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FRONT PAGE

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A weight lifted

New law gives teeth to pet trusts

Kim Ring

UPTON — Around the time she turned 50, Jennifer M. Osgood started to think about her own mortality.

And as she thought, she wondered what would happen to her beloved mustang horse, Angus, if she were to die suddenly.

That was about two years ago, before the state adopted a new law allowing pet owners to provide for their animals with a trust in case of death or incapacitation.

The new law took effect April 7, and estate planning lawyers around the commonwealth are preparing to help their pet-loving clients set up the new trusts.

"Of course, I'm going to do it," Miss Osgood said. "I just would like to make sure my horse would have the care he needs."

She'll have to consider who might be best suited to care for the "not always easy to handle" Angus, and how much money it might take for his feeding, boarding and medical expenses for the rest of his life. Angus is 20 and could live to be 40. Planning for his future involves "making some very serious decisions," Miss Osgood said.

The same can be said for the thousands of dogs, cats, reptiles, birds and large animals that provide companionship to Massachusetts residents. The MSPCA estimates more than 33 percent of Bay State households have at least one cat or dog.

While most pet owners aren't as wealthy as Leona Helmsley with millions to leave to their animals, many want to be sure their companions have the best possible care when they're gone.

Estate planners said some pet owners, such as those who care for parrots that can live more

than 70 years, have made arrangements for their animals in the event of their death, but none of those plans could be legally backed up.

Worcester lawyer Melissa A. Gleick knows, with the popularity of the new law, she'll be helping many of her clients establish pet trusts that have some teeth in them.

"People have been asking about it for ages," she said. "Now that it's gone into effect, we have a lot of clients who are interested. They really like the idea."

While there were legal ways to provide for pets before the new law, those methods relied on the good will of the person named to care for a pet. Now, a trustee is appointed and a separate trust protector makes sure the grantor's wishes are being followed. Funding is included and contingencies for the money are made.

"The trustee and the trust protector are two separate people that you trust," Mrs. Gleick said. "The main difference between this, and what we had before, is that this is enforceable."

Massachusetts was one of a handful of states that had not enacted such a law when Gov. Deval Patrick signed the measure in January. More than 40 states have pet trust laws.

While on the surface the law seems to help pets who lose their owners, its implications will likely help animals in shelters, too.

"You take a single person in their 80s, they've lost their spouse and then their pet passed away. They're at an age where they're afraid to get a pet because they're worried about what would happen if something were to happen to them," Mrs. Gleick said, adding that if older folks adopt a pet, they sometimes choose an older



T&G Staff / JIM COLLINS

Jennifer M. Osgood of Upton is taking advantage of a new state law that allows her to set up trust for the care of her 20-year-old mustang Angus.

animal that they hope to outlive.

"With the new law we can say, 'Adopt without fear and adopt the pet you want,'" she said.

That will mean more pets being adopted and with a care plan in case of the owner's death, and fewer pets being returned to shelters after their owner's death.

"We're really excited about that (aspect)," Mrs. Gleick said. "Because you see these pets in shelters and you think this is going to help shelters a lot."

Kara L. Holmquist, director of advocacy at the MSPCA, said the new law provides "one more tool

in the toolbox to keep animals out of shelters."

She said creating a trust is not difficult or costly and should be part of the estate planning process at any age.

Ms. Holmquist said people should make careful choices about who they leave in charge of caring for their animals. They should talk with those designees before setting pen to paper to create a trust.

"They're not easy conversations, but people who have kids do it all the time," she said. "It's good to talk about it sooner rather than later."