

Who Would Take Care of Your Pet If You Died?

by Liz Ozaist
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Four months had passed since my father's sudden death when my husband and I realized we had absolutely no game plan for our boys.

At the time, I was mired in estate issues because my dad hadn't anticipated dying at 54, which got me thinking about how wildly unpredictable life can be at any age. What if something equally catastrophic happened to both of us? Who'd take in the boys?

By "our boys," I mean our beloved pets, Felix and Balthazar. Ask anyone who

knows me well and they'll say that my dogs are like children to me. As I began thinking about what could happen, the more I had to acknowledge that there were few people in our lives who could truly meet our expectations as their keepers.

According to [Rachel Hirschfeld, an attorney who specializes in animal law](#) and founder of the New York County Lawyers Association's Animal Law Committee, over 500,000 companion animals were euthanized this year because their pet owners died, moved into nursing homes or assisted-living situations, or otherwise were no longer able to care for them, and left them behind without enforceable plans. I knew we had to act.

As tricky as it is to decide who should care for your human kid, it can feel equally tricky to pick an entrusted pet guardian. After crossing off the many friends and relatives who had cats or some bizarre obsessive germ phobia (we actually knew a couple of them!), we settled on two options: my grandparents and my best friend, Rebecca.

Turns out, designating two sets of potential caregivers -- and a trustworthy executor to dispense the funds over time -- is the first step in setting up a pet trust. In the event that your primary pick is unwilling or unable to take on the responsibility, you have a built-in backup plan. In our case, it would alleviate any undue stress on my aging grandparents, as well as give my friend time to potentially prepare for two more dogs to join her four-legged brood. She also conveniently personifies the phrase "Must Love Dogs!"

With the biggest decision out of the way, we needed to get our wishes down -- and the boys' needs and whims, from the brand of kibble I prefer to the bone Balty prefers -- in writing. If you

think that typing up a Word doc will cut it, think again. Pet trusts aren't recognized under federal tax law -- the IRS labels pets as property -- but they are allowed under law in 28 states, where enforcement is discretionary. Translation: Consult an attorney versed in estate planning who can advise on how much you should allocate for Fido's upkeep. If you over-fund, the courts can intervene a la the Leona Helmsley controversy.

"There are so many variables to consider before you can estimate how much to put into a trust," says Patricia Kauffman, Director of Bequests at The Humane Society of the United States. "The owner needs to account for the pet's age, health, grooming needs, location and the size of the animal, because a big dog's needs will cost more than a small one. Also, the type of species is equally important in assessing the amount. Parrots, for example, are very long-lived, and the care of a horse is extremely expensive."

To get your own pet estate planning off the ground, there are several smart resources online including the Doris Day Animal League, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, and an ASPCA-recommended website, PetTrustLawyer.com, which offers legally enforceable document-creation packages from \$39.

As for our boys, it's heartening to know that even if we're not around someday to lavish them with treats and back scratches, they'll continue to lead the same well-cared-for, happy life they enjoy now.