

TEENS, ADHD, and **DRIVING**

Proven Tips to Help Your Them Deal with Traffic Stops

Rosemary Hollinger, JD, ACC

TEENS WITH ADHD are more likely to have traffic stops with police than their neurotypical friends, and sometimes those stops escalate and result in detention at the police station. The best time to prepare yourself and your teen for this is before it happens.

Begin by understanding that your teen's behavior can be "caused by ADHD's core symptoms of distractibility, inattention and impulsivity. Compared with his peers, your teen with ADHD is at greater risk for vehicle accidents and is more likely to receive traffic tickets for speeding, failure to obey traffic laws, and reckless driving. Teens with ADHD are more likely to drive on a suspended license or without a license when there has been a problem" (from CHADD's Teens with ADHD and Driving webpage). The statistics back this up. A study published in 2019 by *Pediatrics* found that "among drivers with ADHD, 35.6% were issued a traffic violation and 26.8% were issued a moving violation within their first year of driving" (see "Traffic Crashes, Violations Among Teens with ADHD").

ADHD may explain your teen's behavior, but it does not excuse it, and they remain responsible for their actions. It's a fine line for a parent to walk. Once you understand the role your teen's ADHD plays in their behavior, it is important that you discuss with your teen your expectations regarding their driving, any limitations you are placing on their driving, and the consequences of any infractions of your rules and traffic laws.

The consequences need to be both fair and realistic, because you will have to follow through. For example, I told my sons (with ADHD) that if they got a traffic ticket, they would have to hire an attorney and pay the attorney's fees as well as any fines imposed. When the time came, that is what happened. Our older son got a speeding ticket for driving 30 mph over the posted limit. He worked all summer to pay his attorney's fees and the fines, but he kept his license and never got another ticket. The younger one watched and never got a ticket.



ISTOCK/ LUKA TDB



As a parent, lawyer, and ADHD coach, here are my recommendations for you and your teen.

Five tips for teens

1. Once you become aware that the police want to stop you, stop, pause, and take a deep breath. Don't do anything impulsive or risky. Pull over, keep your hands visible (on the steering wheel) at all times, and fully cooperate. Treat the police officer with respect. Fleeing, being disrespectful, or uncooperative will make things worse and could be dangerous.
2. Do not say anything unless it's in response to a question from the officer. If the police officer asks you, "*Do you know why I pulled you over?*" don't guess, just say, "No." They will tell you why they pulled you over. Once they have told you why you were pulled over, don't argue with them about it. Pause, think about it, and stay quiet.
3. If it doesn't look like a brief stop, ask to call your parents; otherwise, be quiet, respectful, and don't say anything until you have spoken to your attorney. If you forgot to take your medication, inform the police officer that you need your medication and where it is.
4. When you are speaking to your parents, if you forgot to take your medication, tell your parents that you need your medication.
5. If you have an attorney, always carry their card and keep their contact information on your phone listed under contacts as "attorney" or "lawyer" so that the information can be easily retrieved. If your parents aren't available, your first call should be to your attorney.

Two tips for parents

If your teen is detained because of the seriousness of the offense, you will most likely be notified by either your teen or the police officer. These are two things you can do to assist your teen.

1. If you are called by your teen, ask if they are on their medication; if not, bring it to the station in the prescription bottle and request to speak with the person in charge, explain that your child has ADHD and needs their medication, and ask to see your child. If you are called by an officer, tell them that your child has ADHD and requires medication. Request that your child not be questioned unmedicated and without counsel. Get the officer's name to whom you make this request and document the time the request was made.

I can't emphasize enough the importance of having your teen on their medication during any police encounter. Medication will help curb impulsivity, inattention, lack of focus, forgetfulness, blurting, and emotional outbursts. Russell Barkley noted that teens with ADHD are more likely to under-report or deny their misconduct or change their stories than their neurotypical peers. He attributes this to their lack of self-awareness and impulsivity (see "ADHD and Truthfulness," published online February 2019; <https://guilfordjournals.com/doi/10.1521/adhd.2019.27.1.7>).

2. If you have retained an attorney in advance (a good idea if your teen has had a prior traffic offense), when you go to the station, provide the police officers with the attorney's contact information.

It is important that you find an attorney who is knowledgeable about ADHD and how it impacts your teen, because the manner and accuracy of your teen's responses to police questioning can be impacted negatively by their ADHD. If you cannot find a knowledgeable attorney in your area, then find one who is willing to take the time to become educated and knowledgeable about ADHD. Since ADHD is considered a disability under the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101, the attorney should seek accommodations for your teen. These accommodations could include medication, ability to move around, short questions, quiet questioning area, emotional support, breaks, or fidget toys.

How ADHD can impact your teen while being questioned

The severity of the impact of ADHD can be increased in stressful environments. Some of the more obvious impacts include short attention span, distractibility, time insensitivity, impaired working memory, impulsivity, emotional dysregulation, forgetfulness, losing things, inability to prioritize, or hyperactivity. Interrogations lasting more than thirty minutes may be emotionally and physically draining. Questions can seem repetitive or "stupid" to your teen. They may respond by providing contradictory answers simply out of frustration, working memory issues, or a desire to please the questioner.

Here are some examples of routine questions that your teen could answer incorrectly by answering without thinking or because they are frustrated with being detained:

- How long ago did you leave? (time insensitivity)
- Who was at the party? (impaired working memory)
- Did you notice anything unusual? (lack of attention to detail)



- Where is your insurance card? (forgetfulness)
- Where is your driver's license? (losing things)
- What were you thinking when this happened?" (impulsivity can result in a response like "I was so upset, I just reacted...")

As a lawyer, my general advice is that your teen should not respond to any questions until they have consulted with their attorney. I recognize that is not always practical. If your teen decides that they will speak with the police, here are six things that you can request to assist your teen who has ADHD:

1. If your teen has a short attention span and is highly distractible, request that the questioning take place in a quiet area with no visual distractions.
2. If your teen needs to move, walk and talk is a great strategy, especially if it can be done outside. Fidget toys can also be helpful. Doodle pads are not recommended. Be sensitive to the concept that inactivity for the hyperactive can be a form of duress for some teens. If that applies to your teen, you or your attorney will have to advocate for them to be able to move periodically in a safe fashion.
3. If your teen is unable to focus for a long meeting, either meet with the police in several twenty-minute phone calls or twenty-to thirty-minute in-person meetings. If you must meet for a longer period of time, build in breaks at twenty-minute intervals. The breaks can be for refreshments, walking around, playing a game, or anything you can think of to give them time to recharge their brains.
4. Ask the officers to speak to your teen using short sentences when providing information, instructions, or asking questions. Questions should be narrowly focused. A question like "Tell me what happened" addressed to a neurotypical client is likely to elicit the full story. The client with ADHD, who has poor working

memory, may provide a vague answer or claim that they don't remember because the question overwhelms them. Better questions might be, "Where did you go after school?" "Who were you with?" "What were you doing?" Short, open-ended, but specific and narrowly focused questions will help your teen focus on the information sought.

5. If your teen takes ADHD medication, insist that they be on their medication whenever they are questioned by the police.

6. Advise the police how ADHD impacts your child because it may affect their credibility. For instance, ADHD may affect their working memory—specifically forgetfulness and attention to detail. Your teen's initial statement may be incomplete not because they intentionally left out details but because they forgot them at the time of the initial statement or because they simply were inattentive at the time.

ENCOUNTERS with law enforcement officials can be very stressful, and dealing with them presents several challenges to a person with ADHD. These challenges include: (a) attention to detail, (b) controlling emotions, (c) remembering not to say anything without counsel, and (d) not losing the attorney contact information. Preparing in advance for these encounters by having thoughtful conversations with your teen and discussing responses for different possible situations will help make these encounters uneventful. **A**



Rosemary Hollinger is the founder of Partner Up LLC and a certified coach. She graduated from Georgetown University Law Center and practiced law for over thirty years in various capacities, including legal aid attorney, law firm associate, and finally as an attorney and manager for the US government.

Hollinger started at the US Commodity Futures Trading Commission as a trial attorney and eventually served as a deputy director in the Division of Enforcement and as the Chicago Regional Administrator. She currently represents asylum seekers through the ABA Immigration Justice Project. She has taught the National Institute of Trial Advocacy deposition and trial advocacy programs for over twenty years and at DePaul University Law School. More recently, she completed the training through ADDCA to become certified as an ADHD coach. She specializes in coaching lawyers with executive function challenges or ADHD.

REFERENCES AND RESOURCES

Claire McCarthy, MD. Driving for Teens with ADHD: What Parents Need to Know, Harvard Health Blog, August 30, 2019. <https://www.health.harvard.edu/blog/teens-with-adhd-and-driving-what-parents-need-to-know-2019083017633>

CHADD, Teens with ADHD and Driving. <https://chadd.org/for-parents/teens-with-adhd-and-driving/>

Allison E. Curry, et al. "Traffic Crashes, Violations Among Teens with ADHD" in *Pediatrics* (AAP) Volume 143, Issue 6, June 2019. <https://publications.aap.org/pediatrics/article/143/6/e20182305/76817/Traffic-Crashes-Violations-and-Suspensions-Among>

Barkley, Russell A. and Daniel Cox, "A Review of driving risks and impairments associated with attention-deficit/hyperactivity disorder and the effects of stimulant medication on driving performance," *Journal of Safety Research* (2007) 113-128. https://duiform.weebly.com/uploads/1/2/0/1/12016444/driving_risks_and_impairments_associated_with_adhd_and_the_effects_of_stimulant_medication_on_dri.pdf

Behind the Wheel with ADHD, Training Programs for Driving with ADHD. <https://behindthewheelwithadhd.com/>