



Senate

General Assembly

File No. 163

January Session, 2005

Senate Bill No. 1191

Senate, April 5, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE CREATION OF TRUSTS FOR THE CARE OF DOMESTIC ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) A testamentary or
2 inter vivos trust may be created to provide for the care of a domestic
3 animal alive during the settlor's lifetime. Such trust shall terminate
4 upon the earlier of (1) the death of the domestic animal or, if the trust
5 was created to provide for the care of more than one domestic animal
6 alive during the settlor's lifetime, the death of the last surviving
7 domestic animal, or (2) ninety years after its creation.

8 (b) A trust authorized by this section may be enforced by a person
9 appointed in the terms of the trust instrument or, if no person is so
10 appointed, by a person appointed by the Probate Court. Any person
11 having an interest in the welfare of the domestic animal may petition
12 the court to appoint a person to enforce the trust or to remove a person
13 so appointed.

14 (c) Property of a trust authorized by this section may be applied
 15 only to its intended use for the care of the domestic animal, except to
 16 the extent the Probate Court determines that the value of the trust
 17 property exceeds the amount required for the intended use. Except as
 18 otherwise provided in the terms of the trust instrument, property not
 19 required for the intended use shall be distributed to the settlor, if then
 20 living, otherwise to the settlor's successors in interest.

21 (d) Any person designated pursuant to the terms of the trust
 22 instrument may act as trustee of a trust authorized by this section. Any
 23 such trustee may also be designated as a remainder beneficiary of such
 24 trust pursuant to the terms of the trust instrument. For the purposes of
 25 this subsection: (1) "Person" means a natural person, corporation,
 26 limited liability company, trust, partnership, incorporated or
 27 unincorporated association or any other legal entity; and (2)
 28 "remainder beneficiary" has the same meaning as provided in section
 29 45a-542a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Probate Court	PCAF - Revenue Gain	Potential Minimal	Potential Minimal

Note: PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill authorizes the creation of trusts for domestic animals. Trustees must account to the courts of probate. Fees are generated for the accountings, and range from \$50 dollars (for trusts less than \$25,000) to \$750 (for trusts more than \$375,000). It is anticipated that there will be relatively few trusts accounted with the court of probate, and the corresponding revenue gain will be minimal.

OLR Bill Analysis

SB 1191

AN ACT CONCERNING THE CREATION OF TRUSTS FOR THE CARE OF DOMESTIC ANIMALS**SUMMARY:**

The bill authorizes trusts for the care of domestic animals. They may benefit only animals alive when the person who created the trust dies. The bill allows a natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated association, or any other legal entity to be selected as trustee.

The trust must terminate upon the earlier of the following occurrences: (1) when the animal dies, or if the trust was created to provide for the care of more than one animal, when the last surviving animal dies; or (2) 90 years after its creation.

EFFECTIVE DATE: October 1, 2005

TRUST ENFORCEMENT

A person appointed in the trust may enforce it. The bill allows a court to appoint someone if the trust does not. It allows a person having an interest in the animal's welfare to ask the court to appoint a person to enforce the trust or to remove a person appointed.

TRUST PROPERTY

The bill specifies that trust property authorized to care for an animal may be applied only for its intended use, except to the extent the court determines that the trust's value exceeds the amount required for the intended use. Except as otherwise provided in the trust, property not required for the intended use must be distributed to the settlor, if living. (A settlor is the person who created the trust and transferred property to it.) Otherwise, it must be distributed to the settlor's successors in interest.

The bill permits a trustee to also be designated as the person who

receives the trust assets when the animal the trust benefits dies.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 32 Nay 1