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Protecting Pets During the COVID-19 Pandemic

BY EILEEN Y. LEE BREGER • JULY 28, 2020

During the COVID-19 pandemic, many people are taking action to make sure that their affairs are in order – reviewing guardian nominations for their minor children, funding their revocable trusts and, in some cases, making arrangements for their beloved pets.

Many celebrities are famous for creating pet trusts that are funded with significant wealth and that contain eccentric provisions. Despite the reputation created by the rich and famous, ordinary animal lovers have been utilizing pet trusts in Massachusetts since the enactment of the pet trust statute in 2011. A pet trust nominates a “caretaker” for a pet and sets aside funds to be managed by a trustee for the continuing care of the animal. The trustee has a legal obligation to only use the funds for the pet’s benefit. The trust terminates upon the death of the last pet named in the trust, and the balance of the funds, if any, are distributed to the remainder beneficiaries, which are usually non-profit organizations benefiting animal welfare. Of note, a trustee and caretaker may be the same person or the roles could be filled by two different people. The advantage of nominating different people for each position is that it creates a check and balance with the management of funds.

To add a pet trust to your estate plan, you allocate funds for the care of a pet and name a caretaker (pet guardian) to care for and have custody of your pet(s). You can name the caretaker ahead of time or a suitable person may be chosen in the trustee’s discretion upon your death. A trustee will manage the funds in a pet trust and will have the discretion to make distributions to the caretaker for the pet’s needs – payments to cover the costs of food, grooming, veterinary care as well as the burial of the animal. The amount of funds set aside in a pet trust will be determined by the level of care the pet requires and the longevity of the pet. Certain pets, such as horses can live up to 30 years, parrots and turtles can live up to 100 years, and more common pets, such as cats and dogs usually live 20 years or less.

Many pet owners are enjoying their pets knowing that if they die, their pet trust provisions will continue to care of their pets when they can no longer do so. Contact one of our attorneys in the Estate, Tax and Financial Planning group if you would like to discuss creating a pet trust.



After the Chanel designer Karl Lagerfeld died in February, age 85, a rumor began to circulate that he had left a large part of his fortune to his cat, Choupette.