



National Academy of
Elder Law Attorneys, Inc.

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May 22, 2013

The Honorable Glenn Thompson
United States House of Representatives
124 Cannon Building
Washington, D.C. 20515

Dear Representative Thompson:

We congratulate you for your leadership in protecting individuals with disabilities from unjust and discriminatory laws and we applaud your introduction of the Special Needs Trust Fairness Act of 2013. As you know, currently under the law, individuals with disabilities who have the requisite mental capacity are prevented from creating their own special needs trusts, which Congress has already authorized. They must have a parent, grandparent, guardian, or the court create their special needs trust even though they have the mental capacity to do it themselves.

As elder law attorneys, NAELA members' clients experience this injustice on a daily basis. Not all individuals have a parent, grandparent or guardian who can create their special needs trusts for them, and many of these individuals are forced to petition a court and pay additional fees to have a special needs trust. The Special Needs Trust Fairness Act of 2013 will remove the current barriers that prevent an individual with disabilities from creating his or her own special needs trust.

NAELA is a professional association consisting of more than 4,300 attorneys who advocate for the rights of seniors and people with disabilities. Elder law attorneys are specialized and trained in a variety of areas in the law that address an individual's long-term care needs.

NAELA has made your legislation a top priority and stands ready to assist you in securing passage of the Fairness Act and eliminating this unjustified discrimination in the law.

Sincerely,

Peter G. Wacht, CAE
Executive Director

Gregory S. French, CELA, CAP
President