



What about me? Providing for Pets Upon the Owner's Death

Studies indicate that 68 percent of U.S. households have at least one pet. The unfortunate truth is that at least some portion of those pet owners will not outlive their pets, passing away with one or more animals left behind. What should a prudent pet owner do to ensure his or her animals are taken care of in the manner they have become accustomed to? One solution is to provide for the pets in the owner's estate planning.

The laws are favorable in this area. All 50 states and the District of Columbia allow for the creation of a pet trust to provide for the continued care of an owner's pets in the event of the owner's incapacity or death. Here in Ohio, we enacted legislation explicitly allowing the creation of a pet trust in 2006.

How does a Pet Trust work?

A pet trust is created by a "grantor" and is a legal arrangement that provides for the care and maintenance of the grantor's pets if the grantor is no longer able to do so. A pet trust holds property for the benefit of the pets and can be funded either during the grantor's lifetime, or more likely, upon the death of the grantor. Ohio law allows for pet trusts to be created for the benefit of any animals that the grantor had during his or her lifetime and the law allows for the trust to exist until the death of the last such animal. If funds remain in the pet trust at that time, the grantor can indicate where the remaining funds should be distributed, either to family members, or perhaps to a charitable cause related to the animals or in honor of the animals.

For individuals who wish to provide support for their pets but don't want to go through the effort of setting up a separate pet trust, the same type of arrangement can be included into the pet owner's existing estate planning documents. For instance, pet trust provisions could be added into a pet

owner's already existing revocable living trust.

Alternative Options

An even simpler method would be to include the pets (and perhaps funds to care for them) as a bequest in one's Last Will & Testament. This basic option may seem attractive, but after the Will is fully administered, there are not mechanisms in place to ensure that the pets are being cared for and that the funds are being used as the owner intended. With either of the trust options, the law provides a means for inspection by our courts to ensure that the designated caregivers are fulfilling their obligations.



If you have any questions about planning for your pet or want to discuss how to incorporate your furry friends into your existing planning, contact your attorney at Carlile Patchen & Murphy or any member of the Family Wealth & Estate Planning Group.