

California May Recognize Pet Trusts

Legislation designed to secure care for pets in case of owner's disability, death.

By Soraya Gutierrez

Posted: July 9, 2008 2 a.m. EDT

A California bill would make pet trusts enforceable in the state. Most cats and dogs might not get a fortune when their owners die, as was the case of Trouble, the pet dog owned by famed real estate and hotel mogul Leona Helmsley, but they can get the guarantee that the wishes of their owners are met in cases of disability or death.

With unanimous votes in the State Assembly and State Senate last week, the California Legislature sent Gov. Arnold Schwarzenegger a bill designed to protect companion animals after the deaths of their owners. Senate Bill 685, by Sen. Leland Yee, D-San Francisco/San Mateo, is aimed at reducing the burden on animal shelters, conserving public services and funds, protecting defenseless animals and ensuring that the plans of pet owners are executed in cases of disability or death.

"Pets are an important part of the American family," Yee said in a statement. "SB 685 will make pet trusts enforceable and assure that the wishes of pet owners are respected."

Currently, unlike in most states, pet trusts in California are honorary and not enforceable by law. SB 685 addresses the present unenforceability in the administration of pet trusts by removing the discretion of trustees in fulfilling the trust. Additionally, the bill allows courts to appoint caregivers if the trustees do not wish to arrange for the pet care.

"Wills and trusts are the means for people to bestow their possessions and savings as they see fit," Yee said. "Under SB 685, a pet owner will be assured that their pet will be properly cared for after their passing, while also ensuring that kin are not burdened with undue pressure."

The governor has 12 days to sign or veto the measure.