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Youth advocate lashes IQ-based denial of care

Liberal policy can deny services to mentally disabled with IQ over 70

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B.C. is forcing developmentally disabled teenagers onto the street by denying them services based on IQ tests, the children's representative says.

Mary Ellen Turpel-Lafond said she's "very disappointed" with the provincial government for quietly giving itself the right to deny services to disabled people with an IQ over 70.

The move gets around a B.C. Court of Appeal ruling that found government didn't have the authority to turn its back on people based on IQ scores.

"I feel very strongly that a civil society does not base a policy for developmentally disabled adolescents on IQ," Turpel-Lafond said. "It's not a progressive approach."

The representative says her office is already dealing with about 200 cases of developmentally disabled teenagers who lost all their supports once they turned 19. Most of them were children in care with no parent to advocate for them. In some cases, they were denied services because their IQ is one or two points above 70, she said.

"As someone who actually works with these children and adolescents, I think it's very important for British Columbians to know when they're walking home from work today that those kids sleeping on streets may very well be the kid with a 72 IQ, who can't live independently and have no parental support, and many of them may very well have come out of the care system," she said.

"Of course, I'm profoundly concerned about that. I will do everything as representative to persuade the powers that be to reconsider this decision."

Housing and Social Development Minister Rich Coleman claims the decision is just temporary, while government develops a better way of defining what it means to be disabled.

But groups that advocate for the disabled are skeptical, given that they received no warning of the move, which was done in private by order in council. They fear it's simply a back-door attempt to save money by creating an arbitrary cut-off to services.

Turpel-Lafond said the government's actions essentially "undo" a 2007 B.C. Court of Appeal decision known as *Fahlman vs. Community Living B.C.*

In that case, Fiona Gow took CLBC to court on behalf of her disabled son, Neil Fahlman, because the Crown agency said he had an IQ of 79 and was able to fend for himself. The court ruled in favor of Fahlman, finding that IQ wasn't one of the criteria for assessing a person's disability under the Community Living Authority Act.

Turpel-Lafond said that now, rather than coming up with a better definition of what being disabled means, the government has "rolled that definition back to another era."

"I'm disappointed that instead of trying to implement what the Court of Appeal said in Fahlman that the decision has been taken to go back to a rigid IQ definition."

She's said she's also troubled that Premier Gordon Campbell and Children's Minister Tom Christensen apparently signed the order with little or no consultation.

"They couldn't have consulted on the wording, because certainly if they would have consulted me, I'd say, 'Please make it specifically [apply] at least to adults.' Even though I would not support that."

The government claims the rule change applies only to adults, but Turpel-Lafond said that's not clear in the wording. "I'm just not sure," she said. "Will some children be in the door and then shown out? Will they not get in?"

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