



## Superstorm showed need for estate planning for pets



Gary Hershorn / Reuters Nov 11, 2012

The plight of this dog, being carried to safety in storm-ravaged Hoboken, N.J., hard hit by Superstorm Sandy, illustrates the importance of having legal protections in place to ensure that such an animal will be cared for in the event something unfortunate happens to its owner during a major calamity. By Jacoba Urist, TODAY contributor

Superstorm Sandy packed a strong punch along the East Coast in late October, and many people who count a furry friend as part of their family had an added burden placed on their shoulders. As was the case with Gulf Coast residents seven years ago during Hurricane Katrina, many peoples had to scramble to find shelter and faced some tough decisions about whether they could take their cat or dog along with them. Once again, the importance of having an emergency plan for a pet became a stark reality.

Kim Bressant-Kibwe, the trusts and estates counsel for the ASPCA, said she believes that every pet owner should have both a disaster plan and an estate plan to safeguard a four-legged family member. That way, all your bases are covered, she explained, whether there's an unforeseen event in your area or your pet outlives you and needs to be cared for by somebody else after your death. The ASPCA estimates that upward of

100,000 pets may be entering shelters annually due to their guardian dying or becoming unable to care for them.

When residents of the Northeast were told to evacuate from their homes before the arrival of superstorm Sandy, many had to leave their pets behind. Rescue teams have since saved thousands of pets, providing emotional reunions for people who feared they would never see their pets again.

“Oftentimes, it’s natural disasters like Hurricane Sandy that push people into action,” she said. “Storms like this could be what motivates people to update their will or draft one in the first place. We want people to consider making those same arrangements for their care of their pets, so they don’t end up homeless with no one to care for them.”

Approximately 62 percent of households in the United States have a pet. According to the ASPCA, between 5 million and 7 million of these animals wind up in shelters nationwide every year, and 3 million to 4 million end up being euthanized because workers aren’t able to find good homes for them. In fact, Bressant-Kibwe said, many pets are brought to shelters because their owners left no legal contingency plan for the period after the owner’s death. As she points out, a responsible parent appoints a legal guardian and tries to provide for a child’s care in the event that something unfortunate occurs down the road. Why wouldn’t you also plan for your dog or cat’s well-being?

But most people don’t do the legal legwork to protect their pet. Bressant-Kibwe believes that’s because many estates and trusts lawyers don’t think of pets as property (which they are under the eyes of the law) and therefore don’t raise the issue of pet guardianship and animal trusts with their clients when they’re discussing other estate planning issues.

### [With everything gone, Sandy survivors find comfort in pets](#)

A recent independently administered ASPCA survey of 1,000 dog and cat owners found that only 17 percent of pet owners take the necessary legal steps to safeguard their animals’ futures. These steps include bequeathing their pet in their will to somebody, drafting a pet trust fund, or using another kind of legally enforceable document. Even among pet owners who already have a valid will (42 percent of cat or dog owners), only 18 percent have included their animal in it.

So what are the best ways to provide for your pet’s short-term and long-term safety?

#### **1. Have an animal card and document**

Professor Gerry Beyer of Texas Tech University School of Law, the co-author of “Fat Cats and Lucky Dogs: How To Leave Some of Your Estate To Your Pet,” recommends that every pet owner carry an “animal card” in his or her wallet with basic information, such as the pet’s name, type of animal, location, any special care instructions — and this is most important — the contact person who can gain access the animal in the

event of an emergency. That way, if something happens to the owner, a doctor or police officer of some other responsible individual could determine that an animal is relying on you and can then request that the emergency contact on your “animal card” take care of your pet. Beyer also recommends keeping an “animal document” with your other estate planning materials containing the same information that’s on your animal card and any additional details you might like — so that someone can find your pet and contact your animal’s legal guardian as quickly as possible.

## **2. As a backup, put your pet in your will**

Bequeathing your pet to somebody in your will is certainly a good backstop, and is always better than having nothing in place to safeguard the animal. However, Bressant-Kibwe reminds people that wills do get contested over matters that may have nothing to do with your pet provision. In those cases, the will can be held up in probate, and the property in the estate — which includes Fluffy or Fido — can be left in limbo for months at a time.

“Anything and everything can happen,” she said. “Sometimes, someone will step forward to try to take care of your animal, but they don’t have the right, necessarily, and with no executor in charge, your pet can be left with no home and potentially wind up in a shelter.”

## **3. Consider a pet trust ... even if you aren’t a millionaire**

Pet trusts were once associated only with celebrities like hotel queen Leona Helmsley who reportedly left a \$12 million trust to her dog Trouble. But today, pet trust funds, which experts agree are the best way to protect your furry friend in the case of your death or disability, are moving into the mainstream. Owing to events like Katrina, 9/11, and now Superstorm Sandy, people are realizing the importance of providing continuous care for their pets. And a person doesn’t have to be a millionaire to leave the appropriate funds in place to provide for a pet’s daily life.

Jayne Welch, an attorney and director of production at [Us Legal Forms](#), a site for do-it-yourself legal documents, says they’ve seen an increased demand for both their short- and long-form pet trusts, both of which cost under \$25.

“Anyone who dearly loves their pet should consider one of these,” Welch said. “Especially senior citizens or single pet owners, or people who have a pet who needs lots of special care for some reason. It’s easy and inexpensive. You can save it to your computer and you’ll feel tremendous peace of mind.”

## **[Water world: Photos of animals in flooded NY aquarium](#)**

Beyer explains that there are generally two types of pet trusts. First, there’s the traditional pet trust, which he says is recognized by all states, and preferred by many pet owners because it gives them the ability to have great control over their furry friend’s

care. The traditional pet trust allows an owner to appoint a trustee to manage a designated amount of money for the pet, to specify a pet's caregiver (the trust's beneficiary), and to outline the type of care the animal will receive, the kinds of expenses the trustee will pay and what happens if the caregiver can no longer care for the animal. The other trust, a "statutory pet trust" is authorized in the majority of states, but doesn't require or allow the pet owner to make as many decisions about the terms of the trust. It's a more basic, bare-bones document, and state law fills the gaps, which might not give the owner as much peace of mind about how the pet will be cared for after the owner dies.

Of course, none of us look forward to planning for a worst-case scenario. But as Superstorm Sandy proved, our pets are relying on us to take care of them under any and all circumstances, in sickness and in health, even after death do us part.

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