

Pet Trust Checklist: Issues to consider when creating a pet trust and providing instructions for the care of your furry friends

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Do you live in a state that recognizes pet trusts? Forty states and the District of Columbia recognize pet trusts or other forms of trusts, which would allow for funds to be set aside for the care of a pet. A list of states can be found at ASPCA.org/pet-care/pet-care-tips/pet-trusts-laws.html.

Do you know an experienced estate-planning attorney? It is important to consult with an attorney who concentrates in the area of estate planning. An attorney can help to ensure the trust is legally binding and properly executed in accordance with state laws. In addition, an attorney can advise you on estate tax minimization tools and help you make charitable designations to pet-friendly organizations under your estate plan.

Whom do you trust to manage money? This individual will be named the trustee of the pet trust and will be responsible for overseeing the distribution of funds for the pet's care. In addition, it is helpful to identify one or more successor trustees in the event the original trustee is unavailable.

Whom do you trust to care for your pets? This individual will be named the caregiver of the pet trust and will be responsible for caring for your pet's everyday needs. In addition, it is helpful to identify one or more successor caregivers in the event the original caregiver is unavailable. Make sure to discuss your plans with them first!

How much money is necessary to cover the expenses of your pet's care? Determine the amount of money necessary to adequately cover expenses associated with your pet's care. Consider the pet's life expectancy, food, grooming, medication, daycare, and veterinary checkups. Also try to budget for unforeseen expenses, such as illness. If you can't determine a specific dollar amount, it is also possible to leave a percentage of your estate to a pet trust. However, be careful not to overfund the trust, as the amount of money going to the pet trust must be reasonable.

How much money is necessary to maintain the trust? Depending on the complexity of the trust, there may be fees associated with administering the trust. For example, if the pet owner would like the trustee to make biannual visits to the pet and oversee the pet's care, the owner should budget for that as well.

How can you identify your pet? Pet trusts can identify a pet simply by the pet's name or a class of animals ("pets owned upon death"). However, trusts can also go so far as to include photos and microchip identification to prevent fraud.

What characterizes your pet’s lifestyle, diet, health? Think about aspects of your pet’s exercise, play habits, diet, and healthcare that may require specific care instructions.

Who acted as the veterinarian for your pet? Demanding that the caregiver continue to use your pet’s veterinarian may be an imposition given the caregiver’s location. However, your pet’s medical records and knowledge of where they are located may be very helpful to the caregiver and future veterinary providers.

Should the trustee make annual inspections of your pets? This can help provide a check and balance to ensure your pet is being properly cared for.

Upon your pet’s death or termination of the trust, if funds remain in the pet trust, where would you like them to go? This is commonly referred to as the “remainder beneficiary.” You can designate an individual (family member, friend, or perhaps the caregiver). Alternatively, consider a charitable organization dedicated to pet welfare.

Upon your pet’s death, would you like to provide instructions on how to handle your pet’s remains? Consider whether you would like your pet to be buried and where. Similarly, consider cremation and how you would like your pet’s remains to be handled.

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