Pet Trusts: How You Can Protect the Four-Legged, Furry & Feathered Members of Your Family

By Thomas J. Cleary on August 11, 2020

Ask around and you will frequently find pet owners who will shamelessly admit that they enjoy their pets more than other people. As pet owners we recognize that the comfort and care need of
our pets may one day extend beyond that which we are able to provide ourselves. Of course, pet
owners only want the best for their dogs, cats, horses, snakes, birds, etc. What happens when we pass away, become incapacitated or can otherwise no longer care for our pets in the way that they require?

Prior to 2012, the Massachusetts legislature had not provided an answer to this question, thus leaving pet owners with no legally enforceable way to ensure that their pets are properly cared for and maintained after a pet owner passes away or becomes incapacitated. Today, Massachusetts courts recognize the creation of a trust—a pet trust—for the care and maintenance
of one or more pets for the duration of their lifetime(s).[1]

One of the many benefits to establishing a pet trust is to provide pet owners with the peace of mind that comes with knowing that their pets will be cared for according to their instruction. For example, the fact that one's dog only eats a certain type of dog food, or that one's parrot requires
certain medications or treatment, are important details to incorporate into the trust to ensure that
your animals are cared for properly and in accordance with your wishes and their needs.

Another benefit to the establishment of a pet trust is that you are able to designate funds that will
be for the sole benefit of your animal. You can leave enough money to provide food, shelter, and
other necessities for your pet for the remainder of their lives if you so desire. Trust funds can be designated for the euthanasia of an animal. Designating funds for the humane euthanasia of a pet
can be very beneficial to both you and your pet.

When establishing a pet trust, you must name the trustee, the person who will be responsible for the trust funds for your animal's benefit. You should also name a caretaker who may or may not be the same person as the trustee. This will be the person whose responsibility is to take proper care of your animal as the trust instructs. You may chose a friend, family member or professional

to serve as the trustee or the caretaker. You have the ability to leave detailed instructions detailing the specific care needs of your animal(s). This creates an obligation on the behalf of the
selected caretaker to adhere to the instructions detailed in the trust.

The establishment of a pet trust is a great way to ensure that your beloved pets remain cared for
if/once you are no longer able to care for them. It is important to establish a pet trust because it
ensures the specific care needs of your pet are met—something that is not possible by simply leaving your pet to someone in a will. Under the law, pets are considered personal property and once your pet has been successfully transferred to the person you named in your will, your pet becomes their property to do whatever they want with. This scenario demonstrates the importance of a pet trust to ensure that they receive the best possible care and that your wishes regarding the pet are memorialized and followed.

1 M.G.L.A. c. 203E § 408

If you are interested in establishing a pet trust for the care of your favorite furry friend(s), please
do not hesitate to contact our office, where one of our attorneys would be happy to assist you.

Our office can be reached at (508) 880-6677.