



Legal Insurance



Planning Ahead  
for Your **Pet's Care**

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We love our pets. They're part of our families. And just like family, we care about our animals. We protect their health. We want them to be happy.

That's why it's important to think ahead for your pets' care. After all, what would happen to them if something happened to you? How can you make sure they would go to the right people – and that those people would have the money to pay for things like pet food, vet care and other expenses?

This guide will help you think through the answers to those questions. And it will explain legal tools that can help you make sure your pets are cared for – even when you can't.

## Pets and the Law

We may see pets as family members. But the law sees them as personal property.

Not that long ago, provisions in wills or trusts for pet care weren't enforceable. Instead, they were seen as just "honorary trusts." These trusts were totally dependent on the honor and goodwill of the trustees or heirs (those who have a right of inheritance in the property) of the pet owner.

This basically left pets to the luck of the draw. There was no legal guarantee that they'd be well cared for if their owner became incapacitated or died.

Fortunately, though, the law has changed. Now, all states and the District of Columbia have passed laws that recognize pet trusts.<sup>1</sup> As part of an overall pet care plan, a trust can help you make sure your pet is cared for the way you want.



# What Is a Pet Care Plan?

A pet care plan is a strategy for the lifetime care of pets. It should cover your plans and wishes for your pets:

- ✓ Caretakers – the people who will take in your pets if needed
- ✓ Food, recreation and living arrangements
- ✓ Veterinary care (including who provides it and how often)
- ✓ Care if they get very sick or hurt and need expensive veterinary treatment
- ✓ Burial or cremation arrangements
- ✓ Financial support – money to cover the cost of your pets' care
- ✓ Trustees – these are people who will manage and distribute the funds in your plan
- ✓ Protectors – usually an outside organization that will check on the level of care your pets are getting



# Kinds of Pet Trusts

Your pet care plan can be put in place legally through several different documents – including a pet care revocable trust, a pet care testamentary trust or a non-trust pet care plan.

## **Pet care revocable trust**

This plan uses a revocable trust set-up and is funded by the pet owner. It can be created as an independent trust, with its own trustees and funding. Or it can be set up as a special provision within a revocable trust and contains instructions for the care of the pet when the owner dies or becomes incapacitated.

One benefit of this kind of trust is that it covers care for the pets if the owner is living but incapacitated (or even just away for an extended period). And of course it ensures care for the pets after the owner's death.

## **Pet care testamentary trust**

This plan uses a testamentary trust set-up in the provisions of the pet owner's will. It only goes into effect if the pet owner has living pets after their death. Since this trust doesn't exist prior to the pet owner's death, it has no pre-existing funding. Instead, it's funded out of the pet owner's estate or other designated assets.

## **Non-trust pet care plan**

This plan is less protected by law. Instead, it uses a contract for care entered into by the pet owner and the pet caretakers. Funds are given to the caretakers for agreeing to provide lifetime care – as spelled out in the contract – to the covered pets.

The risk lies in enforcing the contract. After all, the pets themselves can't sue the caretakers for breach of the contract. That's why the selection of caretakers is critical.



## Funding a Pet Care Plan



As you well know, pets cost money. So you'll need to include the necessary funds in your plan to pay for the care of your pets.

As you're thinking about how much to set aside, estimate the annual cost of the care that you've spelled out in the plan. Keep in mind the life expectancy of your pets, and consider things you spend money on throughout the year, like:

- ✓ Food
- ✓ Ongoing and preventative medical care
- ✓ Pet insurance
- ✓ License fees
- ✓ Toys and treats
- ✓ Litter
- ✓ Other special items

Other details include how your trustee will distribute the funds to your pets' caretakers. (Automatic monthly or quarterly allowances? Special distributions as needed?) Also, you can (but don't have to) include compensation for your caregiver and trustee.

Finally, if there's money left over after your pets pass away, what should be done with it? Do you want it donated to charity? Or should the money go to your pets' caretakers?

Almost all states allow a pet care trust to extend until the death of the covered pets. But a few impose an outside pet care trust duration cap. Check to see what your state allows.

# Peace of Mind for You and Your Loved Ones



Creating a pet care plan doesn't just give you peace of mind. It can also make things easier for your family and friends. Knowing that plans are already in place for the care of your pets can make a difficult time a little easier.

## Take Control with ARAG



*If you have questions or aren't sure where to turn, ARAG can help. Visit [ARAGlegal.com](https://www.araglegal.com) to learn more about how ARAG legal coverage gives you an affordable way to manage legal matters.*

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<sup>1</sup>Map of States with Companion Animal (Pet) Trust Laws. Michigan State University Animal Legal and Historical Law Center. <https://www.animallaw.info/content/map-states-companion-animal-pet-trust-laws>

