

## Estate Planning for Parrots: Meeting Your Commitment for Life and Beyond

By Steven Baker, Founder of [www.estateplanningforpets.org](http://www.estateplanningforpets.org)

As a trusts and estates attorney, I am often asked, “Do I need an estate plan?” Often, the question is followed by statements like, “I do not have children” or “I do not have enough money to need estate planning.” Estate planning is not about taxes or even money. Simply put, estate planning is essential because things may not work out the way you assume they *should*. And planning for your companion parrot is no different.

### I. Financial Commitment

Two factors necessitate proactive estate planning for your parrot: the cost and longevity.

First of all, the *proper* care of a parrot is not an inexpensive proposition. To illustrate, I am the guardian of a 7-year-old African Grey Parrot and estimate that I spend the following amounts for her care:

Food	\$ 400
Toys and other supplies	\$ 500
Pet-sitting during vacation	\$ 300
Veterinary checkups	<u>\$ 300</u>
Annual out-of-pocket costs	\$ 1,500
Cages (every five years)	\$ 500

My investment in a healthy parrot is multiplied by its longevity. Consider the life expectancy of *your* parrot.

English Budgie	7 years
American Budgie	14 years
Cockatiel	20 years
Parrotlet	20-25 years
Lorikeet	20-30 years
Quaker Parakeet	30 years
Conure	30 years
African Grey Parrot	50 years
Amazon	50-70 years
Blue & Gold Macaw	70 years
Other Large Macaws and Cockatoos	80 years

Assuming that the interest earned on the caretaking funds set aside will roughly equal the rate of inflation, the guardian of my parrot would need *at least* \$70,000 to provide the same standard of care for the parrot. Suffice to say, caring for a healthy parrot demands a financial commitment that will very likely continue after the original guardian’s lifetime.

## II. Finding the Right Guardian for the Parrot

The financial commitment to providing for your parrot is only half the picture. As a guardian of a companion parrot, you also need to consider the things that money cannot buy.

Dan Hill of The Lilly Sanctuary ([www.lilysanctuary.org](http://www.lilysanctuary.org)) relates the story of two Blue and Gold Macaws and a Blue-Fronted Amazon, which shared a room with a 12-foot ceiling and a beach-front view in a house on the Strand in Manhattan Beach, California. Within 18 months of their owner's demise, approximately \$6 million in the estate had been expended by the heirs, but the parrots were discovered by the Lilly Sanctuary in the back room of a pet store that did not even sell birds. One of the Macaws had plucked its own feathers. Sadly, the guardian incorrectly assumed that his beloved birds would be cared for because his estate had sufficient assets.

Ultimately, the best guardian for any companion animal is the person who is willing *and* able to care for it. But with respect to parrots, the term "able" takes on a particular significance.

Parrots are *exotic* animals. Specifically, the behaviors of parrots are not tempered by centuries of domestication and specialized breeding. A parrot *will* make noise. A parrot *will* make a mess. A healthy companion parrot without a mate *will* demand a guardian's hands-on time. No amount of training will change the instincts that precipitate these needs. In this sense, you need to be very careful about whom you consider as the guardian for your parrot. Avian Care and Behavior consultant Nikki Moustaki puts it best in her book, *Parrots for Dummies*: "Timewise, think dog, cat, hamster, turtle, and fish tank combined." For this reason, parrots are not suitable companion animals for most people—even those who are good with dogs or cats. More accurately, most people are not suitable guardians for your parrots.

The best choice of a parrot guardian is the person who already knows your parrot and is already familiar with the responsibilities of parrot companionship first hand. On the other hand, adding another member to an already burgeoning flock may not always be a good idea. Regardless of whether your chosen guardian already owns birds or is just familiar with your bird, Anna Gonce, Executive Director of The Gabriel Foundation, recommends keeping a "day in the life" of your bird to apprise the guardian of your parrot's special needs. Such a document is also a valuable resource for pet sitters.

Another option is leaving your parrot and the necessary caretaking funds with a sanctuary. Although all nonprofit 501(c)(3) sanctuaries have a legal duty to care for parrots, you need to understand that not all of them take the same approach. Some sanctuaries only have room for the most abused or neglected parrots. Other sanctuaries have procedures and recommendations for taking in a parrot as part of an estate plan, but these vary from organization to organization. For example, the Gabriel Foundation in Colorado ([www.thegabrielfoundation.org](http://www.thegabrielfoundation.org)), will either place the bird in an appropriate adoptive home or may keep the parrot with others of its species within the sanctuary, depending upon what it deems to be in the best interest of the bird. By contrast, the Oasis Sanctuary in Arizona ([www.the-oasis.org](http://www.the-oasis.org)) does not offer its parrots for adoption, but maintains a facility where the parrot will live out its life with other members of its species. In any case, Sybil Erden, President of The Oasis, recommends that you actually make a visit *before* making a sanctuary part of your estate plan. She also points out that if you do name a sanctuary as guardian, you also need to make short-term plans for transportation and care for the parrot while it is being screened by a veterinarian for admission.

### III. Putting It All Together, Legally Speaking

Once you have secured the financial means and at least one guardian who is willing and able to care for your parrot, the next step is putting it all together in a legal document. Depending on the level of trust you have in your guardian of choice, this may be as simple as leaving your parrot and the necessary caretaking funds to the guardian in your will. But your last will and testament will not address what would happen if you were to become incapacitated or disabled. Nor would a will cover the situation where your designated guardian (or guardians) are unable to serve, which is a very real risk considering the longevity of parrots.

If you live in a state with a “pet trust” statute, you can create a trust for the benefit of a companion animal for its lifetime.<sup>1</sup> The “trustee” would receive both the parrot and the caretaking funds, and any person who has an interest in the welfare of the parrot could enforce the terms of the trust against the trustee if necessary. The statutory pet trust offers protection against disgruntled heirs who could traditionally challenge the validity of such gifts on the grounds that there is no human beneficiary. However, the statute does not address *who* would enforce the terms of the trust against the trustee. Nonetheless, a statutory pet trust offers somewhat more protection than leaving your parrot and the caretaking funds outright to the designated guardian.

A well-drafted traditional legal trust offers a more secure, albeit more complex, vehicle. Under this technique, the trustee owns and manages the caretaking funds, and the guardian is the beneficiary of the trust, who is entitled to distributions for costs or compensation. If necessary, the trustee may always remove the parrot and appoint another guardian-beneficiary (other than the trustee). Because the parrot is, legally speaking, property of the trust and there *is* always a human beneficiary, this option is available in every state.

Whatever option you choose, understand that there is more to estate planning for parrots than filling out legal documents. To ensure a long, healthy and happy life for your parrot after you’re gone requires a complete understanding of the options available, adequate financial resources, and a network of people who understand your concern for the well-being of your pet and can be relied upon to make sure your wishes are carried out.

#### *Resources*

Moustaki, *Parrots for Dummies* (Wiley 2005)

For a spreadsheet computing how much will be needed for your parrot, with variables for expenses, life expectancy, and interest rates, see [www.estateplanningforpets.org/calc\\_caretaking\\_funds.xls](http://www.estateplanningforpets.org/calc_caretaking_funds.xls).

For a list of states with pet trust statutes (or pending legislation), see [www.estateplanningforpets.org/legal-statutes.htm](http://www.estateplanningforpets.org/legal-statutes.htm).

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