



May 17, 2016

The Honorable Fred Upton
Chairman
House Energy & Commerce Committee
2183 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
House Energy & Commerce Committee
237 Cannon House Office Building
Washington, DC 20515

Dear Chairman Upton and Ranking Member Pallone:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Financial Security Task Force 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).

CCD is coalition of national disability organizations working together to advocate for public policy that ensures the education, self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society.

Thank you for previously including this legislation in the subcommittee hearing, Improving the Medicaid Program for Beneficiaries, held on September 18, 2015. The Senate recognized unanimously the importance of the legislation by passing it on September 9, 2015. We look forward to its 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.

We look forward to working with you to ensure passage of this legislation in this Congress.

If you have any questions, please feel free to contact Sarah Meek, Co-Chair, at smeek@lutheranservices.org.

Sincerely,

American Network of Community Options and Resources
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Brain Injury Association of America
Christopher & Dana Reeve Foundation
Justice in Aging
Lutheran Services in America Disability Network
National Association of Elder Law Attorneys
National Disability Institute
National Down Syndrome Congress
National Down Syndrome Society
National Multiple Sclerosis Society
Special Needs Alliance
State Directors of Special Education
The Arc

Cc: All members of the House Energy & Commerce Committee