

Families seeking IBI funding win another round

A recent Ontario court ruling ordering the provincial government to pay for Intensive Behaviour Intervention (IBI) therapy for a seven-year-old boy with autism is another positive step for parents fighting for therapy based on children's needs and not their age, says David Lowrey.

"More people are getting through the door that Andrew opened," says David.

David, and his wife, Maureen, of Orillia, sued the province to prevent their son, Andrew, from being cut off IBI funding when he reached the age of six. A Superior Court judge ordered the Ministry of Community Family and Children's Services to pay for Andrew's treatments until a court decision is made in a case involving several families.

"We were the first to attempt to get an injunction and succeed," David says. "Now, we are seeing more successes than failures in court cases where there is solid testimony and expert witnesses."

The court has ordered the government to ignore the age limit on a handful of occasions and David predicts the numbers will grow.

In the most recent case, Mr. Justice Paul Rouleau ruled Eric Naccarato of Hamilton would suffer "irreparable harm" if he left IBI even though he exceeds the program's six-year age cap.

Government-funded IBI therapy has proven to be the most effective form of therapy for autism in young children but the cost can be as high as \$80,000 a year. There are 500 children funded for IBI in the province and many more on a waiting list.

While governments fear the short-term costs of extending IBI therapy, taxpayers should benefit in the long term by such a move, David argues.

"It costs taxpayers \$7 million to care for a child with autism from birth to death and \$250,000 at the most to put one child on their feet," he says.

Cases involving IBI therapy and the age cut-off to watch in the coming months include Wienberg-Deskin in Superior Court involving several families, with a decision expected in the fall. There is also an Ontario Human Rights Commission hearing involving 160 families.

The Auton case before the Supreme Court of Canada, involving three B.C. children denied IBI therapy, may establish a key precedent. In this case, all the provinces are making arguments against a B.C. Supreme Court ruling that the failure to provide effective treatment for autism violates the children's rights to equality under the Charter of Rights and Freedom.

The provinces are appealing on the basis that governments, not courts, should determine where governments spend their money, David says. "I tend to agree with that stance except when a government decision is discriminatory and unconstitutional," he says.