

## **Our Challenge To the Changes to IBI Services in Ontario: A Lead Case Approach**

Since the provincial government's announcement of the changes to IBI services, our office has received calls from dozens of parents who want to challenge the reduction or elimination of IBI services for their children with autism. Our office has limited resources and cannot provide direct representation to every family.

We are in the process of preparing applications to the Human Rights Tribunal of Ontario in a small number of cases. We think these cases will represent the best facts for arguing that the changes to IBI services are age discrimination and therefore against the law. By choosing these Lead Cases, we hope to influence outcomes for other families in the same situation.

### **Which cases are our Lead Cases?**

**The Lead Cases from our office will be:**

- **Children on the IBI waitlist that are currently five (5) years or older; and**
- **Children on the IBI waitlist and turning five between May 1, 2016 and March 31, 2018 who are removed from the waitlist before receiving IBI services.**

If the Lead Cases go to a hearing at the Human Rights Tribunal of Ontario, any positive decisions will hopefully be applied to other families who have filed applications with the same situations.

### **Your Next Steps if you Want to Challenge the Changes to IBI Services:**

1. **If your child falls into one of the Lead Case categories** listed above and you would like to file an application to the Human Rights Tribunal of Ontario, we have some resources on our website to help you.

You will need to Complete/Review:

- a) Form 1 Application. Our guide to help you complete that application is [here](#). Note: Question 4 a) in the Application form asks you to name the Respondent (the organization you are filing against). In the case of the changes to IBI, the organization you are filing against is "Her Majesty the Queen in Right of Ontario by the Ministry of Children and Youth Services". The contact information is: Minister Michael Coteau, 77 Wellesley Street West, PO Box 156 Toronto ON, M7A 1N3.
- b) Form 4A because you are filing on behalf of a minor. That form is [here](#). Note: Hearings at the Human Rights Tribunal of Ontario are public. However, in written correspondence and in any published decisions, generally the Human Rights Tribunal of Ontario will automatically use initials only (rather than full names) to identify you and your child. More information about that practice is available [here](#).
- c) To challenge the changes to IBI as being discriminatory based on age, you must complete a *Notice of Constitutional Question* (because normally age discrimination in the *Human Rights Code* does not include children who are treated differently because they are under 18). We have a sample notice you can use [here](#).
- d) Our How-to Guides which are [here](#).

**Important:** There is a limitation period (deadline) for filing applications to the Human Rights Tribunal of Ontario. You must file your application within one (1) year of your child being removed from the IBI waitlist **OR** within one (1) year of the date you received notice either by phone or in writing that your child was removed, whichever date is earliest.

2. **If your child does not fall into one of the categories listed above as a Lead Case**, our office will not be representing you at this time. We have decided that at this time, we will not challenge the reduction or elimination of IBI services where this reduction or elimination is anticipated to happen in the future (but has not yet actually happened), or situations involving the provision of ABA services.

This includes the following situations:

- Your child is on the IBI waitlist and is currently two (2) years old or under;
- Your child is receiving IBI and is currently five (5) years or older;
- Your child is receiving IBI and is currently under five (5) years old;
- Your child is applying for IBI and is currently five (5) years or older;
- Your child is applying for IBI and is currently under five (5) years old;
- Your child is currently receiving ABA; and
- Your child is currently on the ABA waitlist or applying for ABA

But if your child falls into one of these non-lead case categories, we think the best approach is to monitor our website for updates on the Lead Cases, and if and or when your child's IBI services are eliminated or reduced you may wish to call us for more advice.

Of course, you are entitled to file your own application at the Human Rights Tribunal of Ontario at any time. Our website includes many [self-help materials](#) to guide you through the process. Those materials are available [here](#). As well, please refer to the above sections a) through c).

**Important:** If decide to file an application to the Human Rights Tribunal of Ontario, there is a limitation period (deadline). You must file your application to the Human Rights Tribunal of Ontario within one (1) year of receiving notice (whether that notice is in writing or provided to you verbally) of a reduction or elimination in services for your child.