

Elder Law Guys: So, You Got A Covid Support Pet, Now What?

Back in 2012 (oh, so long ago), we published a column on pets and providing for them, especially when you're no longer around or able to care for them. With the ongoing Covid pandemic and isolation which have affected so many, especially those individuals who are older and living alone, we thought it might be of value to revisit this topic.

Most people like animals (except perhaps for yappy little dogs and ornery cats and certain reptiles such as boa constrictors with a life span of 23 years). Many people already had pets before Covid, but, a recent University of Michigan *National Poll on Healthy Aging* found that as many as 10% of those individuals between ages 50 to 80 acquired a new pet between March, 2020 and January, 2021. And, almost 9% of those within that age group did not live with someone under age 18. So, the pet frenzy has not only been for the kids.

A recent study stated that 67% of American homes include a pet and that 95% of American pet owners consider their pets to be family members with Freshwater aquarium fish being the most popular pet (!). Thus, there has been a significant increase in demand and a related increase in costs to acquire a pet; just check the classified ad sections to verify how much they can now cost, especially dogs.

Well, maybe you already had a pet. Or, you were part of that group which just acquired one for Covid-companionship and to help start or maintain an exercise program of sorts (dogs can be demanding-just ask a neighbor of ours who recently had a knee replacement). And, generally speaking, you get no back-talk from a pet.

Now, let's assume you become ill or disabled to the extent that you can't appropriately care for your pet. You may find out that neither your friends nor kids want your pets. So, a good starting point could be either a general Power of Attorney or one limited to the care of your pet if you were to become disabled. As with any Power of Attorney, be sure you have the permission and agreement of the person or persons you've named to step into your shoes for the pet care. Tell that person or persons how and what you want them to do to take care of the pet. What criteria for care do you want? Should they be able to find some other home or pet shelter (for example, Animal Friends' Lifesaver Society), dispose of the pet, etc.? And, how are they to pay for the pet's care? Write out your instructions so that they have a guide as to how you want your pet treated. It's sort of like naming a guardian for a young child.

Yes, that can help deal with a disability while owning a pet. But, what if you die?

It is therefore important to make sure that your pets are cared for when you do so. One way to plan for their continued care is to create a Pet Trust either via your will or as a freestanding document. In 2006, Pennsylvania became the 32d state to create a Pet Trust law (all 50 states now have such a law).

Pennsylvania law recognizes and enforces Pet Trusts (called “Trust for care of animal”). The Pennsylvania law provides that a Trust may be created to provide for the care of an animal that is alive during your (the settlor/creator’s) lifetime. The Trust would end when your pet dies, or if you create a Trust for more than one pet, then the Trust lasts until the last animal dies.

One of the important decisions in creating a Pet Trust is deciding who should be the Trustee. You could also designate more than one Trustee and Alternate Trustees in the event the original Trustee becomes unable to act as Trustee (similar to an agent under a Power of Attorney). The Trustee is responsible for following your directions in taking care of your pets. In addition to the Trustee, you should also consider naming someone who monitors the care of your pets or require annual Veterinary checkups. The Pennsylvania Statute states that the Trust may be enforced by a person appointed in the Trust or by the court. A person having an interest in the welfare of the animal may request the court to remove a Trustee if the Trustee is not caring for your pet.

Another important decision is how to fund your Pet Trust. The Pennsylvania Statute requires that the amount must be reasonable in light of the Trust’s intended use. Therefore, you should consider the age, life expectancy and health of your pets, costs and Veterinary expenses, and possibly a guardian fee to be paid to the Trustee.

An excellent resource for those of you/us with pets, called *A Resource Guide for Aging in Place with Pets in Allegheny County* downloadable from the University of Pittsburgh’s School of Social Work can be found at: https://www.socialwork.pitt.edu/sites/default/files/aging_with_a_pet_guide_finfal_8.13.20.pdf
Creation of both a Power of Attorney for your pet(s) and a Pet Trust should give you peace of mind that your beloved pets will be taken care of, be they dog, cat or boa constrictor.

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