

# How to Include Your Pets in Your Will

By Susie Contreras Yuen

Media mogul Oprah Winfrey and actress Betty White have reportedly done it; singer Dusty Springfield made sure of it; and hotel and real estate billionaire Leona Helmsley became infamous for it.

These celebrities have become part of a growing trend of pet owners who include their pets in their estate planning arrangements.

It wasn't long ago that a pet surviving its deceased owner was an afterthought, just another task to be crossed off the to-do list of mourning relatives eager to return to their own lives.

Nowadays, it's not just celebrities who are concerned with the care Fido will receive once his owner has passed on. "Regular" pet owners are just as likely as Oprah to consult with an estate-planning lawyer about their pets.

Deb Purdon, 59, a Pets Adviser reader from Toronto, says her golden retriever, Keeper, has been written into her will. "It is very important to me that she is cared for by a loving family should I pass before her," Purdon says.

At the most basic level, pet owners can include pets in their will and may even choose to draft a contract with their chosen caretaker. Purdon says, "I thought long and hard about who I would want to leave Keeper with, and when I finally did ask, they said yes immediately." She adds: "I also have a backup should the first change their mind."

## **Pet Trusts**

It's important to know that including your dog or cat in your will is not always as easy as writing a provision bequeathing partial or whole ownership of your estate to your pet.

According to the Michigan State University Animal Legal & Historical Center, pets are considered personal property in the United States, and the law states that property cannot own property. However, in the early 1990s state laws began allowing people to set up pet trusts, and almost every state has by now enacted its own version of pet trust laws.

Today, pet owners have more legal options than ever when it comes to providing care for their pets in case of death or emergency. A pet trust allows money to be set aside to cover food, medical, and other related expenses.

Each state has different laws regarding how to set up a pet trust, and it's important to not only be aware of your state's laws but also get the proper legal counsel during your estate planning.

## **Peace of Mind for Less Than \$40?**

Attorney Rachel Hirschfeld, a leading authority on animal law as well as estate planning, has created a simple agreement that is affordable, needs no lawyer, can be personalized, is legal in every state and requires no pet trust.

She says her Pet Protection Agreement® “protects animals in ways that they were not previously protected.” You can get started now for as little as \$39.

This is something you should be considering at any age, because any number of things can happen to you. For example, you wind up in the hospital:

“What if you have a microchip, and people try — their best efforts — to get the pet back to its owner, but the owner’s in the hospital and can’t answer the phone, or may be in a coma. Or whatever happens to people during their lifetime and they can’t continue the care for a period of time,” says Hirschfeld. “Even if it’s for a short period of time, the pets need to have an owner. People need to know who to call if Mom and Dad aren’t around.”

She adds: “You don’t want them to end up in a shelter. You don’t want them to end up as ‘un-owned,’ no family, no way to get back to their owner.”

### **Estate Planning Tips for Pet Owners on a Budget**

Most of us don’t have a whole lot of money to leave in trust for our pets, but we are interested in making a few general provisions for their care. Without legal arrangements like the Pet Protection Agreement®, beloved pets could be left with no owner, no home, and nowhere to go but a shelter.

Carol Hawley Baker, another Pets Adviser reader, says, “A lot of people don’t even think about what will happen to their pets if something should happen to them. I volunteer at a shelter and see and hear about animals that get brought in by family members after the owner has died because there were no arrangements made and no one wants to take on the ‘burden’ of caring for the pet(s). It’s sad that the animal winds up getting the raw end of the deal.”

#### *Below are two more tips:*

Before setting up a formal arrangement, find temporary and backup caregivers who can care for your pet in the immediate aftermath of a serious injury or death. Provide these temporary caregivers with daily care instructions including food, medication and veterinary information. “Whether you choose your sister or your postman, whoever it is, at least there is someone to call who can then take on the banner with trying to find a good home for the pet,” says Hirschfeld.

Identify primary and alternate long-term caregivers to remain responsible for your pet, and carry out regular conversations with them to ensure that they are still capable and willing to care for your pet on short notice. Says Deb Purdon: “Think long and hard about it, as it is a huge responsibility for anyone. Most importantly, think about what would be best for your pet.”