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Who will care for Fido or Rover?

BY: R.J. "BUZ" BUZOGANY Special to the CJN

Setting up a pet trust fund is becoming an adjunct to estate planning

What happens to Rover or Fluffy if his or her owner dies without providing for the care of these family pets? The likely scenario is that the pet will be euthanized.

According to 2nd Chance 4 Pets, a group organized to protect pets from this outcome, it's estimated that each year a half-million pets are "relinquished or euthanized in animal shelters and veterinarian offices in the United States because of the death or disability of the pet owner."

As of January of this year, Ohio joined 37 other states that now have passed pet trust legislation. As a result, pet owners in these states can officially name their pets as the beneficiary of a trust fund, which designates a trustee of the fund and a caregiver for the pet and provides specific instructions for their pet's care.

Unlike a will, which takes weeks or months to be probated, the pet trust is a legally sanctioned arrangement that takes effect immediately to help the person designated in the trust plan to care for the pet.

Lacie O'Daire, an attorney at Cleveland's Walter & Haverfield LLP, advises clients with pets as part of her estate planning work at the law firm to establish pet trusts in case of the unexpected.

It is never too early to think of planning for your pet, O'Daire says. "In the aftermath of the Sept. 11 tragedy," she said, "between 800n1,000 pets were orphaned.

"Pets are no different from minors who need a guardian and living expenses in case of the death or incapacity of their caregiver," she continues. "Except that, in the case of

a pet, the courts will not step in if you don't provide a plan for them."

O'Daire, who with her husband Dr. Marty Moore lives in Cuyahoga Falls with two dogs, three cats and a retired horse, stresses the importance of establishing a pet trust to ensure the pet owners' peace of mind.

Selecting a friend, relative or other reliable person for the positions of trustee of the fund and caregiver for the pet is the most important step in setting up a pet trust fund, O'Daire explains. Estate planners recommend that the trustee and caregiver not be the same person, so as to avoid any possible conflicts of interest.

Once these individuals are selected, the pet owner, with the help of an attorney, puts every aspect of the pet's care in a detailed document. The amount of the trust is determined by the life expectancy of the pet based on current age, care requirements as the pet ages, and the annual rate of inflation.

Since pets are considered part of the family, says O'Daire, their future should be planned for just like other family members.

"If an owner is incapacitated and there is no plan for his or her pets, then the pets are usually sent to shelters," she said. "If not adopted, the staggering number of pets being euthanized each year is estimated to be 50 per hour."

For more information, contact Lacie O'Daire at Walter & Haverfield at 216-781-1212.

Taking care of Fido

A pet trust plan should include instructions on:

- Type of food for the pet
- The environment (e.g. in a house with children or no children)
- Exercise requirements
- Veterinary care and medication
- Emergency care instructions
- Special needs
- Burial or cremation information
- Designation of what to do with money left in the fund when the pet dies (e.g. donation)