



Special needs require special attorneys.

For Immediate Release

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Special Needs Alliance President Testifies in U.S. House Congress Moving Forward with Special Needs Trust Fairness Act

September 18, 2015 (Washington, DC) - Just more than a week after the U.S. Senate passed by unanimous consent the Special Needs Trust Fairness Act, Richard (Rick) A. Courtney, CELA, CAP, appeared before the U.S. House Energy and Commerce Committee Subcommittee on Health to testify as President of the Special Needs Alliance on behalf of its members who assist individuals with disabilities across the nation. Courtney called on the Committee to consider the many disabled individuals whose rights have been denied by a decades-old legislative oversight and to pass the Special Needs Trust Fairness Act (H.R. 670) introduced by Reps. Glenn Thompson (R-PA) and Frank Pallone (D-NJ) to correct the error. Courtney based his remarks on both his professional experience as a special needs and elder law attorney and on his personal experience as the father of twin daughters, one of whom lives with cerebral palsy and learning disabilities.

He spoke of his daughter Melanie and her determination to live as independently as possible, “She has never wanted help with things she could capably do. She does, however, need and is receiving care under a Medicaid waiver benefit. The cost of paying for her care and supportive services is high, and she must rely, as do many persons with disabilities, on programs like Medicaid.” Unfortunately, the flaw in the current special needs trust (SNT) law (OBRA ’93) would prevent Melanie from creating her own trust if she were to receive some money through an inheritance or a settlement and she could lose her Medicaid waiver benefits that pay her attendant to assist her for a few hours each day with certain activities of daily living. Current law allows only a parent, grandparent, guardian, or the court to create a SNT for the individual, regardless of

their mental capacity. Courtney asked the committee to quickly move forward to add just two words to current law (the individual) which would end the presumption that persons lack mental capacity because they have disabilities. For more information on the hearing visit <http://energycommerce.house.gov/hearing/improving-medicaid-program-beneficiaries>.

Special Needs Alliance

The Special Needs Alliance (SNA) is a national, non-profit organization committed to helping individuals with disabilities, their families, and the professionals who serve them. Many of our member attorneys have family members with special needs; all of them work regularly with public benefit programs, guardianship/conservatorships, planning for disabilities, and special education issues. We volunteer significant time to the special needs community and advocate for legislative and regulatory change to improve the quality of life for individuals with disabilities. For more information about the SNA go to <http://www.specialneedsalliance.org/>.

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