

# The law and your pet

## OVERVIEW

- Under the law, any animal is property. When you die, it becomes part of your estate.
- You need a plan for the long-term care of your pet in case you become disabled and for when you die.
- If you do not have a long-term care plan, start putting one together. In the meantime, there are interim measures you can take to protect your pet in case you die or suffer a debilitating illness next week.
- There are at least five key occasions when your pet is in danger:
  1. when you are incapacitated and are unable to care for your pet;
  2. immediately after you die and your pets are at home alone, perhaps for days;
  3. during the time between your death and when your will is read;
  4. during the time between when your will is read and when it is probated;
  5. the ongoing period after your will is probated.
- Once your interim measures are in place, which are covered in Chapter 4, you can set out a more permanent plan for your pet, using the legal system to help ensure that your wishes are carried out.

## How the law views your pets

Something to remember when planning for your pet's future is that your animal friend is an *it*, not a *who*. While you may see *Fido* or *Felix* as one of the family, the legal system does not. Whether you live in Toledo or Toronto, Christ Church or Corpus Christi, Perth, Australia, or Perth, Scotland, in the eyes of the law, an animal is considered property, like the money in a bank account or a stamp collection. And the more valuable the animal, the more adamant the courts will be in treating it as property.

For example, if you die without having made provision for your animals, the law will be wary of anyone who volunteers to take responsibility for your three-year-old thoroughbred racehorse without clear instructions from you. Even if the animal is simply a rider, rather than a racer, the court will