

For Immediate Release
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NAELA Commends Reps. Thompson and Pallone for Protecting the Rights of Individuals with Disabilities

*Special Needs Trust Fairness Act of 2013 Works to Correct Current
Injustice in the Law*

Washington, DC — The [National Academy of Elder Law Attorneys](#) (NAELA) supports Reps. Glenn Thompson (R-PA) and Frank Pallone (D-NJ) in their dedication to improving the lives of individuals with disabilities. On Thursday, May 23, Rep. Thompson introduced the Special Needs Trust Fairness Act of 2013 (H.R. 2123). Representative Pallone joined the fight as the lead Democratic sponsor of the bill.

Special needs trusts allow a disabled individual's assets to be held in a trust and to be used to supplement daily living expenses and care when government benefits alone are insufficient. Under current law, individuals with disabilities are prevented from creating their own special needs trusts. They must have a parent, grandparent, guardian, or the court create the special needs trust even though they have the mental capacity to do it themselves.

“Oftentimes, individuals with disabilities are forced to go through a time-consuming court process and incur attorney fees and court costs to petition a court to create a special needs trust, when there is no reason they cannot create the trust themselves. As Elder and Special Needs Law attorneys, NAELA members strive to maximize client independence and self-determination. It is wasteful, unfair, and wrong for the

law to prohibit individuals who have mental capacity from creating their own special needs trust just because they have a physical disability,” said NAELA President Gregory S. French, CELA, CAP.

NAELA Board Member and NAELA Public Policy Chair H. Amos Goodall, Jr., a Pennsylvania Elder Law attorney from Rep. Thompson’s district, stated “Since adults often have outlived their parents and grandparents, many persons with disabilities have no alternative but to go – like children – to a Court to ask a judge to create the trust for them. This continues the unnecessary denigration of these individuals and puts an additional burden on our overworked courts. A person should not be treated like a child because of a disability.”

It is NAELA’s top public policy priority to correct this injustice and NAELA has worked closely with Reps. Thompson and Pallone to support the bipartisan Special Needs Trust Fairness Act. The Act will remove the current barriers that prevent an individual with disabilities from creating his or her own special needs trust. “After years of dealing with this issue in my practice and our recent efforts to raise awareness about this inequity, it is exciting that a bill has been introduced in the House to fix this wrong and allow individuals with disabilities to create their own special needs trusts,” said NAELA Board Member Michael Amoruso, a New York Elder Law attorney and one of the original advocates for this bill, who is blind and living with moderate bilateral hearing loss.

NAELA is eager to continue working with Reps. Thompson and Pallone and other members of Congress to ensure the passage of the Special Needs Trust Fairness Act of 2013. The bill has not yet been introduced in the U.S. Senate.

About NAELA

Members of the National Academy of Elder Law Attorneys (NAELA) are attorneys who are experienced and trained in working with the legal problems of aging Americans and individuals of all ages with disabilities. Established in 1987, NAELA

is a non-profit association that assists lawyers, bar organizations and others. The mission of NAELA is to establish NAELA members as the premier providers of legal advocacy, guidance and services to enhance the lives of people with special needs and people as they age. NAELA currently has members across the United States, Canada, Australia and the United Kingdom. For more information, visit NAELA.org.

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