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**Testimony of Peter Mott
Estates and Probate Section
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**IN SUPPORT OF RAISED BILL 650
AN ACT CONCERNING THE CREATION OF TRUSTS FOR THE
CARE OF DOMESTIC ANIMALS**

**Judiciary Committee
March 9, 2009**

Raised Bill 650 addresses an issue that has long vexed pet owners and attorneys who try to make suitable provisions for pets in estate plans. At common law, one cannot create a trust for a pet. As a result, pet owners in Connecticut have had to take an indirect approach. For instance, a Will might make a bequest of a certain dollar amount to a person with the request but not the requirement that the gift be used for the benefit of the testator's pet. In other words, the approach simply relied on the good faith of the recipient of the bequest to carry out the testator's intentions. There are obvious problems with this approach: the person may be unable or unwilling to carry out the task; the dollar amount of the bequest may prove to be too little if the pet has health issues or too much if the pet dies prematurely; the gift cannot be enforced; there is no way to direct the ultimate disposition of unused funds.

Sen. Boucher has submitted substitute language for Raised Bill 650 that has been agreed upon by proponents of three separate bills introduced this session for pet trusts. It is hoped that you accept this substitute language for this bill.

The substitute language for Raised Bill 650 would address these issues by allowing a testator to set up a valid enforceable trust for one or more pets. The bill also allows a court to vary the terms if the amount allocated to this trust is excessive, and allows the court or some other person designated in the trust instrument to enforce the terms. The passage of Raised Bill 650 will be a significant benefit to the many pet owners of the State, particularly those who do not have family members or friends that they can easily rely on to take care of their pets. We urge the Committee to pass the substitute for Raised Bill 650.