



Pet Talk: For pets' sake, include them in your estate planning

By Sharon L. Peters, Special for USA TODAY



Rachel Hirschfeld takes a picture with her late dog Soupbone, the pet that prompted her to develop sure-fire ways for owners to include their beloved animals in their estate planning.

Most pet owners have no trouble at all speaking about some unspeakable things when it comes to their animals: seeping abscesses, bowel movements, nasty eye mung, chunky (or an assortment of other descriptors) vomit. Part and parcel of being a topnotch caregiver is observing and discussing, and yes, some would say, even embracing the various ick factors that must be noted and attended to.

But ask many of those same folks what provisions they've made for beloved pets in the event of their own sudden death, and they go suddenly quiet, eyes shift downward, feet start shuffling uncomfortably. It's not something easy to talk about (or take action on), even for those of a certain age who understand their time is limited (though the truth is, accidents, tragedies and horribly fast fatal diseases befall even the young).

And, sadly, even among those who have taken steps to include their pets in their final-wishes documents, the approach they've taken, the specifics they've detailed may not be enough to ensure that their pets are dealt with in the way they'd planned.

"You really don't want a Leona Helmsley situation," says attorney, estate expert and pet lover Rachel Hirschfeld, author of *Petriarch: The Complete Guide to Financial and Legal Planning for a Pet's Continued Care* (American Institute of CPAs, \$56, including legal templates and a step-by-step CD) and developer of the [Pet Protection Agreement](#), available on LegalZoom.com for \$39.

Helmsley left millions to her beloved dog Trouble and directed a relative to take care of the animal. The relative didn't want the dog, and a judge overruled the amount left to Trouble and humane groups. So nothing really turned out the way Leona wanted for Trouble. And you have to sort of assume she had the means to hire pretty decent lawyers when she was putting together her will.

But at least Trouble didn't land in a shelter and wind up being euthanized, as happens with so many pets when owners die.

Fact is, too many lawyers and too many financial planners don't ask the question they should — "what about your pets?" — when dealing with clients' estate planning. And if the topic happens to arise, some of them have dealt with the matter so infrequently they don't create rock-solid, fail-safe verbiage to ensure that the animals are cared for in the way the late owner intended.

Because of that, "it's vital for private as well as professional people to know this information," Hirschfeld says.

Still, it's not all that complicated. And getting it down on paper is crucial because those heartfelt pet-care agreements made with friends or relatives that so many of us rely on, even though they're well-intentioned, don't always turn out the way everyone hoped at the time the promises were made. Four years later maybe the would-be caretaker has a dog that eats cats, so taking in Fluffy would be a terrible idea. Or maybe the person is now in a wheelchair and can't take a rambunctious dog, or she has lost her job and can't afford another responsibility.

So things must be formal, and there must be backups and contingencies.

Addressing such matters as part of the body of a will is the wrong approach, Hirschfeld says.

"Many people don't think about the fact that wills have to go probate, which can take some time."

She recommends creating a pet-protection agreement, which she says is acceptable and honored in every state that will ensure that "the pet will be assured the standard of care stipulated."

Alternatively, some people have taken to establishing a pet trust "in a reasonable amount so that it won't be challenged."

Moreover, she highly recommends having what she calls a "mini power of attorney" that allows some trusted person access to the funds necessary to care for your pets if you temporarily can't — maybe you're incapacitated briefly by an accident that lands you in the hospital. And maybe that same accident that left you unconscious for five days badly injured your dog, and he needs emergency surgery, but if no one can access your money, that surgery isn't likely to happen. Or maybe you're stranded in a foreign country for extra days while on vacation, or maybe you have a heart attack or food poisoning.

"Paying a mortgage can wait," she says. "Caring for a pet cannot."

Few dispute the fact that pets are regarded as members of the family. The after-the-owner's-death or owner-is-incapacitated scenarios are worth tending to.