

OVERVIEW:

Animals have come to play an increasingly significant role in the modern American family. It's proven that people lead more fulfilling lives when they live with pets, and two-thirds of all Americans consider their pets to be family members.

As veterinary medicine advances and pets lead longer lives, people have begun to ask: Who will look after my pets if I die or become unable to care for them? Legally, pets are considered property. But to their owners, a pet often means much more than a couch or lamp.

Popular media tends to focus on multi-millionaires who leave diamond collars and a trust account for their furry friends. But planning for your pet isn't just for the rich and famous. It's for anyone who wishes to provide continuing care for their pets and to ensure that their pet is not left unattended and unloved.

A Pet Protection Agreement® pet trust does just that. It's a simple Agreement that is much less complex (and less expensive) than a formal pet trust. It allows you to name Pet Guardians to take care of your pets, provides for contingencies, and gives you the ability to leave funds to care for your pets.

Developed by attorney Rachel Hirschfeld, one of the nation's foremost legal experts on pet issues, and inspired by her rescue dog Soupbone, the Pet Protection Agreement® pet trust establishes continuing care for your pets when you are unable to care for them.

1. What is a Pet Protection Agreement® pet trust?

A Pet Protection Agreement® pet trust is a simple agreement that allows you to name a Pet Guardian to take care of your pets, and gives you the ability to leave funds to care for your pets.

With a Pet Protection Agreement pet trust you get:

- A personalized agreement that covers all current and future pets
- Provisions to preserve your pets' well-being
- Ability to provide instructions for each pet's wants and needs

LARGER ANSWER:

What is a Pet Protection Agreement® pet trust?

A Pet Protection Agreement is a document that lets you decide who will take care of your pets and how they will be cared for. Most importantly, a Pet Protection Agreement allows you to name a Pet Guardian: the person who will be responsible for taking care of your pet(s) in case something happens to you.

A Pet Protection Agreement is not only effective if you pass away – it also works if you are in an accident or become unable to care for your pets for any reason. It's an Agreement between the Pet Owner and the Pet Guardian. You can leave money to care for your pets, but it's optional. Like a pet trust, the Pet Protection Agreement pet trust does not need to go through probate court, which can take months, if you pass away. No one wants the court to decide a pet's fate.

You can also specify how you would like your animals to be treated. For example, you can state what brand of food your dog likes to eat, the pet's veterinarian and even the groomer. Most importantly, it could save your pet's life in a time of confusion.

Unfortunately, in many cases today, pets are often overlooked during an emergency. If something should happen to you - such as an accident or illness where you are not able to care for your pets - the Pet Protection Agreement can be critical. Who will feed your pet if you are in the hospital, unconscious? With a Pet Protection Agreement, the Pet Guardian will immediately know his or her role and start taking proactive action. The agreement also contains provisions which allow the Pet Guardian to obtain access to the pets in the event of an emergency.

2. Why should I make a Pet Protection Agreement® pet trust?

A Pet Protection Agreement ensures continuing care for your pets if you pass away or become unable to take care of them for any reason. It's a comprehensive set of instructions for your appointed Pet Guardian to follow, which ensures that your pets receive the standard of care that they're accustomed to.

Without a Pet Protection Agreement, a judge will have to decide who is responsible for your pets. This could take months, even years. This could have a devastating impact on your pets. Additionally, even spouses or family members cannot always be counted on as the pet's caretaker, because situations can change in your absence.

3. Do I need an attorney to create the Pet Protection Agreement® pet trust?

No, you do not need an attorney to prepare a Pet Protection Agreement. We make it easy to create a Pet Protection Agreement from your home or office or even at the time of adoption. However, if you are unsure about your needs and require legal advice for

your specific circumstances, you may ask your attorney or his/her paralegal to walk you through the Pet Protection Agreement. Or, we recommend that you seek a qualified attorney who specializes in animal law and estate planning.

4. What’s the difference between a Pet Protection Agreement® pet trust and a pet trust?

Like the Pet Protection Agreement pet trust, a stand-alone pet trust is a legal document used to ensure that your pets are cared for in case you pass away or become unable to take care of your pets. However, a stand-alone pet trust has more formalities and should be created by an attorney who specialized in estate planning and has special experience in pet issues and animal law.

If a Pet Owner plans to leave a substantial amount of money or property for the care of pets or believes that family members may put up a fight, or be unwilling to accept the animals, then a formal stand-alone pet trust can be a good option.

Another kind of pet trust is the statutory pet trust which can be created through a last Will. They often include only basic, limited provisions, they can be tied up in court probate, and they are not valid in all 50 states. These are not stand-alone pet trusts because they are put into effect only sometime after the Will is read. the Pet Protection Agreement pet trust is valid in all states and at all times during the Pet Owner’s life and after the Pet Owner’s death.

pet trust vs. Pet Protection Agreement pet trust Comparison Chart

DOCUMENTS	STATUTORY PET TRUST (Created by Last Will)	PET TRUST (Formal Stand-Alone)	PET PROTECTION AGREEMENT
Legal in all states	No	Yes	Yes
Affordable, can be created without an attorney	Not Usually	No	Yes
Enforceable during Pet Owner’s lifetime	No	Yes	Yes
Binding care instructions	No	Yes	Yes
Service, Medical providers & Community of Care	No	Yes	Yes
Keeps pets together	Not Always	Yes	Yes
Signed by Pet Guardian so as to confirm agreement	No	Yes	Yes
Can be created without trust funds	Yes	No	Yes

Any funds must be used for the pets	Not Always	Yes	Yes
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5. What makes a Pet Protection Agreement® pet trust legal?

A Pet Protection Agreement® is a contract between the Pet Owner and the Pet Guardian. The signature of both parties on the Agreement makes it legal.

6. Who should I name as the Pet Guardian?

Since the Pet Guardian will adopt your pets and take care of them if you pass away or become unable to care for them, you should name someone you trust and believe will do a good job. The Pet Guardian must sign the Pet Protection Agreement® for it to be effective. Therefore, you will need to discuss the responsibility with him or her and decide whether the proposed Pet Guardian has the time, inclination and resources.

Also, consider naming a shelter, sanctuary or other organization of "last resort" in case no one named on your list is available to become the Pet Guardian. Naming an animal center as Pet Guardian or leaving them remaining funds will give them the power to help enforce the Pet Protection Agreement.

7. How much money should I leave to my pets?

Leaving money for your pets' care is optional. However, if you do decide to leave funds, consider these factors: How many pets are covered by the Pet Protection Agreement®? What type of pets are they? How long are they expected to live? Are there special needs or medicine required for the pet? Which organization and people are going to be compensated from the remaining funds after the pets pass?

8. What is a Pet Guardian?

The Pet Guardian is the person that you designate to "adopt" or take care of your pets in case you have died or are otherwise unable to take care of your pets. The Pet Guardian can be responsible for one or all of your pets. But it's possible that you may have different people in mind for different pets. That's OK, but you will need to make more than one Pet Protection Agreement®, because each agreement is based around only one Pet Guardian at a time to care for your pet(s).

For example, if you would like Kim to take care of your dog, Soupbone, and your birds, but would like Jonathan to look after your horse, you would need two Pet Protection

Agreements® -- one with Kim as the Pet Guardian, and another with Jonathan.

The Agreement also allows you to name alternate Pet Guardians in case the person that you name is unable to serve. You can also name an animal center as the Pet Guardian. You should be aware however, that animal centers, shelters and sanctuaries often require a fee.

The Pet Guardian must sign the Pet Protection Agreement to make it effective. Not all Pet Guardians must sign, only the first one.

9. Funding

Providing funds to take care of your pets is optional. However, providing funds can make sure that your pets will be cared for in a manner that they are accustomed. Funds can be a fixed amount or a percentage of an insurance policy, bank account or other asset.

In the Pet Protection Agreement®, you will also dictate how any remaining amount that is not used will be distributed. Many Pet Owners leave the remaining funds to animal charities or family members.

Please consider that pets are more expensive as they age. Other factors to consider when deciding how much to leave for a pet's care include: How many pets are covered by the Pet Protection Agreement? What type of pets are they? Do they have any special medical needs? How long are they expected to live? How much you wish to leave for the animal charity that helped with your adoption?

The same person named as the Pet Guardian can also be in charge of managing the funds, but appointing a different person creates a system of "checks and balances" that further protects the pets. In the Pet Protection Agreement, the person who manages the funds is called the "Distribution Representative."

Another consideration is emergency funds. Some people set up a small joint bank account, in the name of both the Pet Owner and the Pet Guardian, so that the Pet Guardian can access the funds easily and immediately if necessary. It can also be a test of the Pet Guardian's trustworthiness while it's still possible to change the document.

10. Who should I name as the Distribution Representative?

The Distribution Representative is an optional party in the Pet Protection Agreement. If appointed, the Distribution Representative distributes funds to the Pet Guardian to use

for the care of the pets. In some instances it may make sense to have a person other than the Pet Guardian manage the money.

If a Distribution Representative is named in the Pet Protection Agreement, then the Distribution Representative holds onto the funds and invests them, if that is in the best interest of the pets.

Usually a Pet Owner will choose to appoint a Distribution Representative if the Pet Guardian either chooses not to handle the funds or would be a poor choice to handle the funds set aside for a pet's care.

A Distribution Representative is optional in a Pet Protection Agreement but required in a pet trust (called the trustee in the latter).

The Distribution Representative is responsible for handling the funds and giving them to the Pet Guardian as instructed. In the Pet Protection Agreement, if no Distribution Representative is named, the Pet Guardian will be in charge of managing the funds, as well as spending them for the pet's care.

11. What is a pet trust?

There are two kinds of pet trusts: a stand-alone pet trust and a statutory pet trust.

A stand-alone pet trust ensures care for your pets, but it is a complicated arrangement that should be created by an attorney who specializes in estate planning and has special experience in pet issues and animal law. If a Pet Owner plans to leave a substantial amount of money for the care of pets and believes that family members may put up a fight, then a stand-alone pet trust can be a good option.

Like the Pet Protection Agreement® pet trust, a stand-alone pet trust allows the Pet Owner to name a person to take care of the pet, dictates how the pet will be treated, and leaves money for the care of the pet. Stand-alone pet trusts also allow for an investment trustee, who can be appointed to manage the funds and make investment decisions.

A statutory pet trust is enacted by mention in a Will. Many states now permit statutory pet trusts which may be created through a Last Will, but these statutory pet trusts do not permit the owner to leave instructions regarding the pet's care. Furthermore, a statutory pet trust could be tied up in the courts by the probate process, the court has authority to make changes to the statutory pet trust, and it doesn't work while the owner is alive even if he or she is unable to care for their pets.

12. What other legal documents are included with the Pet Protection Agreement® pet trust?

The Pet Protection Agreement includes a combined Limited Health Care Proxy and Limited Durable Power of Attorney.

In case you are injured or in an accident, the Limited Health Care Proxy allows your Pet Guardian to obtain those medical records needed to prove that you are unable to provide for your pet's care.

The Limited Power of Attorney allows the Pet Guardian to act on your behalf - for example, taking the pets to the veterinarian or accessing your bank account (only up to the amount you stipulated) to pay for the care of your pets.