

Family Net:

Decision in key Ontario

autism case expected today

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Families of children with autism are waiting with bated breath for what could be a landmark decision today in a court case that has dragged on for two years in Ontario Superior Court.

Madame Justice Frances Kiteley is scheduled to release her decision at 4 p.m. in the Wynberg case in which 17 families launched a civil lawsuit against Ontario.

In their lawsuit, the families argue that a provincial government decision to cut off Intensive Behaviour Intervention (IBI) therapy funding for children with autism at age six is discriminatory under the Charter of Rights and Freedom.

"This is a huge case and every parent of a child with autism has a vested interest in the outcome," says David Lowrey, whose son, Andrew, has the neurological developmental disorder.

"I haven't been able to sleep since I heard the Wynberg decision is really going to happen Monday," the Orillia resident says.

The families argue the age cut-off deprives children with autism of the most successful program available and want IBI treatment available to all children who need it, regardless of age.

The ruling in this Charter case will affect several other court cases tied to this decision including that of David and his wife, Maureen.

They have been through the court and the appeal court after suing the Province to prevent Andrew from being cut off from IBI funding when he reached the age of six.

In their case, a Superior Court judge ordered the Province to pay for his treatments until the Wynberg ruling is made.

"If the Wynberg case is not successful, we'll have to think about selling off part of our farm to continue Andrew's treatment," David says. "But we can't not continue with the treatment because it is definitely the right thing to do."

Andrew, now eight years old, has continued improving since he began the treatment that can cost more than \$50,000 a year, David says. "If you met him today, you would never guess that he is autistic."

Funding IBI treatment is expensive in the short term, with families needing about \$250,000 to complete the treatment, David says. But studies have shown the cost is \$7 million to take care of someone with autism from birth to death, he points out.

Ottawa parent Andrew Kavchak's son, Steven, has autism and is on a waiting list for treatment. Andrew has spent many days on Parliament Hill with a placard, calling for better health care for children with autism. He expects the families will win today.

"My guess is that the families will win and that the provincial government will appeal," Andrew tells Family Net.

"I sincerely hope the cause of autism treatment wins and that the government does not appeal it."

If the families in the Wynberg case are successful at the Superior Court, there is no doubt the Province will take the case to the Appeals Court, David agrees.

"This is going to wind up eventually in the Supreme Court of Canada and it could still take a long time before we have a final decision."