

PET TRUSTS

For most pet owners, pets are members of the family. Therefore, due to the costs of care and longevity of some types of pets, planning in this area can be of critical importance. California has enacted a statute pertaining to pet trusts that allows a third party designated by the terms of the trust to use the trust funds for the benefit of pets.

The trust you create can be part of your trust or it can be created as a separate trust. In the trust you can specify who will manage the assets of the trust, who will care for the pets, and how much money you want designated to the trust for any of your pets that are living on the date of your death. The funds can be used for things such as the cost of daily care (food, treats, and daycare), veterinary care (yearly teeth cleaning, shots, nail trimming, and emergency care), grooming, boarding, travel expenses, and pet insurance. Additional factors may apply in particular cases. For example, horses are expensive to maintain and require exercise, training, and a large tract of land or boarding; some birds and reptiles have very long life expectancies; and care of some pets will require construction of a special habitat on the caregiver's property.

The intended use of the principal or income of the trust may be enforced by a person designated for that purpose in the trust or, if none is designated, by a person appointed by the court. In addition, any person interested in the welfare of the animal or any nonprofit charitable organization that has as its principal activity the care of animals may petition the court regarding the trust. When the trust terminates upon the death of your pet, the trustee distributes any funds left in the trust as you direct in the trust document (to an animal charity, a relative, friend, etc.)