

# How to Protect Your Four-Legged Family Members

*By Rachel Hirschfeld, Esq.*

## **Pets – Part of the American Family**

More than 74 million American households have 365 million pets....and we LOVE them! Many of us feel that a pet is just as much a part of the family as any other person in the household. And 35% of us include their pets in family portraits.

Just ask any pet owners what they'd save if their house caught fire. Often, their pets will come before their jewelry or artwork.

## **A Fatal Omission**

There's a difference, though. You probably include your human family members in your plans for what will happen if you become unable to care for them.

Too often, pets don't get the same attention – mostly, because people don't know that they can. Yet you certainly don't want them to be mistreated or euthanized prematurely, if you are no longer around to personally provide that care.

## **Many Family Pets End Up In Shelters**

Unfortunately, that's the fate in store for many beloved pets. According to the Humane Society, more than 6 million pets enter shelters each year. Not all of them find a new home, and about half are euthanized. Older animals – the ones mostly likely to wind up in shelters - have less chance of adoption than puppies or kittens.

An estimated 500,000 pets are euthanized annually simply because their owners die without providing for their care.

## **A Legal Document for Your Pets -- The Pet Protection Agreement™**

No one wants to leave their pets unprotected. Until recently a pet clause in a Will or a stand-alone Pet Trust were the only options for concerned pet owners. But Wills go through probate court and what happens to your pet during that time? It could be months or years before your Will is even read. What's more, pet care instructions in a Will are unenforceable. A formal Pet Trust can be unwieldy and is often quite expensive to prepare.

Now there's another alternative: the [Pet Protection Agreement](#). (link) It's a unique legal document that provides uninterrupted care for pets when their owner is no longer able to do so. The [Pet Protection Agreement](#) can be created online, often at a fraction of the cost of a Pet Trust, and it requires less formality. It also works if the pet owner is in the hospital and can't care for the pets.

It's a contract between you, the pet owner, and an individual or organization who pledges to take care of your animals – called the Pet Guardian. Furthermore, you can be as detailed about your pet's care as you wish. Ultimately, you're creating a legal instruction manual regarding your pet's care.

### **More Flexibility than a Pet Trust**

Unlike a formal Pet Trust, a Pet Protection Agreement does not need a trustee. Furthermore, funds are optional in the Pet Protection Agreement, although you can be as detailed as you wish regarding expenditure of funds for your pet's care. You can designate where any remaining money will go when all pets die – your family, a charity or even a friend.

Therefore, the Pet Protection Agreement can ensure that funds for the pet's care are available immediately and will continue as long as needed.

### **Conclusion**

Family members and friends can be a source of tremendous support when a pet owner dies or when he or she is no longer able to take care of the pet – even for just an interim time such as travel or hospital stay. Such individuals often mean well but they may not be able to follow through on informal commitments they have made.

Recognizing such reality, pet owners should make a Pet Protection Agreement for a beloved pet's ongoing care. Pet Protection Agreements are ideal tools to help pet owners and their pets remain together, to ensure that pets are well-cared for, and to establish procedures for legally transitioning pet ownership.

*Rachel Hirschfeld is a nationally renowned expert in estate planning and a passionate advocate for people and their pets. Ms. Hirschfeld co-chairs the New York County Lawyers Association's Animal Law Committee and is often quoted in newspapers and legal journals on legal issues affecting pets. She is author of the book "PETRIARCH: The Complete Guide to Financial and Legal Planning for a Pet's Continued Care." Ms. Hirschfeld developed the Pet Protection Agreement, which is available exclusively through LegalZoom.com.*