

Ontario's autistic children win court victory



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Ontario's autistic children are the winners in a judge's decision on funding a controversial program -- and their victory could put the province on the hook for millions of dollars.

In a ruling issued Friday, the Ontario Superior Court agreed with lawyers for 35 families with autistic children that denying the children a treatment known as applied behavioural analysis on the basis of age violated their constitutional rights.

"The defendant has violated the rights of the infant plaintiffs," Justice Frances Kiteley wrote in the ruling.

The ruling granted relief and damages for past and future therapy.

The treatment is a very 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 outburst.

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 cut the therapy off at age six.

"It's excellent news, not just for us but for all children who have autism," Sheila Laredo told The Canadian Press about the ruling. She is a Toronto physician who has two autistic boys and was a plaintiff in the case.

"There isn't any scientific reason for the age six cut-off."

An Ontario government spokesman said lawyers are still studying the 209-page ruling. A decision on an appeal hasn't been made yet.

One Toronto psychologist who is expert in the treatment had his concerns about the judge's ruling.

"I worry about how our province is going to afford all of this, so I have mixed emotions," David Factor told The Canadian Press.

The Supreme Court of Canada ruled last year that the B.C. government wasn't compelled to provide autism treatment under the Canada Health Act.

But this challenge was based on obtaining the treatment through the province's education system.

With files from The Canadian Press

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