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## B.C. appeals autistic kids' court victory

Parents say a decision to fight a ruling ordering the government to pay for costly therapy is 'heartless and short-sighted.'



*Neal Hall Vancouver Sun*

Parents of autistic children who were elated when a judge ordered the provincial government to pay the cost of expensive Lovaas therapy treatment are outraged that the government is appealing the decision.



"It's heartless and short-sighted," Jean Lewis said Monday. "I find it absolutely reprehensible the government has filed an appeal. They should be getting on with the remedy that the judge set out."



Last month, Justice Marion Allan of the B.C. Supreme Court ruled that the B.C. government discriminated against four children with autism who were denied funding for Lovaas Autism Treatment, which costs up to \$60,000 a year for each child.



The judge also found the government's failure to provide effective treatment for autistic children violated their Section 15 (1) rights under Canada's Charter of Rights and Freedoms.



"The petitioners are the victims of the government's failure to accommodate them by failing to provide treatment to ameliorate their mental disability," the judge concluded in a 66-page judgment publicly released Thursday.



The judge found that autism, a neuro-behavioural syndrome caused by a dysfunction in the central nervous system, "is a medical disability just as cancer is and . . . both require treatment."



The decision was expected to lead to the government agreeing to provide funding to about 150 families in B.C. who have been forced to pay for the cost of Lovaas treatment, an intensive early-intervention program that requires 40 hours a week of one-on-one therapy that costs \$45,000 to \$60,000 a year.



Some parents chose to move to Alberta, which picks up the tab for Lovaas treatment. Others remortgaged their homes and are deeply in debt.

"Some of these parents are just hanging on by their teeth," said Lewis, who has an autistic child who receives Lovaas therapy. "It's not fair. What are we talking about here? Disabled kids -- about 1,400 kids with autism. The amount of money is a drop in the bucket."

She added that she and other parents who belong to the advocacy group FEAT -- Families for Early Autism Treatment -- are disappointed with the government's decision to appeal "but it's not unexpected because of this government's record."

She noted a cost analysis presented during the 13-day trial showed the government would save up to \$1 million per child over the course of a lifetime with Lovaas early-intervention therapy, which helps integrate children into regular school classes by significantly improving their functioning.

Fed up with lack of funding and government inaction, the parents of four children -- Michelle Tamir, Connor Auton, Jordon Lefavre and Russell Pearce -- went to court to get the government to pay the cost of past and future Lovaas treatment.

FEAT filed in court an endorsement of Lovaas Autism Treatment by 63 psychiatrists who found it highly effective. Lovaas was developed by an American, Dr. Ivar Lovaas, in 1970 after he noticed autistic children do not learn from their everyday environment and need a special, intense and comprehensive learning environment.

Shortly before the legal action was heard in court, Gretchen Brewin, minister for children and families, announced a \$1.1- million early behavioural intervention pilot project for children with autism.


The pilot project -- part of a \$9-million package announced by Brewin for early childhood health development -- will receive a total of \$1.4 million this year and will examine a range of therapies, including Lovaas, for children aged two to six.

Lewis said the government is wasting money on the pilot project because the court case determined that Lovaas is the most effective therapy for autistic children.

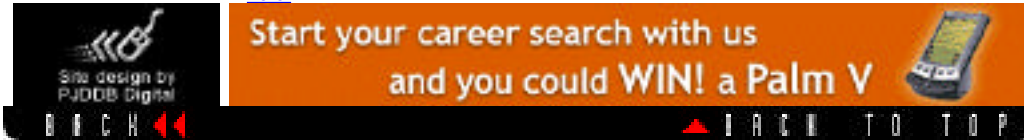
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