

**PRESENTED AT**

17<sup>th</sup> Annual Changes and Trends Affecting  
Special Needs Trusts

March 4-5, 2021  
Austin, Texas

**Home Control and Ownership:  
Real Homes for Real People**

**By**

**Theresa M. Varnet, M.S.W., J.D.**

Author Contact Information:  
Theresa M. Varnet, M.S.W., J.D.  
Hilton Head, South Carolina  
TVarnet@yahoo.com

## **Home Control and Ownership: Real Homes for Real People**

### **Presentation by Theresa M. Varnet, M.S.W., J.D.**

The primary paper that follows is the nationally-recognized housing resource booklet co-authored by Theresa (Terrie) Varnet which was first published in 1995.

This guide was updated in 1997, 2004, and 2016, and has provided excellent guidance to many families across the country as they have worked to set up permanent housing for a child with disabilities.

The guide addresses many laws that apply in other states that are *not* applicable in Texas. Some of the differences are significant. Texas attorney Patty Sitchler has prepared a Texas Supplement to Terrie Varnet's guide highlighting important differences in Texas law.

Where a section in the primary paper is highlighted, please refer to the Texas Supplement by Patty Sitchler, as described below.

#### **See:**

### ***Texas Supplement to* Housing Control and Ownership: Real Homes for Real People**

#### **By Patricia Flora Sitchler, J.D.**

The Texas Supplement tracks highlighted sections in the primary paper. Please cross reference comments in the Texas Supplement to the corresponding sections in Terrie Varnet's guide. Likewise, where a section in Terrie Varnet's guide is highlighted, please refer to the Texas Supplement for key differences in Texas law.

#### **Presented at:**

The University of Texas School of Law  
17<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts  
March 4-5, 2021 \* Austin, Texas

Author Contact Information:  
Theresa M. Varnet, M.S.W., J.D.  
Hilton Head, South Carolina  
TVarnet@yahoo.com

Author Contact Information:  
Patricia Flora Sitchler, J.D.  
LaVernia, Texas  
Patricia.Sitchler@gmail.com

Texas Supplement to  
Home Control and Ownership:  
Real Homes for Real People  
by  
Patricia Flora Sitchler  
Law Office of Patricia Flora Sitchler  
17<sup>th</sup> Annual Changes & Trends Affecting Special Needs Trusts  
March 4-5, 2021

Theresa M. Varnet has generously shared her nationally acclaimed pamphlet *Home Control and Ownership: Real Homes for Real People* that contains a wealth of easy-to read resources for families and Trustees to use in maximizing living arrangements for a person with a disability.

A number of the government programs mentioned in the paper have state-specific rules. This Supplement has been created in an effort to provide the attendees with valuable housing information along with any Texas specific law, pointing out differences and additional information..

Page 6 - **WHEN SHOULD FAMILIES BEGIN PLANNING?**

The paper points out that the public school has a duty to plan for transition from school to adulthood and independence.

A good resource is the Texas Education Agency website that has a Secondary Transition Guide at this link:

<https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/state-guidance/secondary-transition-guidance>

Page 8 - 3) **Sliding-Scale Government Benefits** references potential “fuel assistance.” In Texas, Texas Comprehensive Energy Assistance Program (CEAP) helps with costs for utilities.

Page 11 - “12.” is a reference to an ABLE account with an “\*.” The footnote can be updated with the fact that Texas enacted an ABLE account called The Texas ABLE Act that is found in Tex. Ed. Code §§ 54.901 et. seq. and 34 Tex. Admin. Code Chap. 7, Subchap. N. The maximum annual contribution for 2021 is \$15,000.

Page 14 - **HOW WOULD AN INHERITANCE AFFECT ELIGIBILITY FOR SLIDING SCALE FEE SERVICES?**

The paper sets out a great outline to follow regarding access to sliding scale fee services.

A. If a person has assets in his name, he may have to pay for the same quality

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Home Control and Ownership: Real Homes for Real People

Also available as part of the eCourse

[2021 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the

17<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session

"Housing for Persons with Special Needs - Housing Challenges and Solutions "