



By Lauren Tara LaCapra

Prevent Your Pet From Suffering When You're Gone

Plenty of pet owners want to make sure their beloved Fido is taken care of once his master is gone. But not all of them realize that Fido has about as many rights to inherit cash as the "Beware of Dog" sign on the lawn.

Specific laws vary from [state to state](#), but pets are considered property by the government and therefore cannot inherit their owners' estate.

Forty-nine states and Washington, D.C., have adopted or proposed some type of ["pet trust" regulation](#), according to the National Association for Biomedical Research.

Earlier this summer, California Gov. Arnold Schwarzenegger signed into law a measure that changed its rules from honorary to enforceable. However, 13 states still do not have a comprehensive, enforceable code -- a worrisome fact for pet owners across the country.

Regardless of where you live, the Humane Society suggests choosing at least two responsible friends or family members who agree to take care of Fifi once you're gone. If you're in a state without formal post-mortem pet care laws, you might want to consider bequeathing the estates to that trusted guardian, on the condition that she uses it for the care of the animal.

The late hotel heiress Leona Helmsley, and her 9-year-old Maltese, Trouble, provide a chilling example for pet owners of what can happen when proper planning is not put in place. Helmsley bequeathed \$12 million to Trouble in her will, with another \$5 billion to \$8 billion of her estate to go into a [fund](#) for canine welfare. She left two of her grandchildren out of her will completely (for "reasons which are known to them") and required the other two to visit their grandfather's grave and sign a registration book if they wanted to receive their \$10 million.

There was a hitch in the plans: Helmsley left Trouble in the care of her brother Alvin, who apparently wanted nothing to do with him. As a result, a New York judge cut Trouble's share of the inheritance down to \$2 million, reappportioning \$6 million of the funds to the two disinherited grandchildren. The rest was put into her charitable trust.

And while Helmsley requested that Trouble be buried with her once he dies, New York State law does not allow pets and humans to be buried in the same place.

Helmsley's wishes might seem a bit extreme or odd to even the most loving pet owner, but they were carefully outlined and certainly how she wanted her money to be spent and her pet to be cared for. However, they happened to be outlined in a will, which does not carry the same protection for a pet as a trust, according to Rachel Hirschfeld, a pet-trust lawyer.

"At least with a pet trust, you can guarantee that the money and the pet will stay together," says Hirschfeld. "The bad thing about a will is you can't leave instructions for care. A person can drop the pet anywhere and keep the money for themselves."

Hirschfeld suggests that those leaving behind more than \$100,000, or more than 10% of their estate to a pet, put together a pet trust -- especially if there are family members who might put up a fuss about the pet's "inheritance" or instructions for its care. She has created a simpler (and less costly) ["pet protection agreement"](#) for those with fewer assets who just want to make sure someone will take care of their pet.

The attorney also notes that "a little secret" about jurisdictions can assist those whose states don't offer enough legal recourse: Choose a trustee in a pet-trust state, whose laws will be honored instead.

Those who don't have a trusted caretaker willing to look after their pet should get in touch with [a group](#) that can assure Fido a spot, such as an animal sanctuary or pet retirement home. Other groups, like Canine Haven in Vero Beach, Fla., charge an [annual fee](#) that comes out of a trust. There are organizations for a [wide array](#) of pets -- from dogs and cats to reptiles and horses.

It's important to make sure that your pet will receive companionship, and not simply be fed, walked and locked in a cage -- and to put everything in writing. Once you've decided where your pet will go and how the resources will be handled to take care of him, consult a lawyer to put it all into a formal document. Include every last detail of how you want Spot to be taken care of -- from how often he should be walked and groomed to the type of food he should eat, to ensure his standard of living is maintained. Take note of any medical conditions and make sure cost estimates include added medical expenses or [insurance](#) as the pet ages.

Stephan Otto, director of legislative affairs at the Animal Legal Defense Fund, notes that pet owners should consult estate trust or probate lawyers who have expertise in their specific state to make sure that their wishes are respected.

"It's the peace of mind knowing you've done it in the right fashion," he says. "The whole concept of pet trusts has been a fairly recent development, but it's the same concept of wills and trusts in general: It's about respecting the deceased's wishes."

And don't forget -- all dogs go to heaven too. Outline what should happen to remaining funds, and Fido's remains, once he passes away as well.

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