

BERWITZ & DiTATA LLP

Attorneys and Counselors at Law

310 Old Country Road Suite 101
Garden City, New York 11530
Telephone (516) 747-3200 • Facsimile (516) 747-3727

Lawrence N. Berwitz

Maureen R. DiTata

Protecting Your Pet's Future

Pets are frequently overlooked in the aftermath of an accident or death. Sometimes pets are only discovered days after a tragedy. Several issues ago, as an introduction to this important topic, we wrote an article about Pet Trusts, a legally enforceable method to provide for the care and maintenance of pets in the event of the owner's disability and/or death. The response to our article was overwhelming! We discovered that many of our clients and friends had never considered what would happen to their pets if something unexpected happened to them.

What can you do to protect your pet's future? While pet owners should certainly consider the care and maintenance of their pets when preparing their estate planning documents, certain important and simple steps can be taken right away.

First, identify emergency caregivers. A responsible friend or relative who has the key to your home should be given important information about your pets. Include feeding instructions and the name and contact information of your veterinarian. Neighbors should know how many pets you have and how to contact your emergency caregivers. Some pet owners carry cards in their wallets that identify their pets and list the emergency caregivers and their contact information.

Post a sign on all entrances to your home to alert emergency personnel, in case of fire or other home emergency, that pets are inside. Indicate the number and types of pets. On the inside of the doors, post a large, clear listing of the contact information for your emergency caregivers.

While these steps will help protect your pets *temporarily*, it is very important to include formal, written arrangements, that cover care and even ownership of your pets, as an integral part of your estate plan. To do this, you must select a permanent caregiver and, perhaps, an alternate. From time to time, reach out to those whom you

have designated as caregivers to ensure that they remain ready and able to care for your pets. If circumstances change, your formal documents should provide for a contingency plan. With proper advance planning, “no-kill” shelters, pet sanctuaries and pet retirement homes can be given authority for perpetual care or the right to find a family to adopt your pets. Some programs require contributions. Almost all require advance enrollment.

The most reliable mechanism for providing for your pets is to create an enforceable trust in favor of a human beneficiary or caregiver and then require distributions from the trust to the caregiver to cover your pets’ expenses and, possibly, compensation to the caregiver. Provisions for pets should also be incorporated in your Power of Attorney and Last Will and Testament. The Power of Attorney can include specific instructions with respect to your pets in the event of your incapacity. It can also authorize the expenditure of your money, during your lifetime, for the care of your pets. While the instructions which you may have incorporated in your Last Will and Testament may be informative, remember that it is often weeks, months or longer before your Executor is empowered to act in accordance with those instructions.

If you want to ensure that your pets will be continually cared for, please call us or make an appointment to talk about this important addition to your estate plan.