



FITZWATER
L A W

6400 SE Lake Road, Suite 440 | Portland, OR 97222
503.786.8191

Estate Planning Group

[Melanie Marmion](#)

[Theresa Hollis](#)

[Wesley D. Fitzwater](#)

[Andrea Bachhuber](#)

[Emily Hogan](#)

[Emily Pringle](#)

My pets are special to me. How can I plan for them after I am gone?

How Can I Provide For My Pet's Future?

We share a special bond with our animal companions. Our pets rely on us for food, shelter, and companionship, and shower us in return with unconditional love and affection. How can you make sure that your cat is well cared for if you become ill? What if you are injured or incapacitated and can no longer take care of your dog? What will happen to your pet when you die?

Preparing For The Temporary Emergency

One of the first steps in a good care plan for your pet is to find one or two neighbors or nearby relatives or friends who would be willing to help out during a crisis. Find out who would be available if your pet needs someone else to care for it for a short time.

Next, make a list of instructions describing each pet's diet, exercise schedule, health concerns, and veterinary contact information. Include on the list names and phone numbers of the emergency caregivers you have chosen for your pet. Post a copy of your instructions in a prominent place in your home, and carry a copy of those instructions in your purse or wallet.

Planning For Long-Term Or Permanent Care For Your Pet

Only a handful of states acknowledge pet trusts, and Oregon is one of them. Oregon law recognizes a pet trust as a legally enforceable method to provide for your pets and their care after your death.

In Oregon, an experienced attorney can help you create a pet trust through a Will or a trust document, such as a Revocable Living Trust. An attorney can explain how you can use a pet trust to name one or more individuals to care for one or more of your pets after your death. You can also name a 'trustee' to hold cash or other property 'in trust' for the benefit of your pet.

A Power of Attorney is another tool for providing for your pet's future. However, a Power of Attorney is only effective during your lifetime, whereas a Will takes effect after your death. In a Power of Attorney, you can authorize your 'agent' to give your pet the care it needs, pay for necessary expenses, and even find a permanent home for your pet, if needed. Again, an experienced estate planning attorney can help you decide whether this document is right for you.



FITZWATER

L A W

6400 SE Lake Road, Suite 440 | Portland, OR 97222
503.786.8191

Estate Planning Group

[Melanie Marmion](#)

[Theresa Hollis](#)

[Wesley D. Fitzwater](#)

[Andrea Bachhuber](#)

[Emily Hogan](#)

[Emily Pringle](#)

How Do I Choose Someone To Care For My Pet?

1. **What to Look for in a Caregiver for Your Pet.** One of the obvious questions you need to consider when choosing someone to take care of your pet is whether this person is 'animal friendly.' Is the person compassionate, flexible, and sensitive to the needs and comfort of companion animals? Observe how this person interacts with your pet now. Consider whether this person has successfully cared for his or her own animals. If you have more than one pet, will the same person be able to take them all, or do you need to choose more than one caregiver?

Second, does the person live in an environment that is suitable for your pet? Is there enough space? Does the person have existing pets, and if so, will your pets get along well together? Will your pet get along with other family members in the person's household? You should also think about the caregiver's general health, and whether he or she is suitable to care for your pet in the future when you need someone to step in.

Third, can you trust this person's judgment to make decisions about your pet? Realize that you can only go so far in providing instructions for your pet's future. The caregiver you choose will be the person ultimately responsible for making all decisions for your pet.

You should ask yourself these three questions for both a primary and alternate choice for each pet. In addition, consider also giving your executor the power to choose someone for you, in the event that the persons you choose are not able to take on the responsibility when the time comes.

2. **Choosing an Organization.** Another option in choosing someone to care for your pet is an organization that specializes in caring for animals. These range from your local humane society or shelter, to long-term care facilities or sanctuaries.

A humane shelter might be an appropriate alternative for finding a suitable caregiver to adopt a pet. These facilities, however, are not designed to board and care for animals on a permanent basis. Humane shelters are typically faced with limited space and should be considered as an option of last resort.

How To Get Started

- Identify your pet in order to prevent fraud (photos, microchips, DNA samples, or by describing your pet as a 'class' - 'the pet(s) owned by me at the time of my death/illness').
- Describe in detail your pet's standard of living and care.
- Calculate the amount of assets needed to pay the costs of care for your pet's lifetime.
- Choose a primary and alternate caregiver for each pet.
- Choose a trustee for the pet trust, and determine the expenses for managing the pet trust.



FITZWATER

L A W

6400 SE Lake Road, Suite 440 | Portland, OR 97222
503.786.8191

Estate Planning Group

[Melanie Marmion](#)

[Theresa Hollis](#)

[Wesley D. Fitzwater](#)

[Andrea Bachhuber](#)

[Emily Hogan](#)

[Emily Pringle](#)

How To Get Started (continued)

- Require your trustee to regularly check up on the caregiver to ensure that your pet is well cared for.
- Decide who will receive any assets that might remain in the trust after your pet passes away. This could be an organization such as your local humane society, or a service dog training organization, for example, or perhaps an individual or group of individuals.
- Provide for the final disposition of your pet.

DISCLAIMER: The information contained in this document is based on Oregon law and is subject to change. It should be used for general purposes only and should not be construed as specific legal advice by Fitzwater Meyer Hollis & Marmion, LLP or its attorneys. Neither this website nor use of its information creates an attorney-client relationship. If you have specific legal questions, consult with your own attorney or call us for an appointment.

