

January 11, 2004

This article with comments from Mr. Karp appeared in the Jupiter Courier; the Port St. Lucie and Stuart News; the Port St. Lucie and Ft. Pierce Tribune; the Vero Beach Press Journal; and the Sebastian Sun.

TCPalm: Hairy heirs: Law lets owners bequeath pets money, caretakers

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Hairy heirs: Law lets owners bequeath pets money, caretakers

By Rachel Jackson staff writer
January 11, 2004

These days, more and more estates are going to the dogs.

Yes, now Spike, Sparky and Spot are starting to see a piece of the pie when their owners die and they're still kicking.

And a new Florida law allows their owners to leave that money in a legally binding trust. In April 2002, Gov. Jeb Bush signed the Pet Trust Law, which enables pet owners to appoint caretakers to make sure their furry, feathered, or scaled companions can keep enjoying their time on earth, even when they themselves have entered another realm.

People had previously left money for the care of their animals, but until now, no one could be legally obligated to care for the pets. The new law, which was effective Jan. 1, 2003, makes the animals' care a matter enforceable by the courts.

"We see them as a member of the family," said Patricia Kauffman, manager of the Humane Legacy at the Humane Society in Washington, D.C. "Just as we want what's best for our children, we want the best for our pets too."

Avoiding shelters

Florida joins 22 states that have enacted similar animal-friendly legislation. Area lawyers say the average trust ranges from \$30,000 to \$50,000, but can reach into the millions of dollars. People leave their animals to friends, family, animal rescue groups and even their local dog groomer.

"One day I was sitting down, doing my will and trust and I thought, 'What am I going to do with my dogs when I die?'" said Kathleen Hendrickson, a Vero Beach attorney.

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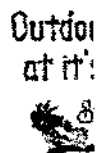
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Karp said it's important to express clear wishes for animals in trusts and wills, because unlike children, they can't speak for themselves.

"They can't suddenly bark at the age of 18 and say, 'What happened to the money Gramma left me?'" he said.

Although most people can realistically expect to outlive their poodle or Persian, Karp said one of his clients just got a baby macaw -- with a life expectancy of 80 years.

"We made arrangements not only in his death," Karp said, "But also in his disability."

Part of drafting the trust includes describing the personality of the animal. Fort Pierce attorney Bruce Abernethy said his clients often include favorite foods, exercise routines and special treats.

Abernethy's client, Beth Johnson, said she set up a trust as soon as she heard the new law had been passed. Now she can rest easy knowing that Cookie and Roscoe Purrwinkles will be taken care of by a Siamese cat rescue group based in Virginia.

"I just don't have any relatives that I can trust to take care of them," the 54-year-old Port St. Lucie resident said.

Sonia Pawluc, a lawyer based in Stuart and legal counsel to the Humane Society of the Treasure Coast, said the new legislation reflects American's growing respect for animals.

"What's interesting about the legislation is its really taking animals that have been traditionally considered property and actually giving them some legal status," she said. "I think the whole effort is a real positive."

- rachael.jackson@scripps.com

Setting up a trust

The Humane Society offers kits to people interested in setting up a pet trust or making other arrangements for their pets in the event of death. The kit includes wallet alert cards, window stickers for emergency personnel and an emergency form for listing the animals' appointed caregivers and descriptions of pets.

Write to: the Humane Society, 2100 L St. S.W., Washington, D.C. 20037; phone (202) 452-1100 or visit the Web site at humanelegacy@hsus.org.



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Hendrickson, who never married and has no children, decided to leave Maggie and Phoebe to Golden Retriever Rescue of Mid-Florida.

"I would feel comfortable that they would find a good home for my babies," she said, with her arm wrapped around a tail-wagging Maggie.

Hendrickson, who estimates she has set up about 15 pet trusts for other people, said they are usually drafted by people who are very into their pets, who have no children, or who have children who live far away.

The Humane Society encourages setting up pet trusts or making some kind of provision to keep the orphaned animals out of shelters.

"There isn't a month that goes by and, lately, it seems like it isn't a week that goes by, that we don't get someone's pet when the owner has died," said Joan Carlson, executive director of the Humane Society in Indian River County.

Some pet owners, convinced their four-legged companions will be heartbroken without them, actually request that their pets be euthanized upon their death.

"They'd rather have them humanely euthanized than have an uncertain future," said Michael Herman, a veterinarian at the Pet Medical Center in Vero Beach, adding that it's a practice he finds distasteful. "We're really not in the business of putting healthy animals to sleep. It eats at us."

Herman estimates he does fewer than one euthanization for that reason each year.

Although he was not familiar with the new pet trust law, he said it is a win-win situation for everyone involved, and a much better alternative than euthanization.

"We live in a community where we have a lot of elderly people, and some don't have any family other than their pets," he said. "(Pet trusts) are a great idea for everybody, but particularly for the pet."

Specific wishes listed

On the Treasure Coast, some attorneys said they were hardly acquainted with the new law, but others said they had set up anywhere from one to 15 trusts.

A few, including Port St. Lucie-lawyer Joseph Karp, said they had drafted pet trusts before the law was established by building in mechanisms, such as time-released money to ensure the animal was being cared for. Now, they said, it is easier to guarantee that the animal will be taken care of.