



Pet Trusts

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Overview

More and more owners consider their companion pets to be a part of the family. As such, owners worry about what will happen to the pet in case of their death or disability. In the past, when owners tried to leave money to their pet in a “trust,” the trust failed because pets were considered personal property. As personal property, a pet could not receive money in a trust nor be a beneficiary to the trust. Things started to change in the 1990’s when the Uniform Probate Code (UPC) allowed the creation of pet trusts, followed by the Uniform Trust Code (UTC) making honorary trusts for pets enforceable. Now, most states, including Georgia, have enacted their own Pet Trust Laws.

Definition

A Pet Trust allows a person to set aside money to care for a pet after the owner’s death or disability. There are three main parties to a pet trust: the Settlor (owner) who establishes the trust, the Trustee or person who holds legal title to the trust property (usually cash), and the Beneficiary (the animal) for which the trust is established. The funds can be distributed in any increments and time line as specified in the trust. The Trustee oversees the distribution of funds while another person may be named as caretaker who actually manages the day to day care of the pet. The Trustee has a fiduciary responsibility to make sure the caretaker is following through with his or her obligations to care for the pet. The trust remains in effect until the pet dies.

Problems

If no property (cash) remains in the trust, the Trustee will not be able to provide care for the pet. An alternative solution is to designate another person or pet organization to whom you wish the pet to be donated if the money runs out. If the caretaker is unable or unwilling to continue caring for the pet, alternative caregivers should be named. If your state does not have a Pet Trust Law, one can make provisions in a Will to set aside funding for the care of a pet and the naming of a caretaker. It is imperative to consult an attorney familiar with Pet Trust Laws.

References and Resources

Animal Legal & Historical Center, “America Gets what it Wants: Pet Trusts and a Future for its Companion Animals,” and “Brief Overview of Pet Trust Laws,” <http://www.animallaw.info>

ASPCA: “Planning for your Pets Future” and “Pet Trusts.”

AVMA: “Pet Trusts: Caring for a Pet that outlives its Owner.”

Credit to Kaye Klapper

