

# WHAT WILL HAPPEN TO YOUR PETS WHEN YOU DIE?

## How To Leave Money to your Pet -- and your Pet to the Right Person!

Animals are legally “personal property.” So they are part of your “property” which gets divided up at your death. Without a will, your pets will be given to your spouse, children, parents, or siblings (in descending order, see RCW 11.04.015). To choose who gets your pet when you die, you must ACT NOW. Either make a Will, or own the pet in a “joint tenancy” type of ownership:

1) **Make a WILL** to leave your pet to a person you choose.

If you *have a Will* but didn't have a pet at the time, or want to make a change, you can do it through your Will by simply putting it in a letter. **RCW 11.12.260** (sometimes called the “**little list**” law) allows you to leave your “tangible personal property,” (pets), to someone without specifically putting it in your Will or making a “codicil.” You do have to *write it* somewhere -- a letter or a list will do. **But REMEMBER, this “letter” only works WITH a Will** . It just means you don't have to keep formally changing your Will as your pets – or choices – change. (You cannot leave money through this “letter” -- to leave money to or for your pet, you have to use a “Trust” described below.)

## Or You Can Choose Your Pets' Future Through An Ownership Agreement:

2) **CO-OWN** your pet with someone, **in writing**, as “joint tenancy with right of survivorship.” Owing “**JTWROS**” means that “your half” of your pet goes immediately to the other owner the instant you die, whether you have a Will or not. (NOTE: AKC and other registration “papers” are merely that – *registration*. Although registration can help prove “ownership,” pets don't have “titles” like a car or house. So you and your co-owner need to write and sign an agreement that you own in JTWR0S.

## How to Leave Money To a Pet

Some years ago, Washington law wouldn't let you leave money directly to a pet. You could leave money to a trusted human “to be used for Fido's care.” But there was nothing that kept that human from spending it any way he/she pleased. Even if that person intended to use the money for your pet, things could go wrong. It could be taken by a spouse, or through a lawsuit, garnishment, or an IRS lien, because it legally belonged to the person you left it to, not to your pet. Pets had no “rights” to the money.

**RCW 11.118 changed that by making it legal for a pet owner to leave money in trust to a pet**, just as you could for a child. You name a Trustee, who is legally bound to use the money for the pet, as you direct in the Trust. The Trust also protects the money from other people seizing it, just as Trusts for people do. Some points to remember about an Animal Trust:

1) You can leave your pet to one person, and the money for the pet to another. IF you do that, be sure you pick two people who can and will work together for your Pet's benefit.

2) Consider leaving the remainder of the Trust (the money left after your Pet's death), to a charity or someone other than the “guardian” of the pet, or the Trustee of the pet's money. That avoids anyone in charge of the pet benefitting from the “early death” of your Pet. But if you're confident of their love and care of your pet, you can certainly leave the remainder to one or both of these people you chose.

***Your pets love you – love them back by making sure they are cared for after you're gone.***

***This article is intended as information only, not as legal advice. Estate planning can be complicated. Consult with an attorney to insure your plan to protect your pets is properly carried out. Written for Dane Outreach by Edith A. Bowler, Attorney-at-Law. Copyright 2014***