

Plan your pet's future

They're at risk because we forget

By Rosalie Robles Crowe

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Love, patience and loyalty. They're yours — if you have a pet.

Rachel Hirschfeld, a lawyer in New York City who focuses much of her practice on pet protection.

"If your pets are only in your will, their future is not secure," she writes on the New York WABC-TV Web site, 7online.lawinfo.com/ (click on the "Rachel Hirschfeld" tab under "Get Legal Help Now").

"Courts can enforce provisions for the care of your pets (in a trust)," she says. "Courts cannot enforce caregiving provisions in your will."

And according to the American Pet Products Manufacturers Association, 63 percent of U.S. households, or 71.1 million homes, do.

Pets provide their owners with more than a warm, fuzzy feeling, however.

They help reduce blood pressure and stress, and they improve psychological stability by helping their owners fight depression.

In fact, a study by the National Institute of Health Technology Assessment Workshop found that people with pets make fewer doctor visits for nonserious medical conditions, thereby lowering their medical costs.

The irony is that pets themselves are at risk because too few owners — young or old, healthy or infirm — plan for their pets' futures should something happen to them.

Accidents do happen, after all. Tragedies occur, and older people reach a point when they no longer can care for their companion animals.

When that day comes — "and it always does," said Robert Traub, who until recently was senior director of development at the Humane Society of Southern Arizona — the pet owner extracts a promise from a family member or close friend to care for the pet.

Later, in the face of cold reality, the new pet owner may find that caring for the pet is more trouble than anticipated.

That's when a pet, once considered indispensable, now is dispensable.

A pet's life doesn't have to end that way, however. With some advance planning, the problem won't arise.

what if owner dies?

Debra R. Cottrell, 54, has six little dogs, and she worried about what would become of her pups if something happened to her.

"I didn't want just anybody to come and take them," she said. "And I didn't want them to go to (a shelter) and just be put in a cage for anybody to pick them."

Sarah and Jack Basye, 71 and 78, respectively, worried that their 10-year-old dog would become "a throwaway."

If something happened to them, "we didn't want him to be euthanized," she said.

Cottrell and the Basyes found the answer to their concerns through the Humane Society of Southern Arizona's Guardian Angel program. It allows pet owners to specify the care, type of home and kind of family they want for their animals.

The Basyes set up a living trust and have sent a copy of their dog's medical records to HSSA. They've also submitted a document detailing what he likes and is accustomed to, including daily walks.

Cottrell, too, has made financial arrangements to ensure her pets' future care.

To make certain that in the case of an emergency their pets won't be overlooked, the Basyes and Cottrell have posted notes in their homes advising that HSSA is to be notified. They also carry laminated cards in their wallets with the necessary information.

"I want to see that my dogs are well taken care of," Cottrell said. "These are my kids, my responsibility."

Estate planning to care for your pets

Miriam Kennedy, a Tucson attorney who focuses her practice on elder law and estate planning, is a strong proponent of advance planning.

"The best way to go is with estate planning" because it can be tailored to a person's specific needs, she said. This is particularly true if you want to make arrangements for the future care of pets — or even children.

If you rely on just a will, you cannot specify how the money is to be spent or the type of care you want for your Fifi or Fido.

That's where an estate plan comes in.

An estate plan can incorporate a testamentary provision — a trust — that allows you to designate a person — or organization — to care for the pets and to fund that care.

It would be up to the trustee to make the complete arrangements according to the pet owner's wishes, Kennedy said.

If the designated caregiver fails to or is unable to perform the duties, the trustee would be responsible for finding another person to carry out the trust's requirements.

Rachel Hirschfeld, a lawyer in New York City who focuses much of her practice on pet protection, agrees with Kennedy's advice.

"If your pets are only in your will, their future is not secure," she writes on the New York WABC-TV Web site, [7online.lawinfo.com/](http://online.lawinfo.com/) (click on the "Rachel Hirschfeld" tab under "Get Legal Help Now").

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Money left through a will "is an outright gift," Kennedy said. "You can't rule from the grave," she explained. "You have no control (through a will) over how the money is to be spent."

Estate planning isn't just for the elderly or infirm.

"Young couples set up testamentary trusts, too," Kennedy said, "usually for their children." But sometimes for pets.

She cited a veterinarian "with a menagerie at home" who has made arrangements for the pets' care as part of the overall estate plan and will.

The costs: The average person should plan to spend about \$1,200 for a simple estate plan, Kennedy said.

However, "if the plan is complex (with lots of conditions that must be incorporated), it will be much more time-consuming to set up, and therefore, more expensive.

Is it worth it?

It depends on your circumstances and how important your pets are to you.

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