

September 17, 2015

Chairman Joseph Pitts
Subcommittee on Health
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Ranking-member Gene Green
Subcommittee on Health
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Subject: Support for H.R. 670, the Special Needs Trust Fairness Act

Dear Chairman Pitts and Ranking-member Green:

The undersigned organizations are writing in support of H.R. 670, *the Special Needs Trust Fairness Act of 2015*, which would correct an error in the law that prevents capable individuals with disabilities from creating their own special needs trust. This bipartisan legislation is sponsored by Representatives Glenn “GT” Thompson (R-PA) and Frank Pallone (D-NJ).

Thank you for including this legislation in the upcoming subcommittee hearing, *Improving the Medicaid Program for Beneficiaries*. The Senate recognized unanimously the importance of the legislation by passing it on September 9th. We look forward to its quick passage in the House.

Individuals with disabilities often require public assistance to help cover the impoverishing costs of their long-term services and supports. To avoid destitution, federal law allows individuals to utilize special needs trusts to retain some of their assets for the purpose of supplementing certain costs not covered by these programs.

Unfortunately, current law requires a parent, grandparent, legal guardian of the individual, or a court to establish a special needs trust. *This oversight with respect to special needs trusts has the effect of deeming all individuals with disabilities incapable of handling their own affairs, a patently false and degrading presumption. Moreover, people who no longer have living grandparents or parents must petition the court thereby incurring unnecessary legal expenses and costly delays.*

Thank you for bringing this legislation to the attention of your subcommittee. We hope you will support this legislation and see to it that it passes quickly.

If you have any questions, please contact, David Goldfarb (dgoldfarb@naela.org), the National Academy of Elder Law Attorney’s Public Policy Manager.

Sincerely,

Academy of Special Needs Planners
American Network of Community Options and Resources
Christopher & Dana Reeve Foundation
Easter Seals
Justice in Aging
Lutheran Services in America Disability Network
Mental Health America

National Academy of Elder Law Attorneys
National Association of State Directors of Developmental Disabilities Services
National Down Syndrome Congress
National Multiple Sclerosis Society