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November 24, 1999

Families with autistic children suing Ontario government

TORONTO (CP) -- Several Ontario families are taking the provincial government to court to win their autistic children the right to special health and education services.

Two groups of parents want the Conservatives to fund costly therapy and education programs for the 1,500 children with autism currently living in Ontario.

Brenda and Steven Deskin are suing Health Minister Elizabeth Witmer and her ministry, as well as the ministries of Education, Community and Social Services and Children.

The couple's autistic four-year-old son, Michael, undergoes intensive therapy called Applied Behaviour Analysis at a cost of more than \$80,000 a year -- a treatment that's fully funded in most American states.

The therapy, also known as Lovaas treatment, has a controversial reputation for its high cost and what critics say is a lack of proof that it actually works.

Autism is a mental condition characterized by complete self-absorption and a reduced ability to respond or communicate with the outside world.

The funding controversy stems from how it is defined.

Ontario considers it a psychological condition while some doctors and parents say it is a neurological disorder.

As a brain disorder, the cost of treating autism would be fully covered by provincial health care programs. As a psychological condition, however, little government funding is available.

Brenda Deskin says the constant therapy is her son's only option.

"These kids are being discriminated against, plain and simple," the 32-year-old mother said Wednesday.

"Ontario should be ashamed of how blatantly it is shirking its values and discriminating against these children."

Witmer refused to comment Wednesday because of the lawsuit.

But Education Minister Janet Ecker, a former minister of community and social services, defended her government as having already put more money into special needs programs.

"Every government in health and education has always heard and will always hear that there always needs to be more dollars," Ecker said.

"We have put more dollars there, we also are spending more in the education system for special needs children, and we recognize that we need to do even more."

A separate group of 12 families with autistic children was expected to hold a news conference today to announce a separate suit that also asks the court to enshrine the rights of autistic children in the Constitution.

Ontario has proposed a \$19-million plan for families with autistic children, but neither group is satisfied.

The Deskins say that will provide each autistic child in Ontario with less than \$13,000, a fraction of their annual therapy costs, and would not apply to children over the age of five.

In British Columbia, Barbara and Joe Rodrigues are fighting the province after they lost the \$1,200 a month they received for their son Jeremy when the government discovered they were using Lovaas therapy.

In Alberta, funding for Lovaas is being reviewed, although some families do receive government help under a pilot project.

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