



## **Providing for Your Companion Animal's Future Without You**

Since companion animals usually have shorter life spans than their human caregivers, you may have planned for your animal's passing. But what if *you* are the one who becomes ill or incapacitated or who dies first? Then what happens to your beloved companion animal?

As a responsible guardian to your companion animal, you provide her with love and all her material needs. To ensure that she will continue to receive the same type of care should something unexpected happen to you, it's important for you to plan ahead.

### **How to prepare for the unexpected**

When an unexpected illness or death occurs, companion animals are sometimes forgotten. There have been cases where they are discovered in the person's home days after a tragic event. To prevent this from happening to your animal, please consider these simple precautions:

- Find at least two responsible friends or relatives who agree to serve as temporary emergency caregivers in the event that something unexpected happens to you. Provide them with keys to your home; feeding and care instructions; the name of your veterinarian; and information about the permanent care provisions you have made for your companion animal.
- 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 card in your wallet that lists the names and phone numbers of your emergency caregivers.

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- Post removable “in case of emergency” notices on your doors or windows specifying how many and what types of animals 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hard-to-remove stickers are often left behind by former residents, so firefighters may assume that the sticker is outdated, or they may risk their lives trying to find a pet no longer in the house.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 care giving cannot be overstated.

**Ensuring permanent care for your companion animal if you become seriously ill or die.** The best way to make sure your wishes are fulfilled is to make *formal* arrangements that specifically cover the care of your companion animal. Work with an attorney to draw up a special will, trust, or other document to provide for her care as well as the money necessary to care for her.

**Choosing a permanent caregiver.** The first thing to consider is whether you want all of your pets to go to one person, or whether different ones should go to different people. If possible, keep animals who have bonded with one another together. It’s also important to name alternate caregivers in case your first choice becomes unavailable or unwilling to take your companion animal. Be sure to discuss your expectations with potential caregivers so they understand the large responsibility of caring for your animal. Remember, the new guardian will have full discretion over the animal’s care – including veterinary treatment and euthanasia – so make sure you choose a person you trust completely and who will do what is in the best interests of the animal.

Stay in touch with the designated caregivers and alternates. Over time, people’s circumstances and priorities change, and you want to make sure that the arrangements you have made continue to be true for the caregivers you have selected.

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If all else fails, it is possible to direct your executor or personal representative, in your will, to place the animal with another individual or family. Finding a satisfactory new home can take several weeks of searching so it is important to line up the temporary care previously discussed.

You should also authorize your executor to spend funds from your estate for the temporary care of your companion animal as well as for the costs of looking for a new home and transporting the animal to it. The will should also grant broad discretion to your executor in making decisions about the animal and in expending estate funds on the animal's behalf. Some sample language for this approach is as follows:

{Article Number} A. As a matter of high priority and importance, I direct my Personal Representative to place any and all animals I may own at the time of my death with another individual or family where such animals will be cared for in a manner that any responsible, devoted pet guardian would afford to his or her companion animals. Prior to initiating such efforts to place my animals, I direct my Personal Representative to consult \_\_\_\_\_, DVM (currently at the \_\_\_\_\_ Hospital), or, in the event of Dr. \_\_\_\_\_'s unavailability, a veterinarian chosen by my Personal Representative, to ensure that each animal is in generally good health and is not suffering physically. In addition, I direct my Personal Representative to provide any needed, reasonable veterinary care that my animal(s) may need at that time to restore the animal(s) to generally good health and to alleviate suffering, if possible. Any animal(s) not in generally good health or who is so suffering – and whose care is beyond the capabilities of veterinary medicine, reasonably employed, to restore to generally good health or to alleviate suffering – shall be humanely euthanized, cremated, and the ashes disposed of at the discretion of my Personal Representative. Any expenses incurred for the care (including the costs of veterinary services), placement, or transportation of my animal(s), or to otherwise effect the purposes of this Article \_\_\_\_ up to the time of placement, shall be charged against the principal of my residuary estate. Decisions my Personal Representative makes under this Article \_\_\_\_ - for example, with respect to the veterinary care to be afforded to my animal(s) and the costs of such care – shall be final. My intention is that my Personal

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Representative have the broadest possible discretion to carry out the purposes of this paragraph.

**Humane societies and/or other institutional possibilities.** Most humane organizations do not have the space or funds to care for your companion animal indefinitely and cannot guarantee that someone will adopt your animal, although some may be able to board and care for your pet temporarily until she can be transferred to her designated caregiver.

There are a few organizations, however, that specialize in long-term care of pets of deceased guardians. For a fee or a donation, these “pet retirement homes” or “sanctuaries” may agree to find your pet a new home or care for your pet until she dies. Be aware, though, that pets are *companion* animals who need lots of care and affection; they may suffer from long-term confinement in such facilities. Your animal may not want to be institutionalized any more than you would want to be.

Before making any formal arrangements, visit the organization to see how animals are cared for; where they are confined; who looks after them; when they are socialized and exercised; and what policies and procedures exist regarding care at the facility and placement with a new family. Also consider what might happen to your companion animal if the organization were to suffer funding or staff shortages. If you decide to entrust the care of your pet to an organization, choose a well-established organization that has a good record of finding responsible homes quickly.

**Do not consider having your companion animal euthanized after your death.** Being concerned about what will happen to your companion animal after your death is normal. But some people take this concern to extremes, requesting that their animal be euthanized out of fear that no one else will care for her appropriately. When a person puts this request in his or her will, that provision is often ruled invalid by the legal system when the animal is young or in good health and when other humane alternatives are available.

**Seeking legal assistance.** Before making formal arrangements to provide for the long-term care of your companion animal, seek help from professionals who can guide you in preparing legal documents that can protect your interests and those of your companion animal. Please keep in

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mind how important it is to make personal arrangements in advance to ensure that your companion animal is cared for *immediately* if you die or become incapacitated. The formalities of a will or trust may not take over for some time.

**Legal Avenues for Protecting your Companion Animal.** There are several legal vehicles you may want to consider in planning ahead for your companion animal and they include the following:

- **Your Will.** Although your lawyer will help you decide what type of document best suits your needs, you should be aware of some drawbacks to wills. For example, a will takes effect only upon your death, and it will not be probated and formally recognized by a court for days or even weeks. Also, if a legal dispute arises, final settlement of your property may be prolonged. Even determining the rightful new guardian of your companion animal can get delayed. In other words, it may take a long time before your instructions regarding your companion animal's long-term care can be observed.

This doesn't necessarily mean that you should not include a provision in your will that provides for your companion animal. It just means that you should explore creating additional documents that compensate for the will's limitations.

- **A Trust.** Unlike in a will, a trust can provide for your pet immediately and can apply not only if you die, but also if you become incapacitated. That's because *you* determine when your trust becomes effective. When you create a trust for your animal, you set aside money to be used for her care and you specify a trustee to control the funds.

A trust created separately from the will carries certain benefits

- It can be written to exclude certain assets from the probate process so that funds are more readily available to care for your companion animal;
- It can be structured to provide for her even during a lengthy disability.

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There are many types of wills and trusts; determining which is best for you and your companion animal depends on your situation and needs. It is important to seek advice from an attorney who understands your desire to provide for your animal and can help you create a will and/or a trust that best provides for her.

Most states now recognize that animals can be beneficiaries of valid trusts, but it is important to make sure such a trust will be valid and legally enforceable in your state.

After you and your lawyer create a will, a trust, or both, leave copies with the person you've chosen to be executor of your estate as well as with your animal's designated caregiver so that he or she can look after your pet immediately. (The executor and caregiver may or may not be the same person.)

- **A Power of Attorney.** Powers of attorney, which authorize someone else to conduct some or all of your affairs for you while you are alive, have become a standard planning device. Such documents can be written to take effect upon your physical or mental incapacity and to continue in effect after you become incapacitated. They are simpler than trusts and do not create a legal entity that needs to be maintained by formal means. Provisions can be inserted in powers of attorney authorizing your attorney-in-fact – the person designated to handle your affairs – to take care of your animal, spend money to do so, and even to place your animal with permanent caregivers if appropriate.

**For more information.** If you or your legal advisor would like more information, please contact Alex Bury, Vice President of Development, Vegan Outreach, at 916-450-1834 or [AlexB@VeganOutreach.org](mailto:AlexB@VeganOutreach.org).

You can help your fellow species even after you're gone by making a bequest supporting the work of Vegan Outreach to end the violence and exploitation of animals. Naming Vegan Outreach in your will or trust demonstrates your lasting commitment to animal protection. Please know that we're just as happy to be last in line in your will; we hope you will consider Vegan Outreach for at least the residue of your estate.

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