

■ Autism

Judge rules for Freeman

Autistic families will finally get the help they need.

by Karen Kersey
REPORTER

Sabrina Freeman had a choice to make — bury her head in the sand or challenge the B.C. Medical Services Commission to provide early, intensive support to autistic children like her daughter.

She chose to sue the BC Attorney General and the Commission for failing to provide treatment for autism through the Ministries of Health, Education or Children and Families.

On July 26, Honorable Madam Justice Allan found that Dr. Freeman's daughter Miki and children of other petitioners "are the victims of the government's failure to accommodate them by failing to provide treatment to ameliorate their mental disability. That failure constitutes direct discrimination. Further, the petitioners' disadvantaged position stems from the government's failure to provide effective health treatment to them, not from the fact their autistic condition is characterized in part, by an inability to communicate effectively or at all."

"I'm very pleased," Freeman said from her Langley home, Friday. "This judgment has ramifications for children across Canada."

When put into place, the terms of the judgment will ensure that every autistic child has access to treatment, regardless of the family's ability to pay. Freeman is also happy that the judge has taken the issue of autism out of the realm of social work, recognizing it as a health issue.

"I hope there's no appeal," Freeman says, adding that any delay is



MIKI TAMIR

critical to the prognosis for an autistic child. Eighteen months ago, Dr. Simon Baron-Cohen developed what Freeman refers to as an "elegant diagnostic tool" to detect autism. It's very accurate, and takes just 10 minutes in a doctor's office, she adds. It's posted on the FEAT (Families for Early Autism Treatment of BC) web site, www.featbc.org.

Freeman was attending Stanford University in California when she and her husband were told their baby girl, Miki Tamir, was severely autistic.

At 18 months, Miki began receiving intensive Lovaas therapy and today at 12 years old, she is "a very happy child," attending Uplands Elementary school.

"She enjoys things like the Spice

Girls and she's in the young group of Langley Ukulele Choir. In short, she has a real life, a real future."

Dr. Ivar Lovaas, pioneered the therapy that is based on the premise that autistics don't learn from their environment and the blockage often leads to inappropriate language and negative behavior.

Freeman says it takes therapists "thousands of skills" to break down the blockage, working on an average of 40 hours a week one on one with the child.

"It's done brick by brick. It's difficult, tedious, but effective," Freeman says. Therapists are available in the province, she adds, but what's needed is more highly skilled behavioural consultants. Training is not available in Canada, so candidates would have to enroll either at UCLA or Columbia University, N.Y.

Still to be determined by the courts is the matter of whether Freeman and the other petitioners are entitled to be indemnified for the costs of Lovaas or other therapies used in the past.

Also, if additional damages and costs be awarded or if there are "any other issues properly arriving from these reasons for judgment."

Freeman notes also that the Crown's own expert witness testified that every service provided to autistic children is ineffective.

"It is ironic that the very limited services provided by the Crown not only fail to meet the gold standard of scientific methodology, but are positively discredited," Justice Allan wrote.