

What Happens To Your Pet In The Event Of Your Death

Several years ago, when I was practicing in South Florida, I was looking for a new dog. My search brought me to a local shelter where I immediately fell in love with an Irish Setter named Brandy. Brandy was a few years old; she was in the shelter facing extermination because her master, an 80-year-old woman had passed away. The woman's family was quite concerned with maximizing their inheritance, but had no interest in the dog. To them Brandy was a throw away item. Not to me. Brandy lived on for another decade in the comfort of my home.

Since experiencing this, I have been very concerned with how people look after not only their valuable property, but also their beloved pets in their wills. The best way to make sure your wishes are fulfilled is by making formal arrangements that specifically cover the care of your pet. It's not enough that long ago your friend verbally promised to take in your animal or even that you've decided to leave money to your friend for that purpose. I suggest that you work with an attorney to draw up a special will provision or trust, or other document to provide for the care and ownership of your pet, as well as the money necessary to care for it.

A bequest in your will or living trust is an easy way to help protect pets. A bequest may take several forms. It can be a specific sum; a percentage of your estate, or the remainder of your estate after expenses and gifts to loved ones. Bequests can include cash, securities, real estate, houses, and personal property such as valuable collections, art, or jewelry.

Living trusts are a popular choice to look after a pet because the terms of a living trust, unlike a will, can be put into effect immediately upon your death, bypassing probate and keeping the terms private.

You should decide whether you want all your pets to go to one person, or whether different pets should go to different people. I have read that if possible, you should keep pets who have bonded with one another together. When selecting caregivers, consider partners, adult children, parents, brothers, sisters, and friends who have met your pet and have successfully cared for pets themselves. Also I like to see you name an alternate caregiver in case your first choice becomes unable or unwilling to take your pet. Be sure to discuss your expectations with potential caregivers so they understand the large responsibility of caring for your pet. Remember, the new owner will have full discretion over the animal's care—including veterinary treatment and euthanasia—so make sure you choose a person you trust implicitly and who will do what is in the best interest of your pet.

Likewise, you should stay in touch with the designated caregivers and alternates. Over time, people's circumstances and priorities change, and you want to make sure that the arrangements you have made continue to hold from the designated caregivers' vantage points. If all else fails, it is also possible to direct your personal representative, in your will, to place the animal with another individual or family. Finding a satisfactory new home can take several weeks of searching, so again, it is important to line up temporary care.

You also have to know and trust your personal representative and provide useful, but not unrealistically confining, instructions in your will. You should also authorize your executor to expend funds from your estate for the temporary care of your pet as well as for the costs of looking for a new home and transporting the animal to it. The will should also grant broad discretion to your executor in making decisions about the pet and in expending estate funds on the pet's behalf.