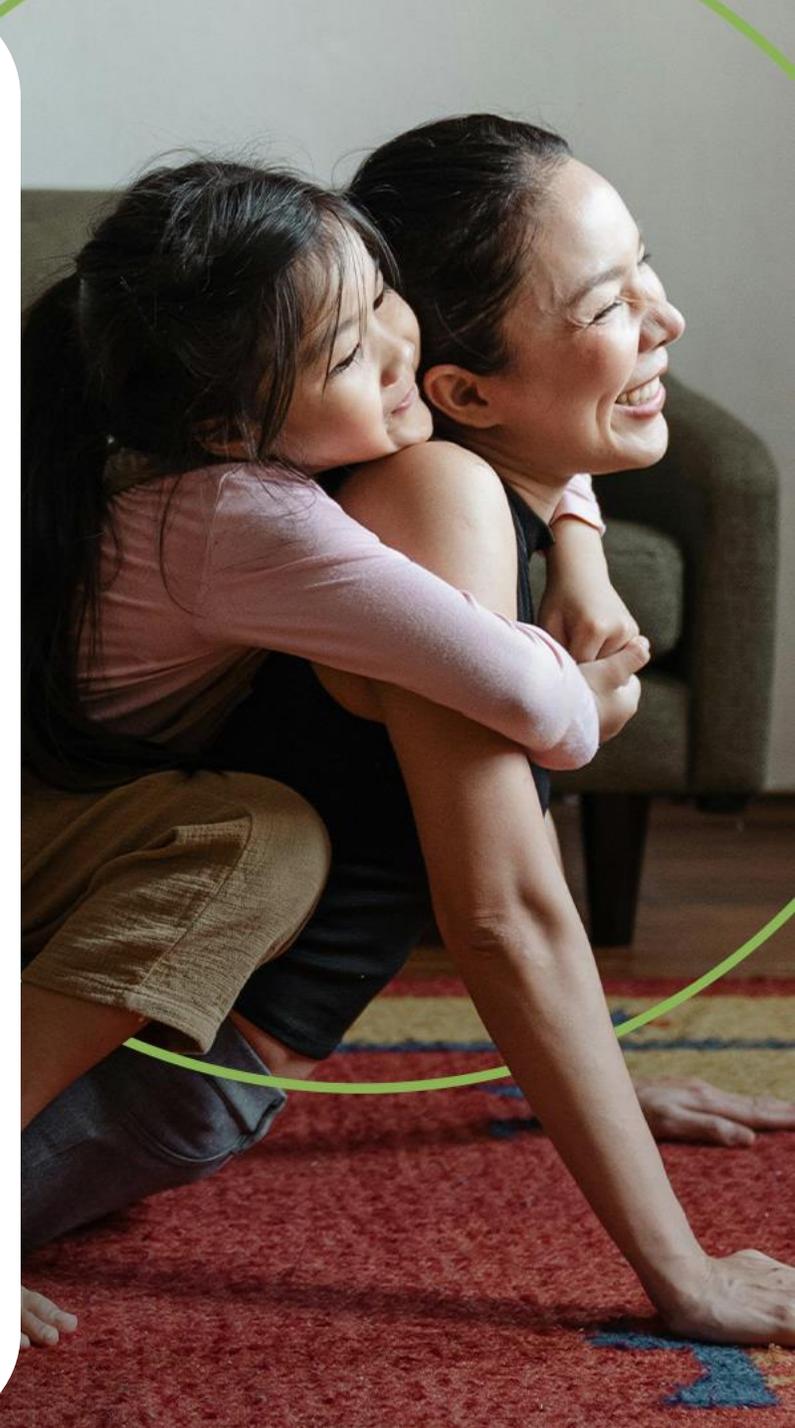


# Supporting neurodivergent children and parents through separation and divorce

**Emerging  
Minds** 



# Definitions

## Neurodiversity

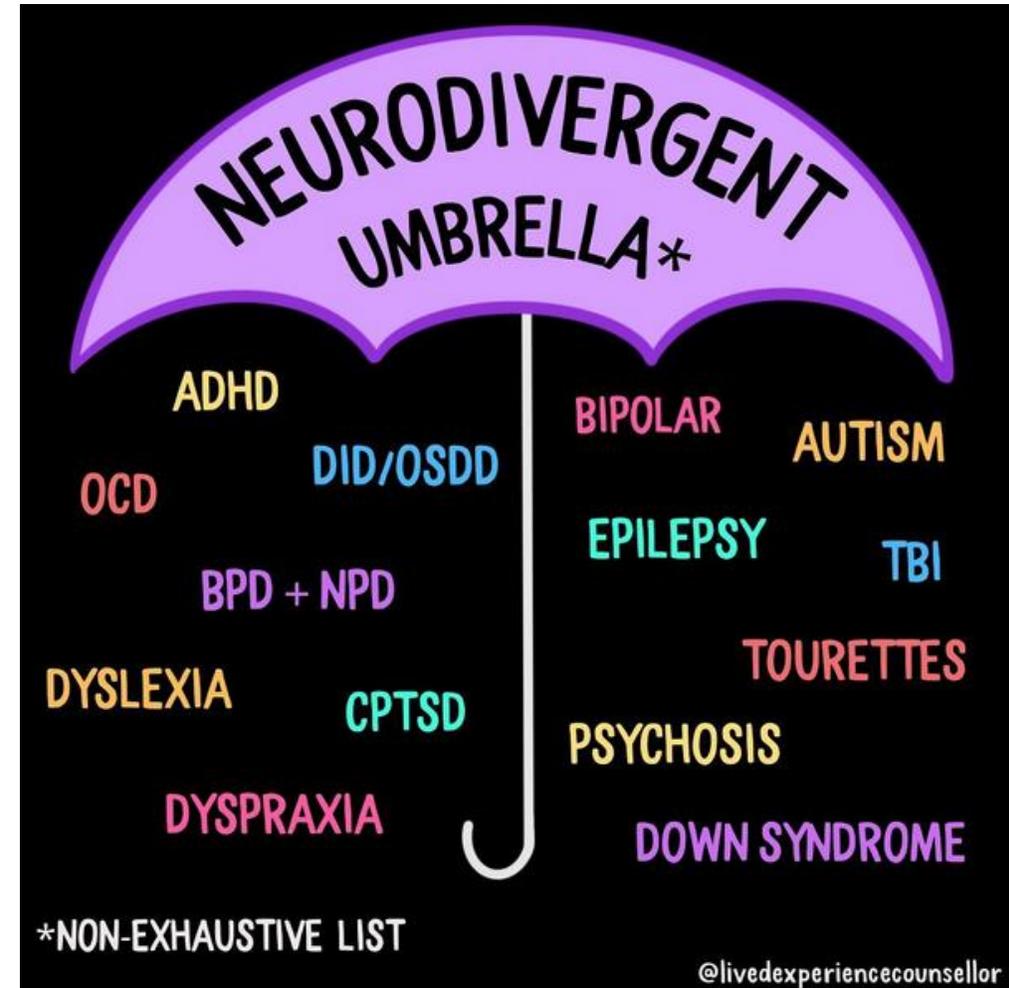
The natural range of differences in human brains.

## Neurodivergence

Brain functioning that differs from the current social and cultural norm.

## Neurotypical/Neuronormative

Brain functioning that aligns with current social standards and expectations.



“

**Neuro-affirming practice:** ‘a therapeutic approach that creates an environment and treatment plan rooted in a deep understanding of neurodivergence. It emphasises supporting individuals through their challenges and making accommodations for their needs.’

## Video

[Watch the interview with Emerging Minds' family partner, Bec](#)



**P**



**Parent-child relationship**

Focuses on the quality of connection, safety and responsiveness between a child and their parent.

**E**



**Emotions and behaviours**

Explores how children express and manage their feelings and actions, and how parents respond to them.

**R**



**Routines**

Looks at the consistency and predictability of daily activities that support a child's sense of stability and wellbeing.

**C**



**Communication and meaning-making**

Considers how children and parents talk about and make sense of their experiences.

**S**



**Support networks**

Examines the availability and role of family, friends and community in supporting the child and parent.

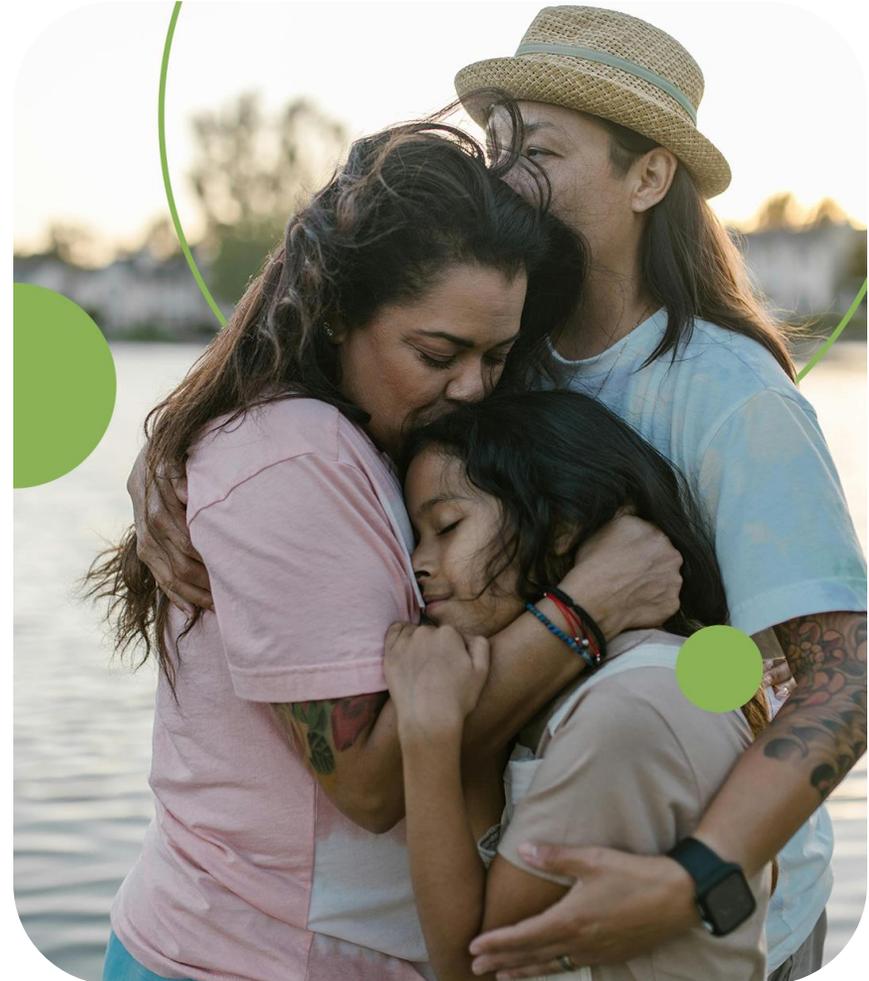
# Guide: Creating neuro-affirming and inclusive spaces for neurodivergent clients and families

## Reflective questions for legal and health professionals

Neurodivergent people—including autistic individuals, people with ADHD, dyslexia and other neurotypes—often encounter professional environments that unintentionally create barriers to participation, communication and understanding.

A neuro-affirming approach recognises neurodiversity as a natural form of human variation rather than a deficit. It encourages professionals to adapt environments, communication styles and expectations to support accessibility, dignity and participation.

The following reflective questions are designed to assist legal and health professionals in creating safer, more accessible and more respectful environments for neurodivergent clients and families.



# 1. Sensory environment

## What sensory aspects of my office or professional environment might affect neurodivergent clients?

Many neurodivergent individuals experience heightened sensory processing, meaning environmental stimuli that others barely notice may be distracting, overwhelming, or physically uncomfortable.

### Lighting

Reflect on the lighting environment in your office.

Questions to consider:

- Is my office lit primarily by fluorescent lighting, which can flicker or hum?
- Could I offer lamps or natural lighting as an alternative?
- Is the lighting adjustable or overly bright?
- Do clients have the option to sit in a softer or dimmer part of the room?

### Visual environment

Visual complexity can also contribute to sensory overload.

Questions to consider:

- Are there cluttered surfaces, busy wall décor, or bright patterns?
- Is the waiting room visually overwhelming?
- Are there calmer seating options available?

# 1. Sensory environment

## Noise

Background noise can make it difficult to focus, process language or regulate emotions.

Questions to consider:

- Are there persistent noises from air conditioners, printers, electrical equipment, or clocks?
- Can conversations from adjacent offices be overheard?
- Does the office layout create multiple competing auditory stimuli?
- Can noise be reduced by closing doors or scheduling quieter appointment times?

## Scents

Many neurodivergent individuals are highly sensitive to smell.

Questions to consider:

- Are there candles, diffusers, or room fragrances in the office?
- Do cleaning products leave strong scents?
- Could strong perfumes or aftershave contribute to sensory overload?
- Is it possible to maintain a low-scent or fragrance-free space?

## 2. Communication differences

### What communication differences may exist between me and my client?

Communication styles vary widely across neurotypes. Research highlights that misunderstandings between neurodivergent and neurotypical individuals are often mutual rather than one-sided, sometimes referred to as the [Double Empathy Problem](#).

Questions to consider:

- Do I assume my client communicates in the same way I do?
- Have I asked my client how they prefer to communicate?



## 2. Communication differences

### Direct and literal language

Some neurodivergent individuals prefer clear and direct language.

Questions to consider:

- Am I using plain, concrete language rather than idioms, metaphors or other figurative expressions?
- Do I rely on sarcasm, humour or implied meanings that could be confusing?
- Have I checked that my client understands important information rather than assuming?

### Processing time

Many neurodivergent individuals benefit from additional time to process information.

Questions to consider:

- Do I allow **pauses and silence** during conversations?
- Am I speaking too quickly or providing too much information at once?
- Do I summarise key points clearly?

Helpful practice:

- Provide **written summaries after meetings**
- Use **bullet-point explanations of legal steps**

## 2. Communication differences

### Alternative communication styles

Some individuals communicate differently.

Questions to consider:

- Does my client prefer written communication, email or text summaries?
- Would visual supports, written instructions or bullet-point summaries improve clarity?
- Am I interpreting differences in tone, eye contact or body language as lack of engagement rather than neurodivergent communication style?



# 3. Reducing uncertainty in legal processes

## How predictable and transparent is the legal process for my client?

Legal processes are often unfamiliar and unpredictable, which can create significant anxiety. Uncertainty and unfamiliar environments can create anxiety for many neurodivergent people. Providing clear information in advance can significantly reduce stress, while clear and concrete explanations can greatly improve accessibility.

Questions to consider:

- is there a waiting room?

Do clients receive clear information about:

- how long might they wait?

- where the office is located?
- where to park?
- how long parking lasts?
- how far they must walk to the building?

For court matters:

- How long might hearings last?
- Who will speak first?
- Where will the client sit?
- When will they be expected to speak?

When clients arrive:

- who greets them?
- is there a reception desk?

Providing a **‘What to expect’ document** can greatly improve accessibility and significantly reduce stress.

# 4. Social expectations and norms

## Am I assuming neurotypical social behaviour as the default?

Social communication differences are a common aspect of neurodivergence. Professionals should be careful not to interpret differences as disrespect, avoidance, or lack of cooperation.

### Questions to consider:

- Do I expect eye contact as a sign of engagement?
- Do I assume a client will understand unspoken social rules?
- Am I interpreting differences in facial expression or tone as hostility or disengagement?

### Neurodivergent individuals may:

- avoid eye contact to regulate attention
- communicate more directly than expected
- display different emotional expressions
- need time to formulate responses

### Reflect:

- Am I interpreting these behaviours through a neurotypical lens?

# 5. Emotional regulation, emotional safety and psychological safety

## How might stress affect neurodivergent clients during legal processes?

Family law proceedings can involve intense emotional stress, particularly when disputes involve parenting arrangements or allegations of harm.

Neurodivergent individuals may experience heightened stress responses in adversarial settings.

Questions to consider:

- Is my communication calm, predictable and structured?
- Do I allow breaks if the client becomes overwhelmed?
- Am I interpreting emotional responses accurately?

For example, a client who becomes overwhelmed or shuts down may be experiencing sensory overload or cognitive fatigue, rather than avoidance or non-compliance.

# 5. Emotional regulation, emotional safety and psychological safety

**Does my professional environment support emotional safety?**

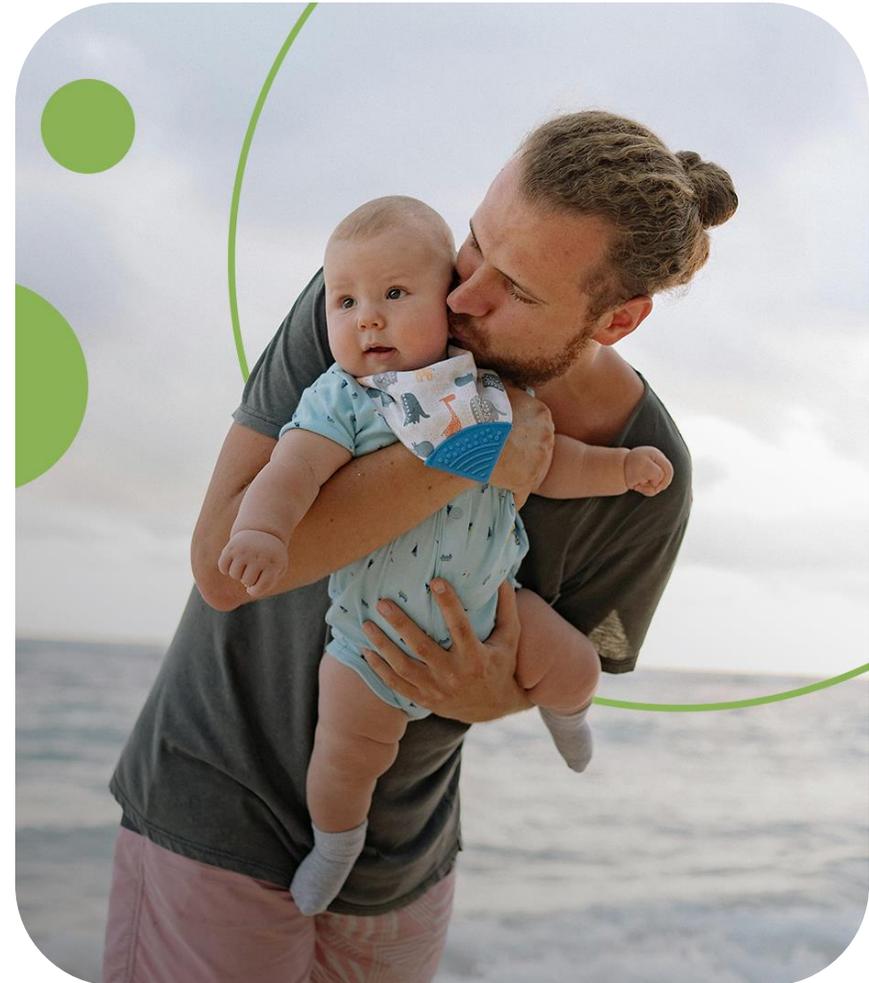
Many neurodivergent individuals have experienced misunderstanding, stigma or dismissal in professional systems.

Questions to consider:

- Do I approach differences with curiosity rather than correction?
- Do I acknowledge my own knowledge limits regarding neurodiversity?
- Am I creating space for clients to explain their needs and preferences?

Reflect:

- How can I communicate respect, openness and flexibility in my practice?



# 6. Cultural competence and intersectionality

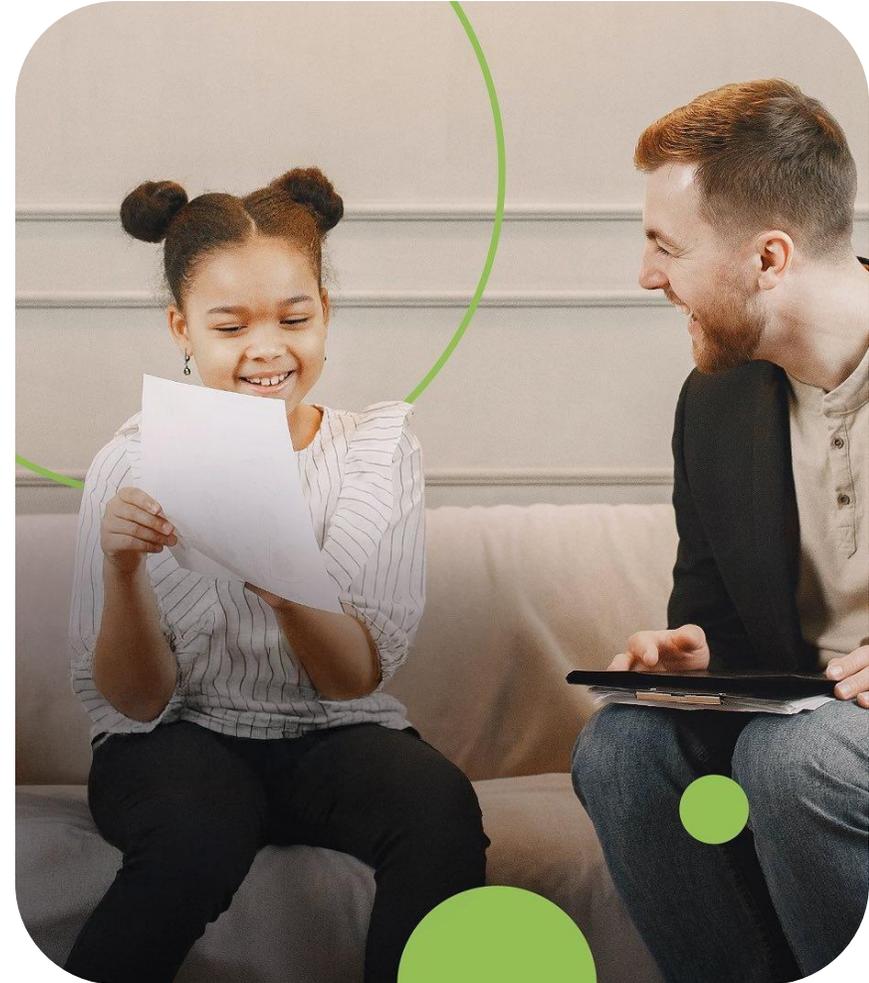
## How might neurodivergence intersect with culture, language, gender and identity?

Neurodivergent individuals may also belong to cultural, linguistic, gender, family or minority groups that experience additional barriers.

Questions to consider:

- Could cultural differences influence communication styles?
- Am I aware of how neurodivergence may present differently across cultures?
- Could gender expectations influence masking or camouflaging behaviours?

Professionals should consider the **intersection of neurodiversity, culture, gender and disability** when interpreting behaviour.



# 7. Neurodivergent children in legal processes

## How might legal processes affect neurodivergent children?

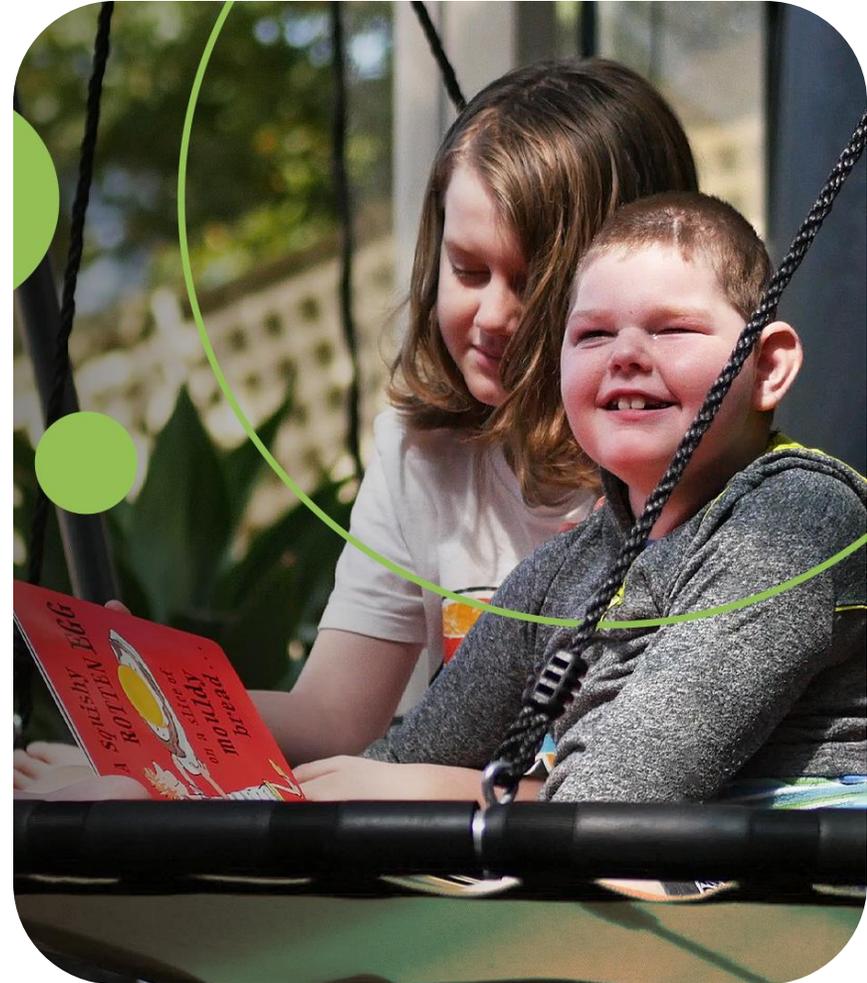
Children involved in family law matters may experience stress related to interviews, assessments or court proceedings.

Questions to consider:

- Are interview environments sensory-friendly?
- Are questions phrased clearly and concretely?
- Do children have time to process and respond?

Helpful approaches may include:

- visual supports
- clear explanations of the purpose of interviews
- breaks during interviews.



# 7. Neurodivergent children in legal processes

**What supports are currently in place for the child? What is the parent's/parents' level of understanding of their child's neurodivergent needs?**

Neurodivergent children often have additional support needs and parents may be required to adapt traditional parenting approaches to support their child's neurodivergence.

- Does the child have a current or suspected diagnosis?
- Do the parents agree or disagree about the child's diagnosis and associated needs?
- Are there parenting programs that the parents can enroll in early in the separation process to help them get on the same page with respect to the child's support needs?
- Is there a professional involved who specialises in neurodivergence and related diagnosis?
- Can this practitioner provide a preliminary report about the child's neurodivergence and how the parents may support this child throughout separation and/or legal processes?  
If a Family Report has been ordered as part of a court process – will a report from the specialist be available to the Court Child Expert or Panel Family Consultant to assist with their assessment?

# 8. Flexibility in professional practice

## How flexible is my practice for neurodivergent clients?

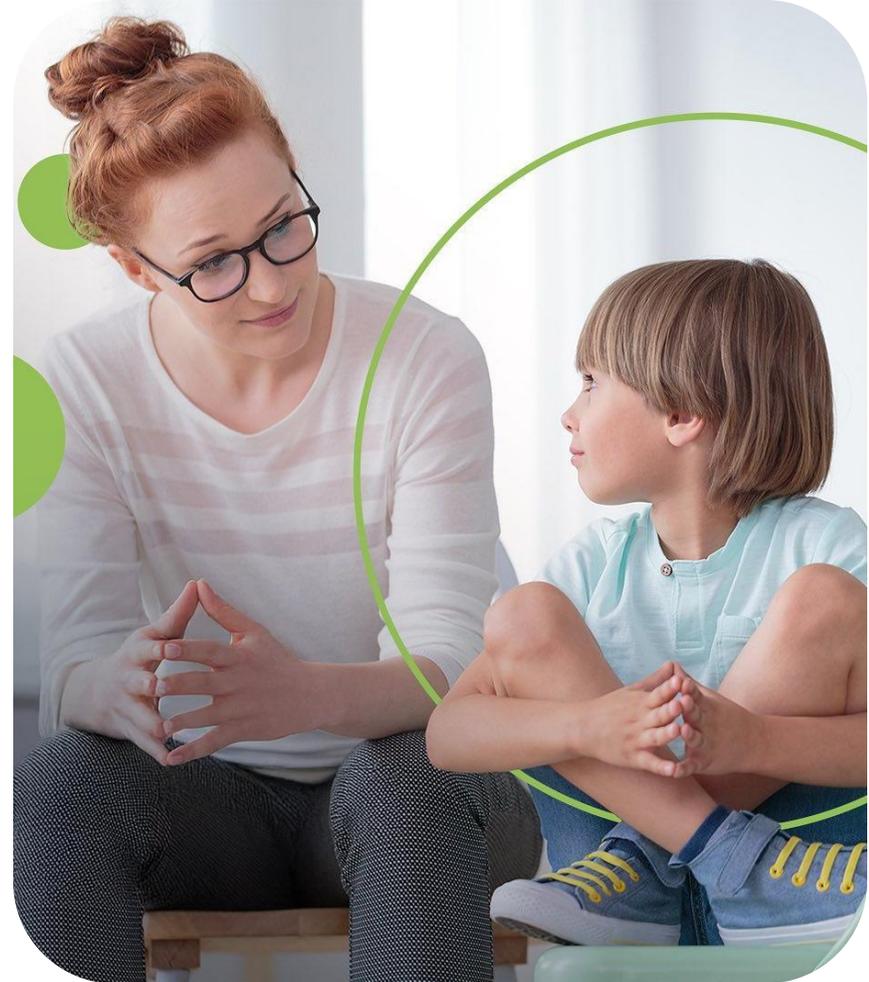
Accessibility often requires flexibility in systems and expectations.

Questions to consider:

- Can I offer shorter or longer appointments if needed?
- Are remote appointments an option?
- Can written follow-ups or summaries be provided?

Reflect:

- What small adjustments could make my practice significantly more accessible?



# Key reflection

Accessible legal systems do not require neurodivergent individuals to adapt to rigid norms. Instead, they recognise **diversity in communication, sensory processing and social interaction**—and ensure that all clients can participate meaningfully in legal processes.

Neuro-affirming practice invites professionals to reflect:

- What changes in my environment, communication and expectations could make this interaction safer and more accessible for my client/this family?

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# More free resources from Emerging Minds

- [Neuro-affirming practice](#) (online courses)
- [How to use neuro-affirming strategies to support child mental health](#) (webinar)
- [Promoting wellbeing in neurodivergent families](#) (webinar)
- [Working with families in neuro-affirming ways](#) (podcast)
- [The team around the child: A mum's story of her son's neurodivergence](#) (podcast)

