

Points Of View On The Recent Supreme Court Judgement On Autism Funding:

The following letter appeared in the National Post on Nov. 22, 2004:

Autistic kids deserve better

Re: Top Court: Health Care Not a Right: Governments Applaud As Autism Precedent Rejected. Nov. 20
Provincial governments will have to face the children whose lives are being destroyed by discriminatory policies that deny funding for autism treatment. They will be responsible for passing the burden of care for severely disabled people to future generations instead of providing treatment and saving taxpayers billions of dollars in health care and social service costs. They are responsible for spending millions of taxpayer dollars on lawyers and courts instead of treating children with autism, including my son.

The solution to dealing with autism has been known for almost 30 years now, and all this decision does is sentence hundreds of children to a lifetime of devastating disability. The numbers of autistic children in British Columbia is growing at a rate that is beyond comprehension.

The Supreme Court decision was not the end of the province's problems with autistic children; it is just the beginning.

In an effort to have autism considered a defined condition under the Canada health Act, we are asking the public to sign an online petition (www.petitiononline.com/mod_perl/signed.cgi?andapl&l).
Justin Himmelright, Maple Ridge, B.C.

The following letter appeared in the National Post on Nov. 23, 2004:

Right thing?

Re: Ottawa Has the Money to do the Right Thing, John Ivison, Nov. 20

Yes, but is it the right thing? In her judgement, Chief Justice Beverley McLachlin writes, "While increasingly accepted, Applied Behavioural Analysis (ABA) or Intensive Behavioural Intervention (IBI) therapy is not uncontroversial. Objections range from its reliance in its early years on crude and arguably painful stimuli to its goal of changing the child's mind and personality. Indeed one of the interveners in this appeal, herself an autistic person, argues against the therapy"

The parents were insisting that all autistic children undergo this, and only this, treatment, a treatment whose efficacy is far from proven and whose ethics are dubious.

ABA proponents tell us those who do not undergo the treatment are doomed to be institutionalized for life and a heavy burden on society. As the proud father of an autistic daughter who has not been subject to ABA, and who is living on her own, I am happy with the decision. I am also happy that due diligence is being exercised when spending my tax money.

W.K. Dawson, Vancouver

The following letter by Linda Reid, Minister of State for Early Childhood Development, Victoria, appeared in the National Post on Nov. 25, 2004:

Autism support

In light of your recent coverage of the Supreme Court of Canada's *Auton v. British Columbia (Attorney General)* decision, please note that the B.C. Ministry of Children and Family Development will continue to provide a range of services for children and youth who have been diagnosed with autism, regardless of litigation.

Autism is a spectrum disorder and affects each child differently. As such, there is no one, universally accepted treatment. Research has shown that Lovaas therapy has benefited some children, while applied behavioural analysis helps others.

The Ministry's funding programs offer families choice and flexibility to assist them in choosing the therapies that best meet their child's needs.

Our province's budget for autism intervention has increased nearly tenfold from \$3.4-million in 1999/2000 to \$30.8-million in 2004/2005.

The B.C. government is committed to continuing to provide funding and services to children and youth with autism spectrum disorder. The Supreme Court decision does not—and will not—alter that commitment.

Linda Reid, Minister of State for Early Childhood Development, Victoria.

Nov. 29, 2004 Response to Minister Reid's letter to the National Post (Nov. 25/04 edition) about autism services:

1) This letter reiterates the same vague assurances that the B.C. government made the day of the Auton decision. Minister Reid's staff contacted me and others urging us to publicize this message. I stressed that vague telephone promises and media statements about continuing to "provide a range of services" are inadequate, given that successive governments have been fighting in court to avoid doing just that for the past six years, and have now finally secured their green light. No one expects immediate cuts with government in re-election mode, but it will be a very different story following the May 05 elections.

Families would be foolish to trust anything less than legislation or formal policy that provides detailed, long-term, iron-clad guarantees protecting current service levels and that starts to address major gaps--e.g. adequacy of funding for "intensive" treatment, services for "high-functioning" autism (Aspergers, PDD, etc) after age 19, early intervention for other special needs, family supports such as respite, waitlists, fragmentation of services under proposed MCFD restructuring, and the whole mess of special education.

2) Remember that Premier Campbell & Ms. Reid urged full implementation of the first Auton court victory and full funding for autism before the last elections. Once in office, the B.C. Liberals turned 180 degrees and broke every promise they made on autism:

- They did nothing to increase funding for autism treatment except where specifically ordered to do so by the courts.
- They spent their entire term fighting the Auton rulings. Those rulings simply ordered government to fund intensive early intervention for autism--they did NOT restrict choice between Lovaas or other approaches.
- They scaled down the previous government's plans to provide autism treatment programs in response to the first Auton court victory in 2000.
- They refused funding for children over six until the courts specifically ordered this.

Those court orders have now been nullified by the Supreme Court. Thus families have every reason to be concerned for the future, in the absence of firm policy or legislation to protect current service levels.

3) Minister Reid states that provincial funding for autism increased from \$3 million to \$30 million annually. This was not a true spending increase. Her government responded to the courts by diverting dollars from other badly underfunded child and family services, while also cutting the Ministry's budget by \$170 million and wasting tens of millions more on the Doug Walls/Community Living BC restructuring fiasco!!

Thousands of children with other special needs are on waitlists or being refused early intervention, simply because their families have not taken the BC government to court.

4) The recent Supreme Court of Canada ruling places the ball very firmly in government's court, affirming that they are responsible for formulating policies and/or legislation covering the provision of autism services. There appears to be strong public support for autism funding. A recent CKNW poll, while not scientific, showed 75% of respondents thought government should fund autism treatment.

Vague letters to the media and telephone calls to families are no substitute for sound policy. If Minister Reid and her government won't live up to their responsibilities, this will just fuel efforts already underway to push for federal legislation to regulate autism treatment.

5) Bob Kiell, a staunch autism advocate for many decades, has been something of a visionary on all this. He led the push for a legislative provision clarifying "entitlement" as part of the restructuring of community living under the BC Liberals. But the Liberals refused to touch this in the community living legislation that they recently rammed through without any consultation. The Supreme Court ruling highlights this failure and the need to address it.

6) Finally, Minister Reid knows (or should know) that Lovaas is a form of applied behavioural analysis (ABA)--it's not

either/or, as suggested. The Auton families focussed on Lovaas because it's a time-tested ABA approach whose efficacy had been best documented by science when they initiated the legal fight six years ago, and they support it passionately because they've seen dramatic benefits for their children. Others passionately support modified forms of ABA, or other methods that focus on social interaction and communication, having seen equal success in addressing their children's unique needs. Old divisions pitting Lovaas against other approaches are (or should be) well behind us. Families should be wary of any efforts to divide or divert us, thereby taking our eyes off the ball.

Meanwhile, families will and should continue to push for a stronger foundation for treatment and supports through the courts or federal legislation.

Dawn Steele