth/202501/there-are-no-bad-kids>

⁹ Anthony D. Smith, *2 Childhood Diagnoses You Should Think Twice About*, Psychology Today (January 16, 2022), available: <https://www.psychologytoday.com/us/blog/up-and-running/202201/2-childhood-diagnoses-you-should-think-twice-about>