

In the classic Disney movie *The Aristocats*, a wealthy woman puts her cats in danger when she informs her attorney that she plans to leave her vast fortune to her feline family. Her butler overhears the conversation and decides to claim the inheritance for himself by catnapping the furry heirs and leaving them to fend for themselves far away in the country.

Real cats in Texas do not need to fear suffering the same fate. No matter how wealthy their owners are, they cannot name their pets as beneficiaries in a will. However, there are ways you can provide for the care of family pets. A little time spent planning can allow you to feel confident that your pets will be cared for regardless of what happens in the future.

Pets are Property Under Texas Law

We love our animal companions like members of the family, but under the law, they are property, more like furniture than family. That means you can leave a dog, cat, or other animal to a beneficiary in your will. You can see the bequest as naming a caretaker for your pet, but the law sees it as a bequest of property.

For your pet's welfare, it is a good idea to check with the intended recipient to make sure they are willing and able to provide the care your pet deserves. While you can include money and instructions for your animal's care, the person who you name in the will is not obligated to follow those instructions or use the money for the pet, so you want to choose someone you trust to do the right thing.

You Can Establish a Pet Trust

To ensure that your pet has adequate resources after your death or if you become incapacitated, you can have your estate planning attorney create a pet trust. Texas law provides for special statutory trusts that are somewhat simpler than traditional trusts, but your pet might be better protected with a traditional trust.

A trust is an entity that holds property for someone. After the trust documents are created, you transfer property into the trust, and that property will be managed by the person you name as the trustee. That trustee will provide funds to the caretaker of the pets, who are the beneficiaries of the trust. When the pets pass away, then any funds remaining in the trust will pass to alternate beneficiaries that you name, which could include a charity that cares for animals.

Short-Term Emergency Estate Planning for Pets

In addition to creating a long-term estate plan to care for your fur family, you might want to take steps to prepare for sudden emergencies in the short term. This could include preparing a card with information about caring for your pet in case you suffer a sudden accident or illness. In addition to instructions, you might include contact information for a neighbor who can access and care for the pet.

If you have a power of attorney, you can include instructions for pet care in that document and authorize your financial agent to pay for care as you specify.

An Attorney Can Help You With a Plan to Protect Your Pets

You might assume that family members or friends will care for your pets if something should happen to you, but they might lack the resources or the ability. By planning now, before a crisis strikes, you can rest assured that your dog, cat, or other pet will be provided for.

To talk to an attorney at the Nordhaus Firm about providing for your pets in a trust, will, power of attorney, or other document, contact our team today.