



## Matters of Life, Death, and Responsibility

Planning for the possibility that pets will outlive their owners

BY JAMES HETTINGER

**Volunteering at a shelter in California** in the '80s, Amy Shever was troubled seeing people who, after the death of their mother or father, would surrender their parents' pets to the shelter.

Many of the pets "would just curl up in a ball and wouldn't eat," Shever recalls. "And so they were labeled 'unadoptable.'"

Stray dogs, in contrast, would jump around enthusiastically—just happy to be getting some food and attention. "But when you have a dog that's been sitting on someone's lap, or sleeping in someone's bed, and getting all this attention, the experience at the shelter can be incredibly overwhelming for them, and many of them become despondent," Shever says.

The issue was still on Shever's mind when the terrorist attacks of Sept. 11, 2001, left an estimated 800 pets orphaned in New York City. Getting on a plane for a vacation about a month later, she started thinking that there's no guarantee that she'll outlive her own pets—and what would happen to them if she doesn't?

She found some resources online, including a planning guide from The HSUS, and eventually worked with Best Friends Animal Society to create an online pet trust program, which she says immediately generated a bunch of inquiries.

But she also heard that only a small percentage of Americans ever create a trust or a will, and those who do update

them only about once every 19 years. "Obviously, trusts are great, and it's exciting that all these states now have pet trust laws," Shever says, "but if nobody's doing them, then that's not going to help."

Shever founded the California non-profit 2nd Chance 4 Pets in 2003 and has been talking to people about pet trusts and other options ever since. She's concluded that the best way to reach a majority of responsible pet owners is to keep the message simple. The No. 1 thing people need to know, she says, is that they must find a committed caregiver. "And if every responsible pet owner had someone identified that is willing to take over the care of their pets," she explains, "then thousands



Like many large birds, Seppi (shown here with his companion, Al Johnson) could live to be 80 years old—highlighting the need for owners to make appropriate arrangements should their pets outlive them.

and thousands of animals would not end up at the shelter every year.”

### Growing Interest

These days, Shever’s trying to convince animal welfare and veterinary audiences of the importance of the issue. Speaking at conferences around the country, she brings a poster of a sad-eyed dog posing a question: “If anything happened to you, what would happen to me?”

Through 2nd Chance 4 Pets, Shever calls attention to the problem of pets being relinquished to shelters because their owners died or became incapacitated—a number estimated at between 100,000 and 500,000 annually. In communities with high populations of senior citizens, pets outliving their owners can amount to half of a shelter’s intake, Shever says.

The poster sparks a variety of responses, Shever says. People tend to say either *Oh! I’ve never thought about that* or *You know, I’ve thought about that, but I really am not sure what to do.*

Happily, for pet owners who want to make sure that their pets continue to receive care, there’s no shortage of options—from making informal arrangements with friends or family members to consulting a lawyer to modify a will or create a pet trust.

The issue has gone mainstream in recent years, says Gerry Beyer, a Texas Tech University law professor and co-author of *Fat Cats & Lucky Dogs: How to Leave (Some of) Your Estate to Your Pet*. He recalls that people made good-natured fun of his first article on the subject, published in a law review a dozen years ago. “Since then, the interest in the topic has grown exponentially,” he says, noting that he has spoken at seminars around the country for lawyers and laypeople. States, he adds, have rapidly been enacting laws that make it easier for people to plan for their pets, and all but a handful of states now have pet trust laws in place.

But, not surprisingly, death and disability remain uncomfortable topics, and many pet owners decline to plan. A major-

ity of people don’t bother to make wills for themselves, so they’re unlikely to make arrangements for the care of pets, notes Kim Bressant-Kibwe, a trust and estate counsel for the ASPCA. “I guess it has to do with this whole notion of not wanting to face death,” she says.

Since people generally live longer than dogs or cats, many owners mistakenly assume they’ll outlive their pets, notes Barry Seltzer, a Toronto-based estate lawyer and co-author of *Fat Cats & Lucky Dogs*.

People’s reluctance to plan “really bothers me a lot,” Seltzer says. “... I find it very difficult to accept that people don’t take simple steps to at least provide for both their pets and their families in the event that they aren’t there to do so.”

In fact, the situation prompted him to pen a modified version of the Bible’s *Proverbs 29:18*:

*Where there is no vision, pets perish.*

*Where there’s procrastination, pets perish.*

*And where there is no plan in place, pets perish.*

Of course, such dire outcomes can be avoided. Pet owners, by taking a few steps to prepare for their own death or disability, can help ensure that their animals receive ongoing care and stay out of the shelter.

Shelters can help their cause by letting adopters know how important it is to make plans beforehand, Beyer notes. When someone dies and leaves behind a pet, relatives coming in from out of town often don’t want to deal with the situation, he explains. “They’ll just take [the pet] down to the pound and feel that they’ve done the best they can.”

A little planning can ensure this doesn’t happen, but those who are concerned “have to get out of their comfort zone,” Shever says, suggesting that pet owners talk with everyone from their veterinarians to family members, pet-sitters, and people they see at the dog park about the possibility of becoming caregivers. “Those conversations have to happen, because

a lot of people just assume, 'Oh, my son's gonna take the dog, or my daughter's gonna take the cat,' and then what happens is they don't want to take the pets," she says. "The worst part of the problem is people who have large birds who will live 70 or 80 years. Those animals typically require a lot more care ... and it's very difficult to find a caregiver who wants to take on that responsibility." Small birds such as cockatiels, who can live as long as 30 years, also require a significant commitment.

Bressant-Kibwe adds that in some instances, the friend or relative that the owner was counting on doesn't even *like* the pet.

It's also good to identify potential alternate caregivers, Beyer and Seltzer point out. "You can't assume that everything's going to work out, because people's life situations change," Beyer says, noting that

a designated caregiver might end up traveling frequently or living in an apartment that doesn't allow pets.

Shever recommends formalizing the agreement in writing, though that's not required. Meanwhile, owners should definitely write down the care instructions for their pets, "because obviously a cat or a dog can't say, 'Oh, well, here's the food I eat, here's how much I eat, here's when I need my treats, here's when I need my walk.'"

A third component of a basic plan, Shever says, is for pet owners to set aside a fund to cover the caregiver's expenses. People can list a human beneficiary on their life insurance policy, for example, and make sure that person devotes the money to pet care. It's helpful to discuss the fund with a financial planner or lawyer, and to justify the amount based on annual expenses and the pet's life expectancy.

### More Formal Arrangements

Informal arrangements have their drawbacks, mainly that "you are betting that the person you have chosen as your pet's caregiver will remain healthy, dependable, responsible, committed, and financially and emotionally secure," Beyer and Seltzer write in *Fat Cats & Lucky Dogs*. Pet owners seeking a more formal type of protection sometimes turn to a will.

An estimated 27 percent of U.S. pet owners who have wills include provisions for their pets, the authors note. But those provisions, according to *Fat Cats & Lucky Dogs*, are often "ill-conceived or inadequate." They simply leave Max the dog to Uncle Harry, for example, without covering expenses or listing backup caregivers. It's preferable, the authors note, to devise an arrangement that leaves both your pet—who is legally considered property—and a sum of money to a caregiver or institution, with the clear understanding that the money should go toward the pet's care.

Other alternatives include setting up either a living trust (which provides funds for your pet while you are alive, and can

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**IF ANYTHING HAPPENED TO YOU,**  
*what would happen to me?*

**Attention Rescue and Shelter Organizations:**  
*When a pet owner dies or becomes disabled, what happens to their pets?*

According to the ASPCA, 8 to 12 million dogs and cats enter shelters nationwide every year and 5 to 9 million are euthanized (60% of dogs and 70% of cats). Of the animals surrendered to shelters, 2% to 3% are relinquished due to the death or disability of their human caregivers.

Many of these "orphaned" pets do not adjust well to the experience in a shelter—they refuse to eat, they are despondent, and they are often labeled "unadoptable." Sadly, many healthy, adoptable pets are euthanized simply because their caregivers did not plan for their continuous care.

Caregivers should **identify backup caregivers** who can care for their pets, **maintain written care instructions** and set up a **finance plan** or set aside funds to cover the expenses for the continued care of their pets.

One simple change that can make a big difference is for you to include one additional question on your pet adoption form: "**If something should happen to you and you no longer could care for your pets, who may we contact to provide care for them?**" This question will prompt pet adopters to stop and think about this issue and encourage them to identify a backup caregiver.

**For free information to distribute to your pet adopters, please send an email to [info@2ndchance4pets.org](mailto:info@2ndchance4pets.org).**

2nd Chance 4 Pets is a 501c3 all-volunteer nonprofit advocacy organization. Our team is working to reduce the number of pets euthanized due to the death or disability of the human caregiver. For more information, please visit [2ndchance4pets.org](http://2ndchance4pets.org). Our tax ID number is 13-4280812.

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be devised to pay for care if you become disabled) or a testamentary trust (which is part of your will and takes effect upon your death). There are pros and cons to each approach, the authors note, and both types of trusts tend to be more expensive than a simple will.

Many types of wills and trusts exist, and trusts are “relatively expensive to administer and maintain,” so it’s crucial to plan carefully and seek legal advice, notes the guide from The HSUS.

The ASPCA has teamed with LegalZoom (an online provider of legal documents) to promote Pet Protection Agreements (PPAs). More formal than a handshake agreement but less complicated and less expensive than a trust, PPAs enable owners to name guardians and designate funds for pet care.

PPAs, which do not require a lawyer, are “more of an emotional contract, if you will,” says Bressant-Kibwe. They encourage caregivers to take their responsibilities seriously, but caregivers won’t get sued if their circumstances change and they’re no longer able to care for the pet, she explains.

Owners create a pet dossier that summarizes the animal’s habits, food preferences, allergies, medical conditions, medications, veterinary records, and behavior with people and other pets. The

dossier puts lots of information in one place for the caregiver—and if the pet does wind up in a shelter, he’s one step closer to being rehomed, asserts Bressant-Kibwe. “And that’s the whole idea: We want to ensure that the pet goes to a loving home and enjoys an uninterrupted lifestyle.”

At the very least, Bressant-Kibwe says, pet owners should identify potential caregivers, because “once you’re gone, you’re gone”—and people who are incapacitated can’t make their wishes known. “Even if you haven’t actually signed off on a Pet Protection Agreement or created a pet trust ... give us a road map,” she says. “Tell us who we need to be talking to who might be interested in caring for your pet.”

### Getting the Word Out

Planning isn’t just for pet owners—it’s for rescuers, too.

Shever says she gets emails weekly telling her that a rescuer has died or entered a hospital without making prior arrangements for such an occurrence, and now there are 15 or 20 animals who need care or a new home.

And adoption counselors and rescuers can plant a seed by simply asking adopters the question from the 2nd Chance 4 Pets poster: *If something happens to you, who will take over the care of your pets?*

Many rescue groups say they’ll take back the animals if an adopter dies or becomes incapacitated,



Shelters can help decrease pet relinquishments due to the owner’s death or disability by educating adopters about making plans beforehand.

Shever notes. “Then I ask them ... ‘They’ve got five animals. Are you in the position to take another five animals?’ And typically they’re not. So I say, ‘OK, well let’s come up with Plan B. If you can’t take the animals, then make sure that these folks that are adopting pets from you have identified someone who can.’”

Pet-sitters are often willing to take in a pet when a client dies—but they may not be able to afford it if the owner failed to make financial arrangements. When she speaks at conferences or conducts webinars, Shever tells pet-sitters to encourage their clients to develop a funded plan.

Veterinarians are an excellent bridge to responsible pet owners, Shever says. She speaks at about six veterinary conferences a year, and estimates that 2nd Chance 4 Pets has placed a half million brochures in vet clinics. “If we can work with the veterinary community, and they’re working with responsible pet owners, then they can provide that education to owners,” Shever says.

Shever sometimes addresses senior groups, where the topic of death can be a bit awkward. “It’s not always easy to get in front of a group of people and say, ‘OK, when you die, what’s gonna happen to your pets?’” Instead, she begins her



Dixie, a Hurricane Katrina survivor found on the streets of New Orleans, was rehomed when her owners could not be located. Not enough pet owners have a plan for who will care for their animal if disaster strikes.

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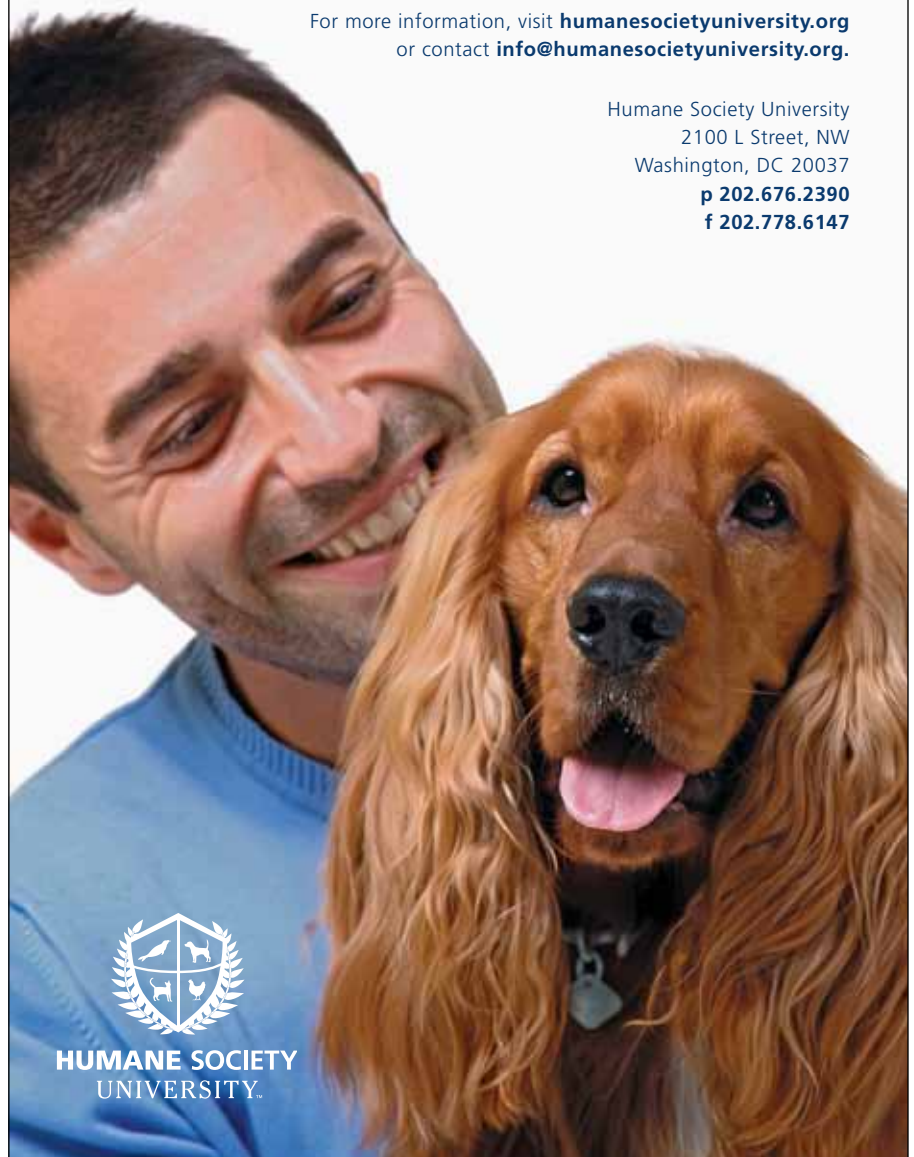
presentation by talking about planning for emergencies such as natural disasters, which introduces owners to the idea of how their pets would be cared for if they weren't around. *Can someone get into your house? Are they familiar with your pets? Do they know where the food, medicine, and care instructions are kept?*

Shever, who markets software for a living, says when she visits conferences with the 2nd Chance 4 Pets booth, "it's like the easiest sell in the world." Even young adults are eager to understand, she says. Veterinarians tell her they're educating their clients, and she's convinced that's making a difference.

"If we can put our information in front of responsible pet owners, then we're going to win," she says. "And maybe I'll be put out of a job!" ■

### Resources

- The HSUS guide, "Providing for Your Pet's Future Without You," is available at [humanesociety.org/animals/resources/tips/providing\\_for\\_pets\\_future\\_without\\_you.html](http://humanesociety.org/animals/resources/tips/providing_for_pets_future_without_you.html).
- For information on 2nd Chance 4 Pets, visit [2ndchance4pets.org](http://2ndchance4pets.org). For additional videos, go to [http://portal.sliderocket.com/BBVXH/2nd\\_Chance\\_for\\_Pets\\_v2](http://portal.sliderocket.com/BBVXH/2nd_Chance_for_Pets_v2) and [youtube.com/boundangels#p/search/0/2hjkGvqib08](http://youtube.com/boundangels#p/search/0/2hjkGvqib08).
- For more about *Fat Cats & Lucky Dogs: How to Leave (Some of) Your Estate to Your Pet*, go to [fatcatsandluckydogs.com](http://fatcatsandluckydogs.com).
- Articles by Gerry Beyer are available at [professorbeyer.com/Articles/Animals.html](http://professorbeyer.com/Articles/Animals.html).
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