

Animalfriends

OF CONNECTICUT

By Attorney Thom Page*

Animal lovers and most pet owners get it. Others may think of the “crazy cat lady” in the neighborhood and shrug their shoulders. Regardless, millions of people own pets in the US today (one study claims 43% of all US households owns a pet), and as you probably know, many owners think of their pets as family members. They are concerned about what will happen to their birds, dogs, cats or horses when they are no longer able to care for them.

Nobody will care about your pets like you do, and setting up directives and funds for family, friends or other future caretakers best insures your wishes will be carried out. In 2009, Connecticut joined a majority of states enabling pet owners to establish trusts to care for their companion animals. In our changing world, courts are beginning to change their views regarding pets, recognizing that, for many people, pets are important members of their families, requiring planning similar to what they would undertake for their children or other family members.

Putting your pet’s future living arrangements in order for when you can no longer personally provide for them gives you reassurance they will be cared for. The love and security you provide your dog or cat becomes even more important at these times. Deciding what will happen to your home, financial assets, personal possessions and pets after your passing can be a difficult process. However, if you don’t take time to make these decisions now, a court may end up dividing your property and making decisions concerning your animals for you.

The law now provides owners the ability to provide for their pets either during the owner’s lifetime, should they become disabled or incapable, or at the owner’s death. Inter-vivos trusts are established during the owner’s lifetime, and testamentary trusts are established by your will at death. These are common estate planning techniques animal owners are utilizing more often, with as much creativity and flexibility as the owner desires. Pet trusts should be drafted to protect not only the animals an owner currently owns, but all animals he/she may own at their death or disability, and the trust must terminate when the last such animal dies.

Planning for the future care of your companion animals can be as simple as a bequest of your family cat to a trusted friend in your will along with some funds for the cat’s care, or as complex as putting your house into a trust and authorizing the trustee to hire a caretaker to live in the house and care for your animals during their lifetimes. Pet trusts created at the owner’s death are typically established and funded through a Last Will and Testament, and administered by a designated Trustee of the owner’s choice. Connecticut law also requires a separate Trust Protector be named, someone who provides a simple check and balance on the Trustee’s decisions regarding your pets. Alternates for these positions should also be named in the trust.

The most important future decisions concerning your animals typically involve living arrangements and veterinary care. The associated costs will also require larger monetary expenditures a trustee will make. Conditions can be placed in the trust to only allow larger withdrawals of money to be paid directly to veterinarians or other professionals that may require a larger outlay of cash for their services. You can also set out critical illness decisions for your pet, such as at what point you want the trust to stop spending

money on medical procedures. A monthly stipend of cash is often given to the caregiver to ensure that the care and feeding of your pets is attended to on an ongoing basis.

Trusts are funded with an amount of money, often calculated by a formula based on the number, type and age of the pets you own when you die, and whether they have a long life expectancy like a bird or horse. Treats, toys, exercise providers, burial directives and more can all be addressed in a pet trust. Lawyers who draft pet trusts ensure these trusts are given the same due diligence expected from trusts set up for human family members. Animal law attorneys who handle these matters bring an acute awareness and understanding of the specific needs surrounding the long-term care of various animals.

More than 500,000 pets every year are put down following the death of their owners, who frequently assume friends or family will someday care for their animals. This is just simply not the case. Elderly owners often outlive relatives and friends, or for other reasons cannot find anyone at the time willing to care for their animals. One alternative is to give the trustee authority to find suitable adoptive homes, or to make arrangements in advance with a local rescue or sanctuary to take in your animals and to receive a bequest from your estate to pay for their care. Clients are urged to investigate these organizations and visit them to determine if they would be an appropriate place for their animals, and to name alternate placements should their first rescue or sanctuary choice be unavailable when the time comes.

Many issues exist in planning for the care of your animals when you are no longer capable of doing so, and you can become “no longer capable” at any time. If you see yourself continuing to have and enjoy animals in your life, taking these steps is surely in the best interests of these animals, who will always look to you to protect them.

*Thom Page is an animal law attorney and general counsel to the Center for Animal Litigation, Inc., whose mission is to expand the fundamental rights of companion animals and their owners.