

Keeping Continuity of Care in Place – Providing Safe Transitions for Our Non-Human Family Members in Times of Crisis...Mary Kay Elloian

A few years ago I wrote an article entitled Estate Planning with Pets. Owners should plan ahead to make sure their pets are cared for in the event they themselves get injured, incapacitated, or pre-decease them. It is essential to make sure that loved animal companions are cared for and not forgotten, as they, too, are valued members of the family.

Unfortunately, the law does not provide for pets in any type of succession planning, as they are still considered “property.” Here in Massachusetts, it is imperative that owners care for their pets by undertaking the added step of writing them into their will so they will be cared for if the owner cannot. There is no intestacy distribution for animals which means there is no right for them to inherit or even to continue to live in the family home or with family members if something should happen to their human caretakers. Responsible pet

owners need to provide a decisive mechanism for that to occur.

It is not uncommon that well-meaning friends and family take on the task of caring for pets belonging to others, but times and circumstances can change for the most well intentioned people, which can result in a disastrous situation for the adopted pet. There might be a new baby arrival to an adoptive family, marriage or remarriage of the adoptive caretaker, a change in financial circumstances, a move to an apartment restricting pets, or even a move to an assisted or nursing care facility.

However, with a structured estate plan in place, there will be a number of “fall-back” provisions built into the estate plan to ensure that pets are not left without a home.

A pour-over will and a funded trust can provide a family lifestyle for pets in addition to having a designated

veterinarian of choice care for those pets. It is important to provide the continuity of care for the pets that the loving owners did when they were capable of doing so.



With a named trustee, as well as a caretaker/guardian, there will be a check and balance mechanism in place to ensure a smooth transition between finances set aside to provide continuity of care as well as directives for the care of the pet(s) or even their burial.

For more information on these issues or to sponsor a Pet Estate Planning seminar at a veterinary clinic, please contact Attorney Mary Kay Elloian at 15 New England Executive Park, Burlington, MA 01803; call 781-275-2225; email Counsel@mkelaw.net; or visit www.mkelaw.net.