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Is There Justice for Autistic Citizens?

By R. ANGELONE OCT 1, 2017

In a word, no. Autistic individuals, along with others deemed to suffer mental illnesses are challenged not only in their disability, but in coping with a system of justice that is not focused on their special needs.

The practice of law in the United States is just beginning to understand autism, but that has yet to reach most of our courts. Few jurisdictions in this country have set up mental health courts, or autism courts. This is a shame as these are critically needed components of the justice system.

Why? Because people suffering with autism or other mental health conditions do not react the same way as neurotypical individuals do in a court-room or in other legal settings. Cross-examination of someone on the autism spectrum is not going to go the same way as it would with someone not on the spectrum.

Still worse, if the legal matter is of a criminal nature, the question arises whether the individual answered questions to police simply to appease them or to minimize impending sensory overload,

also known as a meltdown. Most criminal defense attorneys don't pay specific attention to, or learn about autism because they rarely handle autistic clients. However, this is changing in our society, and the legal profession has yet to catch up with this need.

Today, autistic individuals are out and about in our society in ever increasing numbers. That exposes them to greater risk of police confrontation, even over the simplest things, but sometimes over the most complex ones.

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Premiere Issue

On Bended Knee

By R. ANGELONE OCT 1, 2017

Where is the right to qualified counsel for them if the lawyers don't understand their condition? Are they getting "Equal Justice Under Law" if their lawyer cannot fathom that this is a person whose brain works differently than the drunk drivers and shoplifters the normally represent? Probably not.

If opposing counsel, whether in criminal or civil cases, uses anti-autism techniques in cross-examination, does the judge know how to protect the civil rights of the autistic citizen?

A case in New Jersey some years back proved they don't. A young man, victim of a crime was called to testify against his assailants. The prosecutor didn't realize the effect of cross-examination. The defense counsel did, peppering the young man with rapid-fire questions. The young man reacted with a sudden overload of emotions, experiencing a serious meltdown. He ended up with a fractured skull from the experience because neither the judge, nor the prosecutor were paying close enough attention and allowed the questioning to continue without objection or protection.

The communication skills of the individual may not be the same as in others, and even within the autism community, no two individuals are exactly alike, not even twins. Thus an attorney must know how to communicate with the client or subject to yield desired results. Even then, the result must be questioned because some individuals can sense the other person's desire and reply to suit.

We have today, a system that does not yet fully grasp the increasing population of the autistic in our society, nor the aging of that population. They fail to see the pitfalls of independent living in the community for some, even if the individuals are innocent, quiet, demure residents. There are increasing risks for these individual autistic citizens, without the counter-balance of knowledgeable attorneys prepared to properly represent them or their special needs in courts of law.

For more information about autism and the courts, contact us via <https://autismcitizen.org>.

Autism is not a sin, nor a crime; at least not in the view of most people. However, rampant among many in the state disability determination services and Social Security Administration, it is viewed with blatant *sanism* – a form of mental health prejudice. Any form of prejudice against those on the spectrum is unjustified, unfair and unreasonable. No person seeks to be born autistic, just as people don't intentionally seek to become blind or deaf. So the way autistic citizens should be treated is with equal respect, not hate.

In recent years, Social Security disability claims have risen dramatically. The system has adapted by becoming increasingly adversarial. The majority of qualified individuals being declined, forced undergo the most rigorous, difficult approval process possible. Once an application for disability benefits is filed, the claim is sent to the state's disability determination service (DDS), for review of medical evidence and other documentation. Inevitably, no matter who you are, or what your disabling condition is, it will go badly from that point forward.

However, for the autistic, this is a traumatic process, not merely adversarial. First, the applicant is forced to see many doctors, which means they're likely going to be poked, prodded, and injected, taking tests of all kinds, just to document results. Then, once all the medical evidence is presented proving the condition is real, and disability benefits are warranted, the state DDS will deny the claim. The DDS will make many nasty comments about autism, such as "It's not a disabling condition," or, "We see no reason why he cannot work in a normal job." Meanwhile, the person may have many comorbid conditions that make their life impossible, including social anxieties and difficulties with speech. They will not believe it, even with medical evidence, and demand the applicant get on the phone, even if his/her parents protest such demands. They'll use every possible means to force, even by threat, the applicant to

speak.

Next, a second series of examinations will be conducted, in a phase called ‘reconsideration’. This is where the claim returns to the same DDS, for a second look. Don’t believe it. You’re going to be denied again, no matter what you do; which doctors you see; or how much medical evidence is on your side. Again, they’ll make unreasonable demands and give no accommodation to the disability, whatsoever. To them, the Americans with Disabilities Act doesn’t exist.

Don’t expect help from your Congressional representatives, as they can, without intent, hurt your claim until the last stages of appeal. Meanwhile, considerable stress is placed on the family of the applicant, or their caregivers. A new appeal must be filed, and the disabled individual will be forced to undergo a hearing, held like a trial, with an administrative law judge, court clerks and others. This intimidating hearing often does not allow a parent or caregiver to be present.

By this point, it’s likely the DDS has accused the applicant and others of fraud – another subterfuge to prevent success in appeal or future claims. Such reports become a permanent part of the applicant’s Social Security record with no chance of ever getting them removed.

In one case that Autism Citizen handled, the young man was stressed by DDS and the hearing process so much that he required emergent medical care for closed head injuries from hitting his head with his hands so hard he caused concussion. The law judge witnessing this autism meltdown never asked if the young man needed medical care, only offering a twenty-minute recess. While the young man was hitting his head, a security guard was outside with a drawn pistol, in case he became violent. This is how autism is treated in this process.

Don’t think that having an attorney will help completely, either. Most have zero experience with autistic clients. Fewer know what *sanism* is, either, and won’t challenge the government on such prejudicial treatment. The lawyers just want to get this process over and done with as quick as

possible, no matter whom they have to throw under a bus to get there, including parents or caregivers.

You can count on the DDS going after childhood school records, any work records, and even demanding therapy notes from treating professionals. As if that’s not enough to drive a parent to the brink, there’s a high probability they’ll dispatch local police investigators to photograph your home, check your car registrations, citizenship papers, and even try to videotape the interior of your home to catch the autistic individual acting ‘normal’.

In the case of the young man we helped, investigators conducted extensive record gathering, but found no evidence of fraud (because there was none), but the DDS did not stop there. They re-wrote the investigator’s report to include serious allegations of fraud, even creating fictitious characters to justify denial of benefits. When all was said and done, we discovered 39 counts of felony and misdemeanor violations of law, committed by the state employees, but of course, no-one will prosecute, nor will any lawyer serve to sue the state for damages. Sadly, even autism or mental health advocates throw up their hands and say “Sorry, can’t help.”

From the moment you or your child need disability benefits, start calling lawyers who specialize in disability claims. Don’t waste time on any who advertise. To them, you’re just a number. Google, but also ask for referrals from local mental health organizations. Find someone with a proven track record of dealing with autism, and don’t believe anyone who says “Sure, I’ve handled lots of autistic clients.” Get references.

Don’t apply first and hire later. Hire first, then apply. It’s the only way to achieve results you want. Make sure you have gathered many years of medical evidence, and get the doctors on board with you before you start. Some just won’t. Others will go the distance to help. Whatever you do, don’t go doctor shopping – looking for those who will support your claim. Only go to regular, treating providers you’ve seen many times. Stay

local, even for specialists unless you can prove there are no local providers.

Be diligent, vigilant and persuasive in your arguments, but by all means, be absolutely truthful, on bended knee, and capable of documenting every word you say. Don't let them send your child or family member to their doctor unless the lawyer says so.

Most of all, remember, this is going to be rough for the autistic person trying to get the benefits he or she is legally entitled to; and equally rough for the parents or other caregivers. Take it easy, and take deep breaths.

For more information, please contact us at <https://autismcitizen.org>.



The inability to make direct eye contact, even with parents or close family members, is a tell-tale common trait amongst those on the autism spectrum.

To find out more about common traits and autism, please visit our website: <https://autismcitizen.org>.

About Us

Autism Citizen, Inc. is a 501c3 public charity. The purpose of the organization, or its mission, is to educate professionals, businesses and government about autism, and other conditions, and to protect the civil rights and liberties of those at risk.

Organized in October 2013, we have operated as an official nonprofit since August 2014, and hold Gold Participant status for transparency with GuideStar, and we've been awarded the 2017 Top-Rated Nonprofit Award with Great Nonprofits.

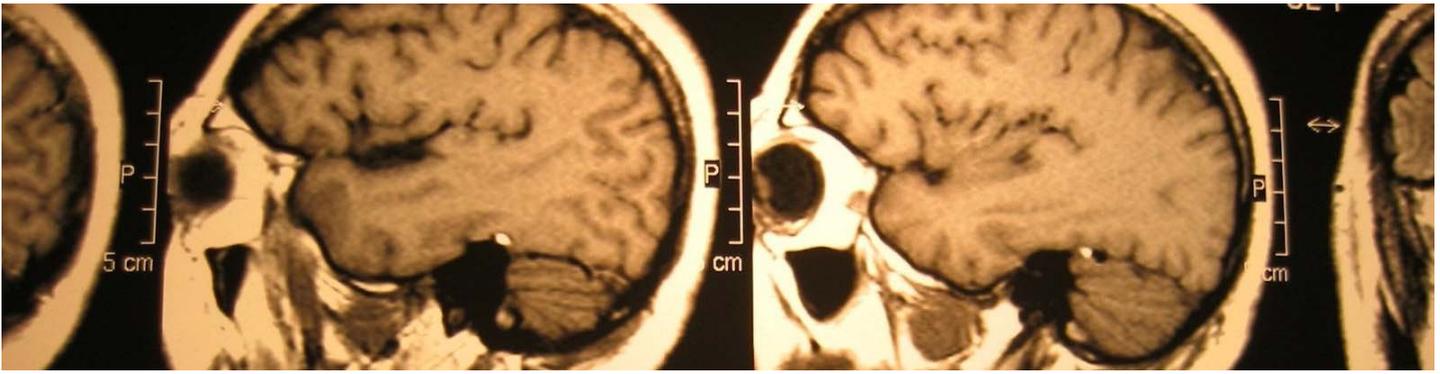
To donate, please visit <https://autismcitizen.org/giving/>. We thank you for your generosity and interest in our important work.

Top-Rate!

Autism Citizen, Inc. has been awarded the much-prized 2017 Top-Rated Nonprofit by Great Nonprofits.

By popular acclaim among those we've aided in the past, and those who know of our work, we've achieved this outstanding award. Please view our page at GreatNonprofits.org, and feel free to leave your own review! <https://greatnonprofits.org/org/autism-citizen-inc>





Concussion and the Autistic Brain

Today, as politics grasps at the heart of professional American football, the issue of CTE, Chronic Traumatic Encephalopathy, is subtly being discussed by the media about the health of the players, particularly after it was recently revealed that Aaron Hernandez was found to have suffered from CTE, even when he committed murder and later, suicide. Few people equate CTE with autism, but it is one of the most common conditions affecting those on the autism spectrum, and often the cause of suicide among this at-risk population. It is the unexplored country for parents and caregivers to consider.

Unlike the frequent, repetitive concussions experienced in football and other sports like boxing, some autistics experience repetitive concussions with even greater frequency and severity. This leads to extreme deterioration of function, and eventually, behavior abhorrent for autism, potentially leading to suicide.

Our knowledge about CTE is limited, though some doctors are specializing in this field, focused largely on sports, but also, to some measure, on autism. Dr. Robert Cantu runs a concussion center at Emerson Health Center in Concord, MA, where he treats those at-risk of CTE.

He is pioneering new treatments and working daily to find new tests and eventually a cure. Until the good doctor succeeds, the safest preventative measure is to avoid concussion. Many think that helmets prevent concussion. This is not so.

Concussion doesn't occur with the blow to the head, but with the movement of the brain within the skull, hitting against the bone. As the head is struck, the brain moves either forward or laterally resulting concussion. These are called closed-head injuries. Concussion can also occur when the skull is fractured, causing an open-head wound.

For autistic children and adults, the most common form of concussion is from closed head injuries, sustained largely from hitting the head with the hands or against a solid object like a wall or other surface.

Parents with children prone to self-abuse by hitting their heads sometimes think that placing a helmet on the child will prevent concussion. This only reduces the risk of open-head injuries, but does nothing to prevent concussion caused by closed-head blows. It is important to understand the risks involved for the child or adult.

The helmet may prevent the child from striking direct blows to the head, but the child is going to invent a way to hit his head, despite the headgear. Over time, these closed-head injuries will create a build-up of plaque on the brain, which causes the mental effects of the concussion to increase over time.

Many of these effects in a neuro-typical individual mimic Alzheimer's, with forgetfulness and unusual behaviors, but in autistic individuals, extreme behavioral issues may manifest, including violence and aggressive activities. Normally mild-mannered children can grow into severe violent actions and even place parents at risk of being murdered.

In one case, a nonverbal eighteen year old who spent much of his childhood hitting his head killed

his mother, who frequently complained to social services professionals that she was in fear for her life because her son's violent behavior was directly threatening to her. One day, he did commit murder, spending more than six months in jail awaiting trial and psychiatric evaluation. Eventually, the boy was committed for life to a mental asylum. While it is not known if he suffers CTE, all the signs are present, including suicidal ideations expressed non-verbally.

The only definitive proof of CTE in the brain comes from post-mortem examination. Presently, only a few tests can find possible proof in a living brain. Parents should consider donating their child's brain for autopsy to help fuel the study of this horrible condition.

The torment, anguish, confusion, and feelings of pressure, oppression and panic felt by those who suffer from CTE, are horrific, but for the autistic individual, they are exacerbated by the autism. Unable to communicate, overloaded with emotions, unable to control sensory overload, the CTE affected autistic child or adult becomes explosive, with rage and violence, including self-harm being the only means of escaping, though it yields no relief. In fact, it only yields more grief and pain.

When an autistic individual commits felony crimes, including murder, they're unable to cope with imprisonment. A person prone to head-banging placed in a small room with concrete walls and steel bars is unlikely to resist further head-banging, and even suicide. Though former NFL star Aaron Hernandez was not autistic, CTE played a definitive role in his suicide.

Our prison system, and certainly our system of justice does not make much accommodation for autism, but certainly does not factor into account the effect of CTE. The dual diagnosis of traumatic brain injury and autism is rarely, if ever, discussed in the councils of government, in lawmaking or in the decisions of courts. Our legal profession has yet to take the effect of CTE or TBI on the autistic brain in the representation of crimes.

There are no easy answers. Yet. However,

research continues, and the law will catch up with the condition, as it inevitably does.

Parents and caregivers are advised to monitor and make reasonable, safe efforts to prevent head-banging behaviors and to seek treatments to avoid its continuity in their child.

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For professionals in the fields of autism, psychology, psychiatry, or the neurological sciences, social work, or others, we welcome your articles and our editorial board will give strong consideration to publishing them in future editions. To have your articles considered, please email us a 500 word sample of your writing via thedesk@autismcitizen.org.



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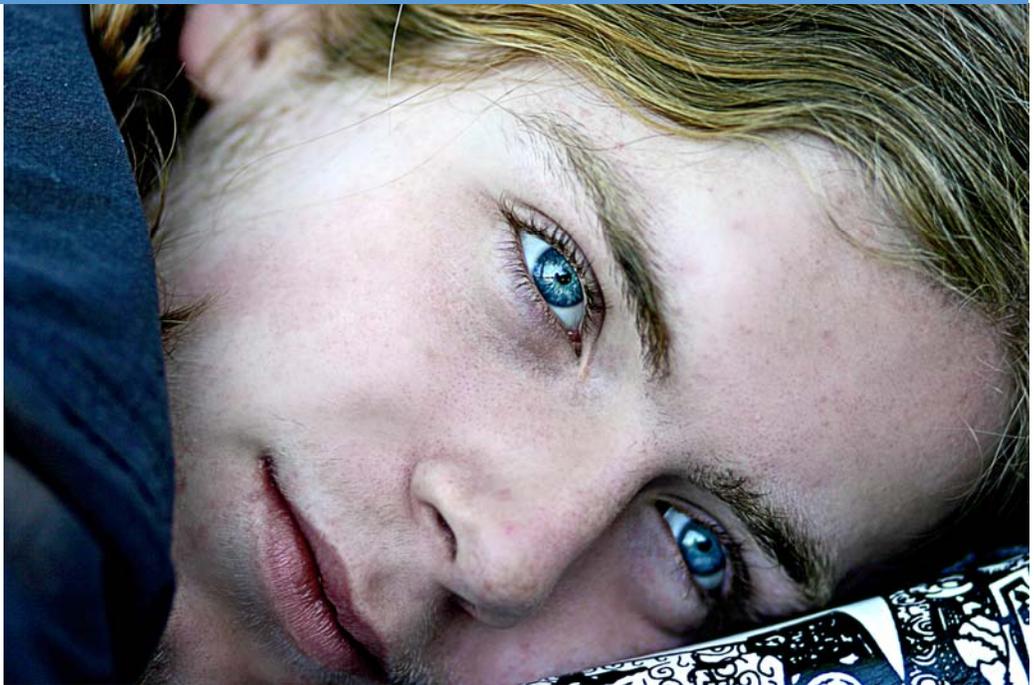
There is little in common between the struggle for civil rights in the 1960s and today’s struggle for rights to protect the autistic, or to advance them in society.

Nonetheless, there is a struggle to build for the future, allowing those on the spectrum to live in the broader community with full acceptance and equality. This is something autistic citizens simply have not been able to enjoy.

Isn’t it time to give autism a chance at living the American dream, having homes, families, and jobs? We think so.

Together with you, we can make a big difference and create a much happier world, allowing the creativity of this group of misunderstood people to flourish, grow and participate as equals in our society.

Robert Angelone
Co-founder



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