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June 13, 2013

Honorable Glenn "GT" Thompson
Member of Congress
124 Cannon House Office Building
Washington D.C. 20515

Re: Support for H.R. 2123, *Special Needs Trust Fairness Act of 2013*

Dear Congressman Thompson:

Our organization writes to support your efforts to pass the *Special Needs Trust Fairness Act of 2013*. The Academy of Special Needs Planners (ASNP) is a national organization of professionals who assist persons with disabilities. Many of our members are not just national leaders in the field of special needs planning but are themselves the parents of children with disabilities, and they applaud your efforts.

Our members assist people with disabilities who seek to preserve assets they have or receive by placing the assets in a special needs trust as authorized by 42 USC §1396p(d)(4)(A). Oftentimes, the persons with disabilities we are assisting have the legal capacity to manage their own affairs and could establish their own trust, but because the law as written today does not allow this, we are forced to utilize a court petition to establish the trust. This causes serious delays in establishment due to congested court calendars and unnecessary expense to the person with a disability due to court costs and attorneys fees. It also leads to contradictory court rules and opinions because judges' interpretations of their responsibility differ. In addition, these types of petitions are uneconomical for the judiciary, which must process court petitions and have court hearings on these matters.

It is difficult for us as professionals to explain to a competent adult with a disability why current law treats people with disabilities differently than those without. As part of the passage of the Americans with Disabilities Act, Congress stated:

[I]ndividuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of

architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities ...

the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

... the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity

The current law presumes that a person with a disability is unable to create a trust by him- or herself and requires the assistance of another. It is this type of overprotective rule and unintentional discrimination that Congress, by passage of the ADA, attempted to prevent. It is our fervent desire that the *Special Needs Trust Fairness Act of 2013* is passed so people with disabilities who are working to become independent have the same rights as all Americans.

We thank you for your sponsorship of this bill and hope that it will pass so our nation's population of persons with disabilities can continue their quest towards independent living without the burden of overprotective rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Urbatsch", written in a cursive style.

Kevin Urbatsch
ASNP National Director