“When it is time to start planning for the care of your pet after your death, you have several estate planning options, ranging from provisions in your will, to a complicated trust.”
When it is time to start planning for the care of your pet after your death, you have several estate planning options, ranging from provisions in your will, to a complicated trust. Simply including provisions in your will does not create any type of binding obligation on the part of anyone.

So, if you want the security of a legally binding arrangement, consider a pet trust. But first, understand the advantages and disadvantages of this method of pet estate planning.
Why do I need a plan at all?

If you do not have a pet plan, essentially, you cannot be assured that your pet will be well-cared for. Who receives your pet, after your death, depends first on whether you have a will. If so, the person you have specifically designated will receive your pet. If you have not specifically named someone, the person you have selected as your “residuary beneficiary” will get possession of your pet; that is the person who inherits the remainder of your estate after all bequests have been made. If you do not have a will, then your pet will be distributed, along with your personal property, according to your state’s laws of intestate succession. If the personal representative is not aware of the need to act quickly the pet will likely be euthanized within a few days.
WHAT IS A PET TRUST AND WHAT DOES IT INCLUDE?

While pet trusts may be more complex and somewhat more expensive, they are much more reliable in the legal sense, as they create a legally binding obligation to provide for the care of your pet, within the terms of your trust agreement. With a pet trust, you have the ability to leave your pet to a reliable caretaker, as well as financial resources for your pet. A legal obligation is created. So, if the person you name as caretaker does not follow your instructions, legal action can be brought against them.

Your trust agreement should identify the person you want to serve as your pet’s caretaker after your death. You may also want to name an alternative caregiver if the first choice is unable to care for your pet when the time comes. In your trust, you will include sufficient funds to be used to provide for your pet’s care, including veterinary care, along with specific instructions on how to care for your pet. Your trust should also indicate what should be done with any money that remains after your pet dies.
ADVANTAGES TO USING A PET TRUST

The primary advantage to using a pet trust is that it creates a legal obligation for the caretaker and provides accountability for the funds you leave behind. Another advantage is that a pet trust can be used to plan for care even before your death, in case you become incapacitated or for any reason and cannot take care of your pet on your own. The trust can be drafted so that it becomes immediately effective in either situation.

DISADVANTAGES TO USING A PET TRUST
The disadvantages to using a pet trust in your pet plan are not many. Pet trusts are somewhat more expensive than less formal pet care agreements or simply including pet provisions in your will. A pet trust may be more complicated and expensive than you really need, if you trust your caretaker and the formality is not actually required.

**LEGACY ARRANGEMENTS ARE ALSO AVAILABLE**

If you find yourself in the unfortunate situation where you cannot find someone trustworthy, who is willing to take on this responsibility, there are still other options. Indeed, there are many programs that allow you to leave your pet to someone trustworthy, upon your death. For instance, the SPCA (Society for the Prevention of Cruelty to Animals) has programs, as well as, many private animal sanctuaries and rescue organizations. Even if you do create a pet trust, you may want to name one of these organizations as a last resort, should it end up that neither your original caregiver, nor your alternative, are able to care for your pet.
**Non-Legal Arrangements are Also Available**

If you have the perfect caregiver in mind, who is willing, able, and completely trustworthy, you may not need the formalities of a legally binding agreement. In that case, the easiest and most flexible option is to simply tell the trustee or personal representative of your estate who should receive your pet. As long as you are confident that no one else will attempt to claim ownership of your pet, and everyone involved is in agreement, there should be no problem.

If you have questions regarding pet trusts, or any other pet estate planning needs, please contact Anderson, Dorn & Rader, Ltd., either online or by calling us at (775) 823-9455.
About the Author

Bradley B. Anderson

Prior to founding his own firm in 1995, Mr. Anderson served as a senior counsel for two major financial institutions and witnessed the often devastating effects of ineffective estate planning with many customers of those institutions. When he eventually decided to venture out on his own, this experience led him to focus exclusively on estate planning, providing his clients with a full range of basic and advanced planning options.

Mr. Anderson began his professional life as a teacher of mentally-challenged, visually impaired students. After four years as a special education teacher, Mr. Anderson returned to school to obtain his law degree and begin a second career. Upon finishing law school, he went to work for a civil litigation firm, spending five years handling litigation, probate and wills work. He then moved on to Wells Fargo Credit Corporation where he served as senior counsel. In 1990 he accepted a position with the First Interstate Bank Legal Division, where he had responsibility for several divisions, including the Trust Department. In 1995, he began his own practice as Bradley B. Anderson, Attorney at Law. The firm has continued to grow into the premier estate planning law firm we see today.

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