

Ontario to appeal ruling on autism funding



Ontario Premier Dalton McGuinty at Queen's Park on Monday.

CTV.ca News Staff

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A court ruling ordering the Ontario government to pay for an expensive autism treatment for children over age six will be appealed, the province said Monday.

"Every time a court says we require that you spend money in this way, they don't tell us where we're supposed to get the money," Premier Dalton McGuinty told reporters on Monday.

McGuinty was reacting to an Ontario Superior Court ruling issued Friday, but it was Attorney General Michael Bryant who made the

decision to appeal the ruling.

A judge ruled that denying the 35 children represented in the lawsuit a treatment known as applied behavioural analysis on the basis of age violated their constitutional rights.

The treatment is an intensive, one-on-one therapy that has autistic kids improve their behaviour by doing repetitive actions. It can cost from \$30,000 to \$80,000 per year per child.

Autistic children typically have impaired social functioning, poor communication skills and behavioural problems such as disruptive outbursts.

Although a non-autistic child can learn to tie his or her shoes in about six attempts, an autistic child of the same age would require about 1,000 attempts.

Ontario started paying for the treatment in 2000 for children between the ages of two and five. The policy had been to limit the therapy to those six years old and younger.

Brenda Deskin, whose son Michael is autistic, is one of the lawsuit's plaintiffs.

"We were thrilled. We really felt (hopeful) that it was finally over and our kids were going to get what they deserved," she told CTV News.

While the province has said it will appeal, Deskin vowed to also continue the battle.

"I will keep on fighting, and we will continue doing what we have to do for our little guy over there," she said.

McGuinty said he was sympathetic to families with autistic children, but noted the autistic represent a very small proportion of those children who have learning disabilities.

"There are many, many other families whose children are affected by other kinds of learning disabilities," he said. "The issue then becomes: do they take their cases to court and demand that the province of Ontario make certain expenditures to help out those families?"

While the opposition heckled the Liberals Monday for breaking an election promise to fund the autism treatment past age six, the government said it has increased funding for autism treatment.

CTV News Toronto reporter Paul Bliss said the autism ruling, if upheld, could cost the province \$60 million per year.

Ontario's current provincial deficit is estimated at \$6 billion.

In B.C., the provincial government lost a similar case at the trial and appeal court levels. But then the Supreme Court of Canada ruled the government wasn't obligated under the Canada Health Act to provide the treatment.

However, the Ontario case argued the funding should come from the school system.

With a report from CTV's Avis Favaro and files from The Canadian Press

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