

Planning for Your Pet

By: *Scott E. Squillace, Esq.**

For many of us, our pets are members of the family. In the United States alone, pet owners have given homes to approximately 74.8 million dogs and 90 million cats.ⁱ Increasingly, pet owners have begun to include provisions for their pet's care as part of their estate planning. Such provisions ensure that their pet is cared for in the event of their death or disability.

Each year, over 500,000 pets are brought to U.S. shelters when their owners have died or become disabled.ⁱⁱ In many cases, these surrenders are made when people do not take the proper pet planning steps before their death or disability. Therefore, estate planning which includes a pet-planning component has become more and more popular. Depending on your state, there are several options available to ensure that your pet receives the love and care that it deserves.

Currently, a majority of states have enacted laws regarding pet trust statutes. A pet trust allows the owner to set up a trust for a specific animal which ensures that its social and health care needs are met after its owner has passed away or become disabled. Although legislation is pending, Massachusetts has not yet enacted a pet trust statute of its own. Massachusetts pet owners must, therefore, find another way to plan for their pets' welfare and well-being.

What Options Are Available?

Even where, as in Massachusetts, no pet trust laws have been enacted, other options are available to pet owners. One option is to make a gift in your will, providing money to a named individual for the feeding, health, and well-being of your pet. A second option is to create a trust for the benefit of your pet. With the creation of such a trust, the trustee is able to provide regular payments to the pet's caregiver, whom you have selected. When creating this trust, you may lay out the specific health, medical, and social needs of your pet and ensure that your pet's day-to-day life and care is not disrupted in the event of your death or disability.

Permanent Pet Care Facilities in New England and New York

Pet Estates, Inc., Melrose, NY:

http://www.petestates.com/estate_planning.html

Silver Streak Kennel Retirement, Morris, NY (dogs):

www.dogretirement.com

Bideawee Golden Years Retirement Program, Westhampton, NY (cats, dogs):

http://www.bideawee.org/programs_&_services/elder_care/gyrp.php

Foster Parrots, Ltd., Rockland, MA (birds):

<http://www.fosterparrots.com/sanctuary.html>

The Last Post, Torrington, CT (cats): (860) 482-6501

Perpetual Care Programs

Kansas State University College of Veterinary Medicine:

<http://www.vet.ksu.edu/depts/development/perpet/index.htm>

Texas A&M University College of Veterinary Medicine: Stevenson Companion Animal Life-Care Program:

<http://www.cvm.tamu.edu/petcare/index.htm>

University of California at Davis Tender Loving Care for Pets

Program: <http://www.tlcforpets.org>

Typically, a responsible friend or family member will need to be entrusted with the care of your pet. This same person may or may not be appointed as trustee to safely hold and use the property (usually a lump sum of money) which is held in trust to pay for the pet's expenses – whether they be for food, veterinary bills, dog walkers, boarding, grooming, etc. The trusts, if established properly, are for the care of the pet during its lifetime. These trusts can be set up in such a way so that any funds remaining in the trust after the pet's death will be paid to a beneficiary named by the pet owner. Often, worthy shelters and animal rights or care organizations are designated as such a beneficiary – like Angel Memorial Hospital in Boston or the MSPCA.

Instead of placing their pet with a trusted family member or friend, some owners opt to place their pets in lifetime pet care facilities or perpetual care programs. Lifetime pet care facilities are privately owned and operated, and specialize in providing lifetime care for certain types of animals (e.g., dogs, cats, or birds) whether it be on their estate or by making private or group arrangements for the pet. Perpetual pet care programs are offered at several veterinary medicine schools throughout the United States. For example, the Kansas State University College of Veterinary Medicine perpetual care program provides lifelong medical care pets of all kinds while finding a home for the pet that meets its owner's wishes and the pet's needs. To enroll their pets in this program, owners must provide make a substantial endowment to the school, ranging from \$25,000 for small companion animals to \$75,000 for special needs animals.ⁱⁱⁱ Other programs, such as the Stevenson Companion Animal Life-Care Program, provide lower enrollment fees (\$1,000 for a small animal) and base initial endowment payments on the age of the youngest owner. For example, initial endowment fees to be paid for enrollment of a small animal owned by a 30-39 year old are \$10,000, whereas an owner over 70 years old must pay \$50,000 up front.^{iv}

ⁱ American Pet Products Manufacturers Association 2007-2008 National Pet Owners Survey, cited by The Humane Society of the United States, http://www.hsus.org/pets/issues_affecting_our_pets/pet_overpopulation_and_ownership_statistics/us_pet_ownership_statistics.html. Accessed March 27, 2008.

ⁱⁱ [2ndchanceforpets.org](http://www.2ndchanceforpets.org)

ⁱⁱⁱ Kansas State University College of Veterinary Medicine. Perpetual Pet Care Program Brochure. http://www.vet.ksu.edu/depts/development/perpet/ppcp_booklet_2007.pdf. Accessed March 7, 2008; “Endless Love, Endless Care: An Overview of Perpetual Care Programs Offered at Veterinary Schools,”

http://www.2ndchance4pets.org/perpetual_care_programs_article.pdf. Accessed March 7, 2008.

^{iv} Texas A&M University College of Veterinary Medicine. <http://www.cvm.tamu.edu/petcare/endowment.htm>. “Endless Love, Endless Care: An Overview of Perpetual Care Programs Offered at Veterinary Schools,”

http://www.2ndchance4pets.org/perpetual_care_programs_article.pdf. Accessed March 7, 2008.

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