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Pet Care After Death | Planning for Furry Family Members

According to the Humane Society of the United States, pet ownership in the United States has more than tripled from the 1970s, when approximately 67 million households had pets, to 2012, when there were 167 million households that owned pets, or in other words, in 2012, 62 percent of households had at least one pet. That number is sure to be even higher now.

Even the lifespans of companion animals with the most longevity (except maybe tortoises, but who owns a tortoise anyways?) pale in comparison to the human lifespan. So, it comes as no surprise that humans naturally assume that they will outlive their pets.

But, too often, we are all reminded that life, and death, can take unpredictable paths. As an estate planning attorney, my job is to help people plan for those potential unforeseen circumstances, so that, no matter what life throws a client's way, whether illness, incapacity, or death, she can at least have the confidence that her loved ones will be taken care of. Too often, though, there are loved ones that are forgotten- pets.

We have two little dogs ourselves, and while it's natural to assume that both my wife and I will outlive them, tomorrow is never guaranteed. Recently, my wife forwarded an article along to me which made me pause and really consider what I can do for clients (and for myself) to make sure that we put contingency plans in place for their pets so that they don't end up in a shelter, abusive household, or worse. [Bela the German Shepard's owner died leaving some shocking instructions about her wishes for Bela's fate.](#) Thankfully, though the actions of outside organizations, Bela's story has a happy outcome. While her owner's wishes may have been a bit controversial, it is much more common for pets without a living caretaker to be placed in a shelter and put up for adoption into a potentially questionable situation, or in the case of many shelters, euthanized.

Surely, most human caretakers would much prefer a different outcome dictated by their wishes.

So what can you do now to make sure that your pets will be lovingly taken care of, even if it's not you that is doing the caring?

[Petfinder offers up a number of tips](#), some as simple as making sure neighbors and friends know your pets and are comfortable interacting with them. Make sure that they have access to your home, so that they can serve as emergency caregivers for your animals in the event something unexpected happens to you.

Some other suggestions from [Petfinder](#):

- Make sure your neighbors, friends, and relatives know how many pets you have and the names and contact numbers of the individuals who have agreed to serve as emergency caregivers. Emergency caregivers should also know how to contact each other.

- Carry a wallet “alert card” that lists the names and phone numbers of your emergency pet caregivers.
- Post removable “in case of emergency” notices on your doors or windows specifying how many and what types of pets you have. These notices will alert emergency-response personnel during a fire or other home emergency. Don’t use stickers; hard-to-remove stickers are often left behind by former residents, so firefighters may assume that the sticker is outdated or, worse, they may risk their lives trying to find a pet no longer in the house.
- Affix to the inside of your front and back doors a removable notice listing emergency contact names and phone numbers. Because pets need care daily and will need immediate attention should you die or become incapacitated, the importance of making these informal arrangements for temporary caregiving cannot be overemphasized.

How can I ensure long-term or permanent care for my pet if I become seriously ill or die?

First, it’s important to discuss with chosen contingency caregivers whether they would even be comfortable taking your pets in should something happen to you. Then, it’s important to get things in writing. For example, you’ll want to make sure there is a legal obligation on the part of your estate to provide your pets with funds sufficient to care for the pets. Don’t rely on a simple verbal agreement that you and the caregiver may have had. Chances are that, should you die, the executor of your estate is going to have no knowledge of that agreement and no legal obligation to actually provide the new caregiver with those funds. This is where [a pet trust can be a huge benefit](#). (See [Pet Prenups: Planning for Pets if you Breakup](#) for some legal options should you and a significant other separate).

While many individuals make special provisions for pets within a will, while well intentioned, those provisions often can complicate things in the chaos that may arise after a death. Wills typically must be probated in order to be legally recognized as valid after death. That process is not always quick. Failure to take additional planning steps outside of the will can create a risk that pets may be forgotten for days or even weeks. Even if a temporary caregiver steps in, they most likely will not have access to any financial assistance for some time, even if the will makes provision for such assistance.

That doesn’t mean that you shouldn’t use a will to provide instructions for the care of a pet. It can be an effective way to make sure they are taken care of long-term. But, if you choose to plan for their care through a will be sure that there is an emergency caregiver that is ready and willing to take your pets under his care while your estate works its way through the legal system. Also, make sure that your caregiver has the financial means to care for the pet, at least in the short term.

Don’t forget to consider a Power of Attorney

A power of attorney enables a chosen trusted individual to take specified actions on your behalf. Like a sports agent negotiating a contract, an agent under a power of attorney is authorized to make decisions in your best interest in the event you are unable to act for whatever reason. Making specific provision in a power of attorney for a chosen agent to take care of pets and access funds to do so can ensure that there will not be a gap in the care of your animals. For example, should you be



stranded out of the country for an extended period, your agent will be able to ensure that nothing will happen to your pets. Similarly, if, due to an accident, you are in the hospital for an extended stay, your agent can step in and care for your pets.

As the saying goes, “an ounce of prevention is worth a pound of cure.” By taking steps now to plan for the care of your pets, you can ensure that they will be well cared for no matter what life throws your way.

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