

# Who will care for my pets after I'm gone?

This question can be difficult to answer no matter what species of animal you share your life with. It becomes all the more difficult when your pet is a parrot who may outlive you by decades and is most likely challenging to care for. You may find that your relatives and friends decline the honor of being a designated parrot guardian.

A pet trust isn't a magic wand that will make all issues disappear, but it is a valuable tool for protecting your bird's quality of life for the rest of its life. A legal pet trust can take several forms: within a will, as part of a "human" trust, or as a stand-alone document. Whichever you choose and to ensure your wishes are carried out, consulting an estate planning attorney is the best and most reliable step to take.

To prepare for that consultation, becoming familiar with key terms, their meaning, and their consequences can help you and your attorney fulfill your goals for your parrot.



## TRUST TERM

One of the first questions to ask your expert is "how long will my pet trust last?" In California, the length of these trusts extends until the death of the last pet you owned, if you own more than one. In other states, trusts may end 21 years after your death.

Also ask your attorney what happens if the dollar amount in the trust is depleted before the pet's death. Can your trustee add funds? Will the trustee have any powers not dependent on having money in the trust?

## OUR TEAM

The success of your plan will depend on whom you choose to fill the various roles of the pet trust. When possible, you should name a primary person or organization (sanctuary or haven) plus at least one backup.



## GENERAL PLANNING CONCERNS

It bears repeating that, for every position, it is advisable to have at least one backup named. Of course, you definitely do not want to name a trustee, custodian, or enforcing party, without first discussing your plans with the individual or a responsible representative of the organization. You want to verify that they understand your wishes and are willing and able to serve. Then continue to check with them from time to time to verify they are still on board.

It is also a good idea to review your entire plan every year or so. You may experience changes in your life, your pet's health, or the circumstances of those you have named to play a part in the trust plan, necessitating adjustments.

Now you have chosen your team carefully and worked with an experienced attorney to draft your estate plan, including a pet trust. When the time comes, you can be sure all will be smooth sailing—right? Not always. Having the right plan on paper is necessary and is likely, but not guaranteed, to result in the outcome you desire. Why the ambivalence? Because reality may introduce that pesky human element when family is involved, especially when family and money are involved.

# PET TRUSTS

## Planning for Your Pet's Future



*Note: This brochure provides basic information in order to prepare parrot owners when making final decisions and plans with an attorney. The laws governing pet trusts, even terminology to use, varies from state to state. The considerations presented here are based on California law (California Probate Code Section 15212.) To finalize details pertinent to the care of your parrot after your demise, The Plumery suggests consulting an estate planning attorney in your area.*





### SETTLOR

You, as creator of the trust, are the Settlor.

### CONTINGENT BENEFICIARY

The Contingent Beneficiary (or beneficiaries) receives whatever funds are left when the pet dies. If you don't name someone - the caregiver or the nonprofit parrot haven, for example - the recipient will depend on the terms of your will, your "human" trust, or a court determination.

### TRUSTEE

The Trustee is the person or organization carrying out the terms of the trust by managing and disbursing the trust's funds to pay for the pet's care. The trustee must understand your pet's needs, as you specify them, but doesn't necessarily also provide any hands-on care. Financial competency is the key requirement; this person may be required to prepare regular accountings of the trust finances.

In California, periodic accountings are not required if the trust holds \$40,000 or less. When that amount is exceeded, the human contingent beneficiaries are entitled to periodic accountings. Charitable animal care organizations can also request an accounting.

### CAREGIVER

You also will name the Caregiver - the person or organization - to take physical custody of your pet and provide direct care. When your pet is a bird, it may be hard to find an individual who is able, knowledgeable, and willing to take on such a long-term commitment. You may then turn to sanctuaries or havens whose mission is to provide lifetime care.

Do your research before selecting a sanctuary to care for your parrot. Do you want to place your bird in a sanctuary as a permanent home, or do you prefer to have the staff work to arrange adoption to a private party? If the organization facilitates adoptions, what are the procedures for pairing a bird with an adopter and what followup is in place? If your parrot is to be a permanent resident of the sanctuary, what sort of facility would suit your feathered family member? Does your bird crave human attention from different people? Would the parrot prefer to form a bond with another parrot? These questions can't be answered with certainty because some birds will adapt in unexpected ways to a change in circumstances. To make the best educated choice of a sanctuary or haven for your parrot, you should both visit facilities and talk to their staff to judge how committed they are to providing the lifestyle you want for your bird.

You will want to select a first choice sanctuary plus at least one alternative. Because a sanctuary which is well managed and inviting today may be less desirable years from now or may have closed, ask your estate planning attorney whether you can give your trustee the discretion to choose a sanctuary, based on the requirements you know are vital for your parrot's quality of life.

Keep in mind that all sanctuaries are asked to accept more birds than they have the space or funds to care for. They are often filled to capacity, and some may give priority to birds rescued from severe mistreatment. The sanctuary you choose may not be able to accept your bird unless your trust can provide funds to offset at least a fair portion of the pet's care. Also keep in mind how many years your parrot is likely to live; the reality is that funds for a parrot surviving 20 years or more is quite different from one with 5 years left to live!



### **ENFORCING ENTITY OR PERSON**

You can also name a person or organization to enforce the trust, which provides a check on the trustee. In California, a charitable animal welfare organization may also request to be allowed to inspect the pet's living conditions and may seek a court order to protect the animal.

### **CONFLICTS**

You may want one person or entity to fill more than one of the above roles, but beware of conflicts of interest. Do you want the money for your pet's care to be controlled by the same person who will also get any funds remaining upon the death of the pet? You might, but only if you have great trust in that person or entity, regardless of how their circumstances might change in the unpredictable future.

### **ADD A LOVE LETTER**

Another option is to leave an informal letter expressing your thoughts and wishes for harmony. A letter like this, which is not part of the trust itself, is easily amended or rewritten as often as you wish, without the formalities of legal drafting, witnessing, or notarizing, as required for a trust under the law of your state.

An informal letter is also a good way to record details about your pet's preferences, health history, and anything you think would help your team to care for your pet. You might add videos of your bird's behavior and your interactions with your pet to guide the caregiver. This extra material, plus a carefully drafted pet trust, can bring you peace of mind by improving your beloved feathered companion's future life.