

Guide for Interviewing Youth with Disabilities

Because so many of the youth we serve in the juvenile legal system have disabilities, we must all be intentional about identifying those youth (whether they have been diagnosed or not) and be prepared to discuss disabilities with those youth and their families. This guide is designed to help us tailor our advocacy to the youth's individualized needs and desires by helping us: identify youth with disabilities; communicate effectively with youth with disabilities; understand how a youth's disabilities impact their lives; understand how a youth's disabilities might impact their cases within the juvenile legal system; and seek permission to disclose a youth's disabilities with the court, prosecutor, probation officer, or other systems-actors when strategically advantageous, taking into account the risks and benefits of disclosing.¹

Identifying Youth with Disabilities

Asking the Right Questions

- We should build trust and rapport before asking youth directly about disabilities.
 - We should first learn about a youth's interests, passions, and strengths.
 - We build trust with youth by making promises we can keep and avoiding promises that are out of our control.
 - We should let youth know we care about them and their well-being and see their positive qualities.
 - Defenders must let youth know they will advocate for their stated wishes throughout the legal process.
- After building trust and rapport, we may ask youth about disabilities. If the youth gives us permission, we can also ask their parent/guardian/trusted adult.

¹ C'yera Sherrod, 2025 Race & Disability Justice Intern for the Mid-Atlantic Region of the Gault Center, led the creation of this document.
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- Directly asking “do you have any disabilities?” may not be the right question. Some youth may not know they have a disability even when they have been diagnosed in the past. Others may have a disability that has not yet been diagnosed, and some may be unwilling to disclose a disability out of fear or distrust.
- Instead, we should ask a series of questions about:
 - Prior services/therapies or hospitalizations
 - Evaluations/assessments, 504 plans, IEP plans or meetings
 - Any challenges the youth faces at school (or elsewhere) with learning &/or behavior.
- We should be as detailed as possible, defining and describing terms and not assuming understanding. For example, we should describe what “therapy” is when asking whether a youth has ever received any mental health treatment (e.g., Do you meet one on one with someone to talk about your feelings and experiences? Or Do you meet with anyone who offers advice or simply listens and asks you follow up questions?).
- We should ask functional questions and avoid labels:
 - “Do you ever have trouble understanding what people are saying when they talk fast?”
 - “Is reading or writing something that’s hard for you?”
 - “Have you ever had a teacher or helper in school who worked with you one-on-one?”
 - “Do you get overwhelmed in busy or loud places?”
- Even if we ask all the right questions, we still might not know if a youth has a disability. During our initial interview, we may ask the youth to sign waivers allowing us access to all relevant records. These records will help us better understand how disabilities impact the youth’s lives and improve our advocacy on their behalf.
- The following records may help us identify disabilities:
 - School - academic & discipline
 - Medical
 - Mental health
 - Any/all therapies
 - Group homes, residential treatment centers
 - Detention, any other placement
 - Child welfare system
 - Any prior evaluations

Observing Communication, Behavior, & Social Skills

- Our own observations can help us identify youth with disabilities. Of course, we do not want to “armchair diagnose” anyone or overstep, but our own observations can help us decide if we should gather more information and/or offer to connect the youth with an expert who can provide more insights or evaluate the child.

- Cognitive, emotional, and developmental disabilities often impact three domains: communication, behavior, and social skills. As we interact with youth, we may notice characteristics within these domains that affect our advocacy or require accommodations throughout the court process or legal system.
 - **Communication**
 - Lack of voice modulation
 - Difficulty understanding or answering questions
 - Inability to focus
 - **Behavior**
 - Repetitive motions / fidgeting
 - Difficulty following directions
 - Easily influenced (even more than a typical adolescent)
 - Impulsivity
 - **Social Skills**
 - Trouble making or keeping friendships
 - Easily influenced by peers
 - Avoidance of eye contact
- Difficulties understanding basic concepts, sequencing events, or following conversations may suggest cognitive or learning disabilities.
- Hyperactivity, impulsivity, extreme anxiety, withdrawal, or difficulty regulating emotions might point to ADHD, trauma-related disorders, or developmental disabilities.
- Difficulty recalling or organizing information may signal executive functioning or memory impairments.

Learning How Youths' Disabilities Impact Their Lives

It is important to understand how a youth's disabilities impact the day-to-day lives of the youth we serve. Several of the following questions ask the youth to identify things that are challenging for them. When reacting to youths' responses to these questions, we will want to affirm and validate their experiences. For example, if a young person tells us it takes them longer to complete math problems than their peers, we might say "Everyone processes things at their own pace, and that's totally okay." During these conversations, we should be especially intentional to help youth identify and share their strengths.

1. "What are some things that feel really easy for you? What things are harder?"
2. "Do you ever feel like it takes you longer than others to do certain things?"
3. "Is there anything you wish people understood better about how you think or learn?"
4. "Do you ever have trouble finding the right words or explaining your thoughts?"
5. "Is it hard to follow directions if there are a lot of steps?"

6. “When people talk really fast or use big words, how does that make you feel and what do you think?”
7. “Do you like talking about how you feel, or is that hard sometimes?”
8. “Is it easy or hard for you to stay focused when someone’s talking?”
9. “Do you ever forget stuff, like appointments or what someone just told you?”
10. “Do you like doing one thing at a time or switching between things?”
11. “How do you usually remember things? Do you write it down or need reminders?”
12. “Do you ever feel like your emotions get really big really fast?”
13. “When you’re upset, what helps you calm down?”
14. “Do you ever feel really worried, scared, or mad, and you don’t know why—almost like the feelings won’t go away and are taking over your day?”
15. “Have you ever had someone to talk to about stress or feelings, like a counselor or therapist?”
16. “Is it easy or hard to make friends?”
17. “Do you feel like people understand you when you talk?”
18. “Are there times you feel left out or misunderstood?”
19. “What kinds of situations make you nervous around other people?”
20. “Are there things you need help with every day, like getting places, remembering appointments, or taking medicine?”
21. “Do loud noises, bright lights, or crowded places ever bother you?”
22. “What helps you stay organized or on track when you have a lot to do?”
23. “When people talk about court or legal stuff, is it clear or confusing?”
24. “Have people ever used words you didn’t know in meetings or hearings?”
25. “What helps you understand what’s going on: talking it out, writing things down, pictures?”

Counseling Youth About the Risks and Benefits of Disclosing Their Disabilities in the Juvenile Legal System

To enhance trust with youth, it is important to seek a youth’s permission before advising other system’s actors of the youth’s disabilities. Defense attorneys have an ethical obligation, as client-centered advocates, to seek their client’s permission before disclosing a client’s secrets and confidences. Some youth may be afraid of the stigma and consequences associated with disclosing disabilities. Some youth may feel shame or embarrassment when they hear others discussing their disabilities. We must invest time and care in counseling youth so they may fully understand the possible risks and benefits of disclosure. After we provide them with the information necessary to make their own decisions, we should honor the youth’s wishes.

*Tips for Asking Youth for
Permission to Disclose
Their Disabilities*

- **Be positive and reassure youth that we want to help them achieve their goals.**

"I wanted to talk to you about something very important. My job is to do everything I can to help you achieve your goals in this court process and make sure you are treated fairly. One way we can help the judge see your side of what happened is by talking about your disability. [If true]"

- **Normalize their feelings and experiences.**

"Everyone's brain works in different ways. Some kids need help sitting still. Some get big feelings really fast. Some kids have a hard time remembering rules or calming down. That's totally okay, and it's way more common than you'd think."

- **Explain why this would matter in a court setting.**

"Sometimes, when people don't understand or know those things, they might think a kid was being bad when really, they were just having a hard time. That's why it's important to talk about what's been hard for you so the judge doesn't get the wrong idea."

- **Give a real-life example to put it into perspective.**

"Like if someone said you weren't listening in class and kept getting out of your seat, they might think you were being disrespectful. But, if the judge knows that your brain has a hard time sitting still or focusing, they'll understand it's not something you're doing on purpose. It just means the adults around you should help figure out ways to support you and help you learn in the way that feels best to you."

- **Ask permission directly.**

"Would it be okay if I talk to the judge about some of the things that are hard for you? I'll only share things that I think will help you achieve your goals in court, and I can go over it with you first if you want."

- **Give reassurance again.**

"You're not in trouble because of how your brain works. I just want to help the court understand what you've been through and what kind of support would help you do better."

- **Ask for their input.**

"Is there anything you'd want me to tell the judge? Something about school, or what helps you when things feel really hard?"

*Follow-Up Questions
If the Child
Says No*

1. "Can you tell me what makes you feel unsure or uncomfortable about sharing this information with others?"
2. "Does it feel scary, embarrassing, or just like something you don't want to talk about?"

3. “Has anyone ever made you feel bad about needing help or experiencing some of the challenges we talked about?”
4. “What do you think might happen if the judge knew about the things that are hard for you?”
5. “Would it feel different if I was the one talking about it instead of you?”
6. Would it feel better if I walked up and spoke to the judge and prosecutor quietly so that no one else could hear in open court?
7. “Would you feel better if we talked to your therapist or teacher about it first?”
8. “Is there someone you trust who could help us explain it in a way that feels okay to you?”
9. “What parts of your story feel okay to share, and what parts don’t?”
10. “If we could help the judge understand you better—without making you feel uncomfortable—would that be something you’d want to think about?”
11. “Can I check in with you again later about this? You don’t have to decide today.”

<p style="text-align: center;"><i>Benefits and Risks of Disclosing Disability in Court</i></p> <p style="text-align: center;">We can use this chart (or create a similar one) to help youth understand the benefits and risks of disclosing their disability during a court proceeding.</p>	
Benefits of Disclosure	Risks of Disclosure
Can provide important context for the child’s behavior	Stigma or labeling could follow the child long-term
May lead to reduced charges, alternative sentencing, or diversion to services	May be misunderstood or minimized by the court
May help judges and prosecutors see the child as someone who needs support, not punishment	Opposing parties may use the disability to argue the child is dangerous or incapable of change
Can trigger legal protections under laws like the ADA or IDEA, including accommodations and additional defenses	Once introduced, mental health or educational records may become part of the official record

Opens the door for expert testimony during proceedings	The child may feel exposed, ashamed, or confused if not properly prepared
Promotes more developmentally appropriate outcomes, focused on treatment and rehabilitation	Could impact future proceedings, school placement, or child welfare involvement

General Tips for Communicating with Youth with Disabilities

- **Utilize clear and concise language.** This will allow us to ensure we are being clear and direct with what we are asking.
 - We can check for understanding throughout the interview by asking the youth to explain a new concept or idea using their own words.
 - Instead of legal jargon, we should use commonly understood terms to explain the court process.
 - When asking questions, we can simplify the language we use.
 - Instead of asking “Could you describe your emotions when this event occurred?” Ask: “How did you feel?”
 - Instead of asking, “Prior to this altercation, had you had interactions with this individual before?” Ask: “Did you talk to that person before?”
- **Amplify the youth’s voice.** By asking the young person what their goals are, listening, and allowing them to lead wherever possible, we can ensure they feel heard.
- **Ask the youth how to improve.** We can learn how to best serve and support youth when we ask them directly what they need from us as their attorneys or advocates in the system.
- **Get their input on accommodations.** We can ask the youth what they will need to understand and participate in the court process.
- **Learn about the disability.** When we know or suspect a youth has a disability, we should seek out information about their particular disability and familiarize ourselves with the types of accommodations they may need.
- **Create a safe and accessible environment.** Bring fidget toys, pen and paper, white noise machine, snacks, and any other items a youth may need to accommodate their disabilities.
- **Be aware of signs of distress or discomfort.** Youth display stress differently depending on their individual personalities; however, some common signs of distress include becoming withdrawn,

fearful, aggressive, or irritated. We should stop, check-in, and be prepared to resume the conversation another day if we notice a youth is becoming distressed.

- **Notice when a youth may have lost focus.** Help them either get back on track or allow them to have a break. Check in with them by asking questions like:
 - “Do you want me to ask you that question again?”
 - “Are you feeling a little tired?”
 - “Do you want to take a break?”
- **Review IEPs, 504 Plans, and assessments as soon as possible.** The IEP/504 plan will tell us what kind of accommodations the child needs in the classroom, which may help us understand what accommodations youth will need throughout the court process. Assessments will help us learn more about the disability.