

## **Planning for Your Pet's Long-Term Care With A Trust**

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My wife and I have two great cocker spaniels, Katie and Cassie, and Katie has some challenges that require extra care.

Katie and Cassie are part of our family. If you're reading this, then I suspect that you, too, have a pet you care about.

A while ago, we updated our estate planning documents and started thinking about Katie and Cassie and what would happen if we could not look after them. We wanted to make sure they would be fine, and we have friends and relatives we hope would step up and care for our pups, but you never know. What would happen if they didn't volunteer to watch over Katie and Cassie?

Luckily, the state of Florida enacted a law called "Trust for Care of Animal," found at Florida Statute 736.0408. The law applies to all types of pets and even other animals and gives you the right to create a trust specifically for your pets or animals. The trust will last as long as they are alive and provides funds for their care, if for any reason you're not able to do so. When your pets pass on, the remaining assets in the trust are paid to the individual or organization you name in the pet trust.

If, for any reason, you do not wish to create a pet trust as a separate living trust or as part of your existing living trust, then you should prepare a separate pet power of attorney or add an amendment to your existing durable power of attorney to address your pet's needs. If you have pets that are your companions, don't leave their fates to chance if you are unable to provide their care. Please create a separate pet trust for them; or add a provision to your existing living trust or will; and consider a pet power of attorney to ensure their continued good care.

[http://www.palmbeachdailynews.com/news/content/specialsections/estateplanning/2010/01/10/EP10\\_Fleisher.html](http://www.palmbeachdailynews.com/news/content/specialsections/estateplanning/2010/01/10/EP10_Fleisher.html)

### **Alternative Options**

If your state has not enacted a pet trust law and/or you are interested in what else you can do to plan for the care of an animal, please review the options available below.

#### **Option 1: Life Trust**

Pet owners have the option of creating a living trust for their pets. Such a trust appoints a caretaker and creates a monetary gift for the caregiver, conditioned on their continued care of the pet owner's animal in the event of the pet owner's death. If the conditions are not met, the money in the trust will go back to the pet owner's estate and will not be given to the caretaker.

**Option 2: Will**

Pet owners have the option of putting a provision in their will for the care of their pets. Such provisions designate a caretaker and commonly set aside an amount of money with a request for the money to be used by the caretaker in the care of the pets. Pet owners can provide alternative caretakers if the original is unable or unwilling to accept the animals and can designate temporary guardians for pets while estate issues are being settled.

Caveat when using Option 2: Unlike a trust arrangement for the care of a pet, there is no continuing obligation for the executor under a will to see to the well being of the pet once the administration of an estate is complete. The integrity and moral commitment of the caregiver will be your only assurance that the pet's care will continue. Therefore, choose your primary caregiver and alternate caregiver, wisely.

**Option 3**

Consider making arrangements with a humane society, animal rescue group or animal "rest home" to take possession and care of your pet. You should review the type of care offered by each organization, its facility and staff as well as the costs associated with that care.

*(Note: The Date of Enactment is the day the law was passed by the state legislature. The effective date is the day the new law actually goes into effect. This date could be several weeks or months after the date of enactment.)*

<http://www.asPCA.org/pet-care/pet-care-tips/pet-trusts-laws.html>