



My Pet Has an Attorney? **The Use of a Florida Pet Trust** By Eric S. Kane, Esq.



To many of us, our pets are viewed as members of the family. We care for them and provide them with a loving home. We buy them toys and gourmet pet food. We often take them to the veterinarian more times than we visit the doctor ourselves.

But who will continue to care for our pets if we are unable to do so? Frequently, unforeseen events in the lives of pet owners, such as death or disability, hinder their ability to provide for their pets' well being and place the lives of their pets in jeopardy.

We would all like to assume that a family member or close friend would voluntarily step in to care for the pet of a disabled or deceased individual, but this assumption is not a certainty. Without proper planning, pets could end up in overcrowded shelters or dead. A recent study by the Cornell University Department of Veterinary Science found that approximately twelve million healthy dogs, cats and other small animals such as birds are euthanized each year due to overcrowding. Another study conducted by the National Council on Pet Population Study and Policy, founded by American Humane, determined that only 25% of the dogs and 24% of the cats who enter a shelter are adopted by new families.

Proactive steps must be taken to prevent your pet from becoming another statistic in a pet shelter.

The simplest alternative is to include a provision in your Last Will and Testament leaving a monetary bequest to a designated caregiver to care for your pet. This approach, however, is not foolproof. Legally, your pet is considered "personal property" and cannot inherit money directly. For that reason, a caregiver must be selected to handle the money left to care for the pet. Unfortunately, the caregiver could use the money to his own liking and neglect the pet without suffering any legal repercussions.

Another downside to a Last Will and Testament is that it must first pass through probate before it can take effect. Probate can often be time consuming. Since your pet is in need of immediate food and shelter, waiting for the probate process to commence could be detrimental to your pet's care and health.

Finally, your Last Will and Testament only provides for what will happen upon your death. It does not provide for who will care for your pet if you were to become disabled during life.

A Statutory Florida Pet Trust is the best way to make certain that your pet will be cared for after your death or during your incapacity.

A Statutory Florida Pet Trust is an affordable, legally enforceable document in which the pet owner places money aside for the care of the pet to be administered by a handpicked trustee. In addition to selecting the trustee, the pet owner can select the pet's caregiver and successor caregivers in the event that the primary caregiver is no longer able to care for the pet or refuses to do so.

This specialized trust pays compensation to the caregiver if desired, provides instructions as to the pet's shelter and care, and continues for the pet's lifetime. After your pet's death, any remaining funds can then be doled out by the trustee to the beneficiaries of your choice.

You may want to designate a trustee who is different from the caregiver in order to further protect your pet's interests. To prevent fraud, have your trust drafted with detailed instructions for identifying your pet.

In addition to selecting the trustee and caregiver to care for your pet, you may wish to establish an Animal Care Panel consisting of trusted individuals, such as other family members, friends, and the pet's veterinarian, who will be take responsibility for the oversight of the caregiver and your pet.

A popular alternative to establishing an Animal Care Panel is to name a financial advisor, accountant, attorney or private trust company as a co-trustee who will assume the responsibility of making sure that your wishes for the care of your pet are properly followed. If the caregiver is unable to fulfill your wishes, the trustee has the authority to choose a new caregiver.

Most importantly, a pet trust describes in detail the terms that a caregiver must follow to care for your pet. Everything from your pet's dietary and medical needs to its favorite toys and leisurely activities can be laid out as terms for the trust. Creating a Statutory Florida Pet Trust will give you the peace of mind that your pets will continue to live quality lives that they are accustomed to even after your death or disability.

A pet's love towards its owner is much like a child's love for its parent, innocent and unconditional. But whereas a child eventually grows up and becomes independent, a pet never does. Don't leave your pets' fate to chance. Protect your pets as you would protect your children and family and ensure that they will always receive the best of care and have a loving home.

Eric S. Kane, Esq. is a licensed Florida attorney whose office is located in Miami, Florida. Mr. Kane practices in the areas of estate planning, probate and trust administration, and guardianship law. Mr. Kane received his J.D. and L.L.M., cum laude from the University of Miami School of Law. Mr. Kane can be reached at 305-937-7280 or at www.kanelawpl.com.

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