

Estate Planning for Man's Best Friend

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Did you know that you can provide for your four-legged family members in your estate plan? Plans can be as informal as an agreement with a friend or family member to care for your pet when you are unable, or as formal as a trust providing money and directions for caring for a pet for the remainder of the pet's lifetime. The key is to know the options and make plans.

Pennsylvania law allows you to provide for your pets in your Will right along with human family members. Rather than an outright gift (obviously animals cannot own property), you would create a trust and appoint a trustee to own the property to be used to care for your pet. This type of trust is called a "pet trust" and can be created in your Will or during your lifetime. The basic requirements for a pet trust are:

- (1) the animal must be living during the life of the settlor (the one who creates the trust);
- (2) the trust must terminate at the death of the animal (or the last surviving animal if created for multiple animals); and
- (3) property may only be applied for its intended use (care of the designated animal(s)) except to the extent the property in the trust exceeds the amount required for that use; property in excess of the amount needed for the intended use will be distributed to the settlor, if then living, or to the settlor's successors in interest if the settlor is then deceased.

You can appoint a human to enforce the trust on your pet's behalf, or anyone interested in the welfare of your pet can petition the court to appoint a person to enforce the trust.

Other options are available. You can provide for the reasonable expenses for care of a pet to be a permissible use of funds provided in trust for your human beneficiaries. Alternatively, you could provide for an honorary gift to someone with the request that they care for your pet and use the gifted funds for that purpose. Some charitable organizations offer programs that promise to care for your pet in exchange for a charitable donation. For example, Animal Friends, Inc. offers membership in a group called "The Lifesavers Society" as a way to plan for your pet. Generally, in exchange for a gift of \$5,000 or more during your life or in your will, Animal Friends, Inc. will agree to care for your pet until an appropriate home can be identified for him or her. Other organizations offer similar programs.

Some questions you should ask yourself (especially if you live alone):

- ? If I am unable to go to my home for a day or more for whatever reason, is there someone who would know that I am absent and could care for my pet?
- ? If I die, who would care for my pet? If I live alone, would someone have immediate access to my home to tend to my pet?
- ? If my spouse and I both die, will the guardian we appoint for our minor children keep our pet with our children? Is it appropriate to have the pet's reasonable expenses paid from the trust we leave for our children?

The key is to consider the options and put appropriate plans in place so that your pets are not alone and forgotten should you be unable to care for them. Please contact one of the attorneys in the Estate Planning Group of Tucker Arensberg to begin your planning today – both for your human family and your four-legged family.