



House Rabbit Network

Massachusetts Pet Trusts

by Gabriel Cheong, Esq.

On January 7, 2010, Governor Deval Patrick signed into law “An Act Relative to Trusts for the Care of Animals”, which will be codified in 3C of Chapter 203 of the Massachusetts General Laws. This new law took effect on April 7, 2011.

What this law does is essentially bring Massachusetts in line with the majority of states that allow for Trusts to be created for the benefit of pets. Most states allow Pet Trusts where the pets themselves are the beneficiaries. Massachusetts up to this point has not allowed for such a trust. As a pet slave myself (3 rabbits and 1 dog), this new legislation puts my worries to rest about who will take care of my pets and how they will be taken care of. As any pet slave will tell you, our furry friends are just as much a part of our family as children and, as such, should be allowed the opportunity to be included in our estate planning when we think of Wills and Trusts.

In the past, if a pet owner wanted to provide enough money to care for a pet, they would have to give the money to a guardian of the pet or leave the money in trust. However, the gift to the guardian of the pet is an outright gift and does not require the guardian to use the money to take care of the pet. There would have been no recourse if the guardian of the pet did not uphold their duty to care for the pet. Similarly, if the money was left in trust, the beneficiary could not be the pet themselves. This created a problem since the courts cannot hold the guardian accountable for taking care of the pet and it left pet owners with a gaping hole in their estate plan.

The new law establishes several guidelines in regards to the creation of these new Pet Trusts. Any pet trust created must terminate upon the pet crossing the rainbow bridge. If there is a challenge to the amount left in the trust for the pet, a probate court judge may lower the amount of money left in trust for the pet if the amount is unreasonably large. If the trustee does not do his duty, then a residual beneficiary of the trust or the guardian of the pets (if the guardian is not the trustee) may sue the trustee.

If you have ever thought about what would happen to your furry friends if you were not able to take care of them, now is the time to plan for them and the rest of your human loved ones.

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Ginger, former HRN bun, has her future secured.