

<b>Act Number:</b>	09-169	
<b>Bill Number:</b>	650	
<b>Senate Pages:</b>	4167-4186, 4266-4268	<b>23</b>
<b>House Pages:</b>	9287-9299	<b>13</b>
<b>Committee:</b>	Judiciary: 3423-3433, 3445, 3454, 3557-3560	<b>17</b>

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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**VOL. 52  
PART 13  
3984 - 4323**

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28, 2009, favorable reports: Calendar page 6,  
Calendar Number 486, File Number 707, substitute for  
Senate Bill 650, AN ACT CONCERNING THE CREATION OF A  
TRUST FOR THE CARE OF AN ANIMAL, favorable report of  
the Committee on Judiciary. The Clerk is in  
possession of amendments.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, I move  
passage of the bill -- I'm sorry. Mr. President, I  
move the bill as passed by the Judiciary Committee.

THE CHAIR:

Acting on acceptance and approval, sir, would you  
like to remark further?

SENATOR McDONALD:

Yes, Mr. President. Mr. President, I believe  
that the Clerk is in possession of LCO Number 8382. I  
ask that it be called and I be granted leave to  
summarize.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 8382, which we designate as amendment to

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Schedule A, is offered by Senator McDonald of the 27th District.

THE CHAIR:

Motion on the floor for summarization by the Senator. Seeing no objection, please proceed, sir.

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, I move adoption of the amendment.

THE CHAIR:

The motion on adoption is without objection. Please proceed.

SENATOR McDONALD:

Mr. President, this legislation comes to us from many quarters from people who are very concerned about the ability to create trusts for the care of animals. They are called inter vivos trusts, and under current law, they are not permitted for animals. However, under this legislation -- and this is a strike-all amendment -- someone would be able to create such an inter vivos trust for the benefit of one or more animals and would generally follow the ordinary provisions of trust law.

However, there is a unique feature of this legislation that is worthy of note, and that is that

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when such a trust document would be prepared, it would require that both a trustee be named as well as a trust protector. The notion of a trust protector is one that is acknowledged and recognized in our common law and would essentially be an individual named in the trust document who would be charged with responsibility for ensuring that the trustee was properly discharging his or her responsibilities under the trust.

Mr. President, this is necessary because a trust protector would have the standing to petition either the Probate Court or the Superior Court if there was any kind of malfeasance or defalcations from the trust itself, and in certain circumstances, Mr. President, this would allow for a trust protector to enlist the assistance of the Attorney General's Office to bring an action in the Superior Court.

THE CHAIR:

Thank you, sir. Will you remark further on Senate A, Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President. Good afternoon, Mr. President.

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Good afternoon, sir.

SENATOR KISSEL:

It's good to see you.

THE CHAIR:

It's good to see you, too, sir.

SENATOR KISSEL:

Okay. Twenty-one past 3:00, and here we go.

Lovely Thursday afternoon. The question is through you to the proponent of the amendment which becomes --

THE CHAIR:

Senator Duff?

SENATOR KISSEL:

First of all, I want to thank Senator McDonald. My recollection is when we did some bill screening way back when for Judiciary, the notion of this was discussed with me, between myself and Senator McDonald, and it looks like it took a while to sort of get to the bottom (inaudible), but my first question is the notion of a trust protector, which is a notion pulled out of our common law, is that -- is a good share of the Judiciary Committee aware of any other states that have this kind of paradigm, this kind of construct, to have a trust protector in their statutes. Through you, Mr. President.

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THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. I am aware of other states using trust protectors. I unfortunately don't have a list that I can share with Senator Kissel now, but the notion is that this would be an individual separate -- a distinct individual from the trustee. The trustee could not be both the trustee and a trust protector. It is essentially an individual whose responsibilities would be to ensure that the underlying intent of the trust was being fulfilled and properly discharged by the trustee.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much. And through you, Mr. President, is the notion, the philosophical notion behind this that if an inter vivos trust was set up for an individual and perhaps that individual wasn't being cared for or something else like that, at least, they being a human being and, hopefully, of age old enough to communicate, they could say to somebody I'm not getting enough food, I'm not getting adequate

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shelter, I'm not being taken care of, and behind this is the notion that an animal, not being able to communicate, at least, not that articularly, regarding those sorts of fine-tune notions such as shelter and food and care, that it requires a human being to be part of this inter vivos trust to be able to monitor what's taking place for the hopeful benefit of the animal, and is that the notion behind having this protector or this other individual to observe? Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Through you, in general I agree with that. Under our current law, the way that we ensure that a trustee is properly discharging his or her fiduciary responsibilities would be for a beneficiary of the trust to bring to a court's attention any wrongdoing in the administration of that trust.

Obviously, an animal is not going to be able to do that and, therefore, we enlisted this notion of a trust protector to allow for an individual to essentially oversee the trustee, not to micromanage



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the trustee, but to make sure that the trustee was in general fulfilling the terms of the trust document.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President, and through you. Are there other parallels in our trust laws that may address issues like this? I harken back -- I think she just recently passed away, but there was a celebrated case of Sunny and Klaus Von Bulow, and my understanding was that for several of the last decades, Sunny Von Bulow was incapable of talking or articulating, essentially in a comatose state. Had there been a trust set up for a loved one that was not able to care for themselves or even articulate, how would that be set up? Would a similar kind of trust situation be set up such that there was another human being that would monitor the disposition of the funds? Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Through you, if there were such a trust for the benefit of an individual who

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was incapable of communicating his or her desires or needs, then I believe a Probate Court would have the authority to appoint a conservator of the person or of the estate, and that that person would have the same standing as the individual to assert any rights under a trust document.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President. And, why are we varying from that notion? In other words, why don't we just simply leave the care or the creation of an individual to oversee this to the sound discretion of a Probate Judge? Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Through you, Mr. President. While there's certainly a desire of the Probate Courts not to become involved in situations where their services are not needed, I think the concern expressed by Senator Kissel might be a concern in some instances but in many instances where the trustee is discharging his or her responsibilities faithfully, there would be no

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need for the involvement of the Probate Court in the overall and general administration of the trust. This would be essentially a process that would be happening outside of the Probate Court system where the trustee would be filing annual accountings with the trust protector and would have the opportunity to review those accountings privately, and then if any circumstances warranted, then the individual would have the ability to bring that to the attention of a court.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much. And, also, just so I can get a feel for exactly what we're about doing here, I know that when the notion of creating legislation regarding trust accounts for animals is initially broached with some people, they may tend to giggle or laugh, the notion of an heiress bequeathing all of her money to her cats or something else like that comes to mind, but in many instances --and I would say in many parts of our state -- there are individuals that may be the sole caretaker of some wonderful herd of horses or cows or prized animals, llamas come to mind, and so

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this applies to any kind of animal? Is that true?

Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Through you, Mr. President. The amendment does not distinguish what types of animals could be part of such an inter vivos trust.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President, and through you. You indicated that in this amendment that becomes the bill, that there were some provisions or there are some provisions where the assistance of the Attorney General can be brought to bear, apparently, if there are some violations of the underlying trust document.

I'm wondering what the parameters -- what would be the grounds for enlisting the help of the Attorney General's Office? Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

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Thank you, Mr. President. Through you. Those provisions of the amendment are contained in lines 39 through 55 of the amendment and would generally be limited to situations where the trust protector has good faith reasons to believe that the trustee has committed fraud or that -- fraud with respect to the corpus of the trust and then the Attorney General would have standing to bring an action in the courts based on that. However, the Attorney General would have a discretion whether to file such a petition in the Superior Court.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much. And, above and beyond trying to enlist the assistance of the Attorney General's Office, would an individual that is named as the protector in one of these inter vivos trusts for the benefit of animals be able to file their own action in the Superior Court to enforce the terms of the trust? Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

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That is also provided in the amendment.

THE CHAIR:

Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President. That concludes my questions for Senator McDonald. I would like to thank Senator McDonald for working so hard on this particular piece of legislation. Whether it's polo ponies, whether it's prized llamas, whether it's cats that one adores, if an individual has the financial wherewithal to set up a trust, consult with an attorney, and protect their animals, it seems like a humane thing to do to allow them to do it.

I think the creation of a protector is novel, and I think it's an ingenious idea, certainly with founding in our common law, and I appreciate the time and effort it took to place that in the legislation as well. Also, utilizing the vast resources of our Attorney General's Office I think would give some individuals that measure of confidence that these particular trust documents can be enforced going forward.

I'd also like to thank and commend Senator Toni Boucher for her hard work and diligence as well as

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other advocates for this particular piece of legislation. From the very beginning -- and also Representative Hetherington I believe had quite a bit of interest in this legislation as well. There's an awful lot of people that felt very strongly about this legislation and, again, I would commend Senator McDonald for his hard work and efforts regarding this, and I strongly support the amendment which becomes the bill.

Thank you, Mr. President.

THE CHAIR:

Senator Frantz?

SENATOR FRANTZ:

Thank you, Mr. President. I think it's fair to say that everybody in this room and everybody within the state of Connecticut, perhaps the entire United States of America, loves animals to varying degrees, and I would like to also take my hat off to those involved in putting this bill together, which is now in front of us as an amendment.

Mr. President, through you, I do have two simple questions to Senator McDonald, the proponent of the bill, just to assure that we don't have a dog of a bill.

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THE CHAIR:

Senator McDonald, would you like to address those questions, sir?

SENATOR FRANTZ:

Thank you. Senator McDonald, I was curious to know if there were any recent cases that have given rise to the initiative behind this particular bill.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Well, first, let me say there's no dog nor any rat in this bill, but to my knowledge, there is no Connecticut-based case that gives rise to this. However, we had a situation in southwestern Connecticut where an individual who lived part-time, at least, in Greenwich, and had a trust for the benefit of a dog, where that trust was challenged in New York state, but I don't know of any situation where that has arisen in Connecticut, and that is primarily because there are no provisions under Connecticut law that would allow for a trust for the benefit of an animal.

THE CHAIR:

Senator Frantz?



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SENATOR FRANTZ:

Thank you, and through you, Mr. President. In the amendment, you call for the trust protector to provide services to the animal. It begs the question that certainly I have, which is there's a wide range of levels of standards of care, and I want to make sure that we aren't getting too carried away, so for legislative intent purposes, can you give us a few phrases on what level of care you had in mind in this particular bill?

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Well, thank you, Mr. President. The role of a trustee and of a trust protector is well defined in the law and is a fiduciary relationship which requires the fiduciary to put the interests of the individual or, in this case, the animal over their own personal interests. It is the highest standard of responsibility under the law.

THE CHAIR:

Senator Frantz?

SENATOR FRANTZ:

Just as a follow-up, I said two questions. This

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is two and a half questions if that's okay, Mr. President, and that is that the -- given that there are errors, testator's errors, there could be potential beneficiaries given special circumstances, I just want to be sure that we're talking about the same levels that would apply to those of us with two legs, regardless of whether we have four or wings or spears on our heads, or whatever.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Yes, the general principles of trust law would apply. This was merely creating a separate framework to deal with the situation of animals as beneficiaries of a trust, but the legal responsibilities of the trustee would be very familiar to our courts.

SENATOR FRANTZ:

Thank you very much, Senator McDonald. It's a great amendment and a great bill, and I now sit in favor of it. Thank you.

THE CHAIR:

Thank you, sir. Any remarks further? Senator Boucher?

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SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I rise in strong support of this amendment, and I also would like to thank Senator McDonald, the Attorney General, Representative Hetherington, Representative Morin, for their really strong advocacy support testimony on this initiative for pets and pet owners of Connecticut.

Many Connecticut residents invest a great deal of time and care for their pets and consider them like their human loved ones. There is research that shows pets can extend a person's life, help victims recover from tragedy or abuse, provide companionship for those who have lost a loved one, and generally improve the quality of one's life. There are now more childless couples and an older population who are increasingly attached to their pets, and as one of my constituents noted, pets are essential to my life just as friends, families, and spouses are. They embody every aspect of each of these.

The question of who cares for a pet after the death of its owner is troubling to a lot of folks. Some pets, like parrots, by the way, can live to be 40 to 80 years old, so if a pet owner becomes ill, incapacitated or dies, it makes sense to have already

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decided ahead of time how to provide for one's beloved pets with food, shelter, veterinary care, companionship.

Pet ownership is a responsibility, and I hope that this proposal and the passage of this bill will allow pet owners to make plans for carrying out that responsibility in the event that their pets survive them.

Also, I believe that in our discussing this legislation might call attention for the need for pet owners to think about this issue now and plan ahead at a minimum, you know, the basic needs for their orphaned family pets, and I think that's also the goal of the Last Post Sanctuary, which is actually a cat retirement home on 37 acres in northwest Connecticut. It's about ten miles from the Massachusetts border. They take care of pets right now whose families have become incapacitated, oftentimes going to a nursing home when there's no other avenue for them.

And, what we're talking about here it should be made clear -- and certainly through the fine work of the Chair and the Judiciary and the AG -- we're not talking about providing for a pet in the manner of luxury, but simply ensuring that pets have a place of

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safety and shelter, a place to be cared for and fed when their owner can no longer do it for themselves.

So, again, I thank the good Chairman of the committee and all those that worked hard on this particular bill, and I hope it will get unanimous approval here in the chamber. Thank you very much.

THE CHAIR:

Thank you, ma'am. Remark further on Senate A? Remark further? If not, let me try your minds. All those in favor, please signify by saying aye.

VOICES:

Aye.

THE CHAIR:

Opposed? Nays? The ayes have it. Senate A is adopted.

Remark further on Senate Bill 650 as amended by Senate A. Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. Fedele. As was indicated, the amendment became the bill, and I would just like to thank personally Representative Morin for all of his help and assistance as we crafted this legislation.

Mr. President, if there's no objection, might this item be placed on the consent calendar?

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THE CHAIR:

The motion is on the floor to place item on the consent calendar. Without objection, so ordered, sir.

Mr. Clerk?

THE CLERK:

Calendar page 17, Calender Number 660 follows number 400, and 965, Substitute for House Bill 5262, as amended by House Amendment Schedule A (inaudible) before the Committee on Transportation and Judiciary.

THE CHAIR:

Senator DeFronzo?

SENATOR DEFRONZO:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval, sir, would you like to remark further?

SENATOR DEFRONZO:

I would, Mr. President. Mr. President, this is a bill that had its genesis in some unfortunate circumstances in Hartford with a severe rash of street racing creating damage, inconvenience and injury to many people in the Hartford area. In fact, though,

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THE CHAIR:

Senator Meyer requests that this item be put on consent. Seeing no objection, so ordered. Mr. Clerk?

THE CLERK:

Mr. President, that completes those items previously marked go.

THE CHAIR:

Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. If the Clerk might now call the first consent calendar?

THE CHAIR:

Mr. Clerk, please call the first consent calendar, and the machine will be open. Excuse me. Please call the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber? Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber?

Mr. President, those items placed on the first consent calendar begin on calendar page 6, Calendar 486, substitute for Senate Bill 650. Calendar page

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17, Calendar Number 660, substitute for House Bill 5262.

Calendar 664, House Bill 5894, calendar page 23.  
Calendar Number 202, Senate Bill 74. Calendar page  
24, Calendar 220, substitute for Senate Bill 866.

Calendar 227, substitute for Senate Bill 920.  
Calendar 238, House Bill 5222. Calendar 243, House  
Bill 6501. Calendar page 29, Calendar Number 357,  
substitute for Senate Bill 995.

Calendar page 33, Calendar 471, Senate Bill 1128.  
Calendar 481, substitute for Senate Bill 533.  
Calendar 499, Senate Bill 1099, and calendar page 37,  
Calendar 321, Senate Bill 271.

Mr. President, that completes those items placed  
on the first consent calendar.

THE CHAIR:

Please call the consent calendar. The machine  
will be open.

THE CLERK:

The Senate is now voting by roll call on the  
consent calendar. Will all Senators please return to  
the chamber? The Senate is now voting by roll call on  
the consent calendar. Will all Senators please return  
to the chamber?



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THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 1.

Total number voting 35

Those voting yea 35

Those voting nay 0

Those absent and not voting 1

THE CHAIR:

Consent Calendar Number 1 passes. Senator  
Looney?

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of all items acted upon today requiring action in that chamber.

THE CHAIR:

There's a motion on the floor for suspension of the rules for immediate transmittal. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would

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On page 26, Calendar 694, substitute for Senate Bill number 650, AN ACT CONCERNING THE CREATION OF A TRUST FOR THE CARE OF AN ANIMAL favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Michael Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Good morning.

SPEAKER DONOVAN:

Good morning, sir.

REP. LAWLOR (99th):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER DONOVAN:

Question is on acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. Will you proceed?

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This bill has been kicking around the legislature for the past few years. I think fortunately we've worked out all of the technical issues related to the bill. I don't think there was ever a serious policy concern but in essence, what the bill does is allows pet owners to create a

trust -- an enforceable trust to set aside resources for the care of a pet in the event of the death of the -- the owner of the pet or in the event the pet is otherwise on its own, so to speak.

Mr. Speaker, in the Senate an amendment was adopted which is strike-all amendment and rewrites the essence of the bill in the file copy to conform with what I think everyone's expectations was -- or were for the bill itself. So the Clerk has LCO number 8382 previously designated as Senate A. I'd ask that the Clerk call and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8382 which is designated Senate A.

THE CLERK:

LCO number 8382, Senate A offered by Senator McDonald.

SPEAKER DONOVAN:

The Representative seeks leave of the chamber to summarize the amendment. Is there objection to summarization? Representative Lawlor, you may proceed.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. The amendment makes some significant changes to the file copy. I think the most significant change is who -- what court has jurisdiction for

dealing with trusts created pursuant to this act. Under the file copy it was exclusively in the probate court. However there were concerns raised about that so the amendment changes that jurisdiction to the superior court with one important caveat and that is that in the event there is already a matter pending in the probate court related to the person who created the trust, the owner typically, then the probate court would then have jurisdiction to deal with the trust.

In all other respects these trusts would be governed in the same ways that other types of trusts are governed and enforced in our State's court system. I think at the end of the day this is a very simple addition to our State's statutes and we'll certainly benefit not only the pet owners who are concerned for the care of their pets after their death but also dealing with situations which come up from time to time, some of the shelters that care for animals where the owners have deceased have had some problems dealing with money that has otherwise been set aside for the pets. Sometimes it's been misused by the people who are in custody of that money but there's no mechanism such as this to enforce the provisions of the -- as stated by the person who created the -- the account for the benefit of the pet.

Bottom line, Mr. Speaker, this makes these trusts enforceable. We think it's going to work. Quite a few other states have adopted a similar procedure. And finally I want to say how important it was to hear from some member of the legislature, both the Senate and the House who have long fought for this including Representative Morin, Representative Hetherington, and Senator Boucher. They've been really battling for this for quite some time and with the passage of this amendment in the Senate and hopefully today in the House, Connecticut will join the number of states which provide this peace of mind to pet owners in our State. I urge adoption.

SPEAKER DONOVAN:

The question is on adoption of Senate A. Will you remark?  
Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I want to thank very much Representative Lawlor and Senator McDonald for the work they did on this and for bringing this forward. This trust has been scrutinized by many eyes including the Attorney General and the Bar Association to make sure -- the Connecticut Bar Association -- to make sure that we get this right. And Representative Lawlor and Senator McDonald are most thorough in their -- in their scrutiny of this as well.

So I'm -- I'm delighted that this has come forward. It, as Representative Lawlor explained will enable people who want to care for their pets after they have passed away or even during their life if they become disabled to create this trust. Those of you who remember the unfortunate situation in New York, it got a lot of adverse publicity with Mrs. Helmsley. That will not happen here because the courts are given appropriate authority over the amount of the corpus of the trust. So 39 states -- I believe it's 39 states at last count have a pet trust.

There is a pet trust generic form in the uniform trust -- model trust forum. And so I think Connecticut will be in very good company going along with this. I thank Representative Russ Morin also who worked very hard on this. And together we are very pleased to see this now before the House. I urge -- I urge its adoption it's been very -- subject to very extensive thought. And I urge its adoption at this time. And I can assure you we're not barking up the wrong tree. So, thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Morin.

REP. MORIN (28th):

Good morning, Mr. Speaker.

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SPEAKER DONOVAN:

Good morning, sir.

REP. MORIN (28th):

I'd like to speak on the amendment.

SPEAKER DONOVAN:

Please proceed, sir.

REP. MORIN (28th):

Before I begin I certainly would like to thank -- follow along with Representative Hetherington and thank Representative Lawlor and Senator McDonald for their willingness to work through this process. I have to say not being an attorney, looking at the language initially I thought this was something that would have been very simple to take care of and get done. I have a full appreciation for what they do on the Judicial Committee because I've seen many different times the language change and ultimately with those changes what we have is a piece of legislation that will allow us to go with over 30 other states to help people that really care about their pets. And this bill came to me from some constituents in Wethersfield.

I decided to go forth with it when I had folks that represent people that have pets that wanted to make sure that they could be protected later on and then it kind of caught on



with other pet owners and pet lovers that thought it was a terrific idea.

So, along with Representative Hetherington and Senator Boucher, I appreciate their hard work. I think if nothing else this is going to allow people that really do care about their animals and their care for them. Shall they -- the pets survive them, they'll feel good about this. And it's -- it's a nice piece of legislation. I know maybe it's not the most important to some people but to folks that really care about their pets and what happens to them it's a very important piece of legislation. I urge adoption. And thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I rise in support of the amendment but I do have a question or two for the Chairman of the Judiciary Committee. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Could I have a brief explanation as to the definition of a trust protector? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. If the Representative could just give me a line number.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker, line 7.

SPEAKER DONOVAN:

Representative Lawlor.

REP. LAWLOR (99th):

Under the terms of the bill -- I see that term actually comes up several times in here. That would be the person who's in charge of actually caring for the animal. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. And that would be different than a trustee? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Yes.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

So -- thank you, Mr. Speaker. And again, through you, so it -- would a trust protector play the role of conservator perhaps? What we would generally think of as a conservator in a normal probate matter? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Mr. Speaker, analogous. Yes. Not exactly the same, obviously, but similar capacity.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker and I thank the Chairman for his answers.

SPEAKER DONOVAN:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, good morning.

SPEAKER DONOVAN:

Good morning, sir.

REP. PERILLO (113th):

I rise very briefly in support of the amendment before us. As Representative Morin said, you know, this may not be the most profound bill but it is so important to so many families in the State of Connecticut. I think of my own family. If my wife were given the option between me and the dog, I'm not sure how I'd do. But this means a lot to a lot of people and I congratulate all those who were involved and thank them. And I will be supporting the amendment today. Thank you, sir.

SPEAKER DONOVAN:

Thank you, Representative. Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. I too rise to thank the Chairman of the Judiciary Committee and also the Ranking Member, Representative O'Neill for their work on behalf of this. A constituent of mine in Hampton had brought this issue to my

attention. I'm pleased that we're going to address this today.  
I urge adoption. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the amendment? Remark further on Senate A? If not, let me try your minds. All those in favor of Senate A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed nay.

The ayes have it. The amendment is adopted. Remark further on the bill as amended?

Representative O'Neill.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker. And I just wanted to say that this is a bill whose time seems to have finally come. It has been a lot of work by a lot of people over a number of years and does seem to be something that's carefully balanced and a reasonably well drawn piece of legislation. And I urge adoption. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Will you care to remark further on the bill as adopted? Care to remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call.

Members to the chamber. The House is voting by roll call.

Members to the chamber please.

Deputy Speaker Kirkley-Bey in the Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 650 as amended by Senate A in concurrence with the Senate.

Total number voting	142
Necessary for passage	72
Those voting yea	142

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HOUSE OF REPRESENTATIVES

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Those voting nay 0

Those absent and not voting 9

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes.

Will the Clerk please call Calendar 707.

THE CLERK:

On page 28, Calendar 707, Senate Bill number 1081, AN ACT  
CONCERNING THE FUNCTIONS OF THE DEPARTMENT OF MOTOR VEHICLES  
favorable report of the Committee on Finance, Revenue, and  
Bonding.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Guerrero, you have the floor, sir.

REP. GUERRERA (29th):

Thank you, Madam Speaker. Good morning.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning, dear.

REP. GUERRERA (29th):

Madam Speaker, I move acceptance of the joint committee's  
favorable report and passage of the bill in concurrence with the  
Senate.

DEPUTY SPEAKER KIRKLEY-BEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 11  
3297 - 3620**

**2009**



number as referred to by Judge Killian a little while ago, that should allow the appropriate.

REP. HETHERINGTON: So, you would not impose that restriction -- that is on an independent practice in the absence of other reforms, or other changes in the system. Is that correct?

TOM BEHRENDT: No, that doesn't characterize our position. I think we feel strongly that given the fundamental rights and liberty issues that are at the heart of many of our probate proceedings. Very important and sensitive issues that the judges need to be free of any perception of conflicts of interest and ethical concerns and the judgeships need to be full time positions in every district.

REP. HETHERINGTON: Okay. Thank you.

Thank you, Mr. Chairman.

REP. FOX: Thank you. Are there any other questions?

Thank you.

REP. HETHERINGTON: Thank you very much.

REP. FOX: Next is Representative Russ Morin here?

REP. MORIN: Good afternoon, Representative Fox, Senator McDonald, members of the Judiciary Committee. I'm Russ Morin. I'm the Representative from the 28<sup>th</sup> in Wethersfield. I'm very pleased to be here and I will be brief because I see how busy you all are. I'm here to testify on behalf and in strong support of Senate Bill 650, which would allow us to finally prepare and allow for a trust for the care of animals, and I understand that in the scheme of some of the very important things

that this committee has the responsibility and oversight of, this is something that is very important and brought forth to me by some members of my community that are very concerned about what they are going to do for their pets as far as when they move on. I can speak for (cough), pardon me, my own household having my mother that lives with us and she has I'm almost embarrassed to say but she has a Chihuahua that she is very much enamored with and probably feels more strongly about the Chihuahua than me on most days, and you know, before I go further too, I want to state that I have been working very closely with Representative Hetherington and Senator Boucher on this legislation so I'm not going to get into too much of the guts. I know you all are very well versed on these issues, but we have new language that should be in place. You may have that -- it's been negotiated with new language for this bill. I think it's a strong idea. It's going to give folks a piece of mind. It's a bill that will allow for -- especially and it's really to me geared towards our seniors, who oftentimes that's what they have for companionship is a pet and it will allow them to have the piece of mind knowing that their pet will be cared for and I know it has the support of the humane society. I know the Connecticut Bar Association, while they haven't issued a statement one way or the other, they've been in contact with us as we discuss this and have no negative feelings towards it. Again, I hope that you'll take close consideration and ultimately support this legislation.

Thank you for your time.

REP. FOX: Thank you very much, and thank you for your testimony. I think you're the first one today to testify on this specific bill but I

know that someone's waving behind you, who's Senator Boucher, is also going to testify on this.

Representative Hetherington.

REP. HETHERINGTON: Thank you, Mr. Chairman and permit me to say Russ I very much appreciate your work on this. I know you've consulted attorneys on it and so you've been very diligent in evolving this concept and I appreciate working with you on this and also your presence here today.

REP. MORIN: Thank you, Representative.

REP. FOX: Any other questions?

Thank you again for your testimony.

REP. MORIN: I appreciate it.

REP. FOX: Next would be Judge Russell Kimes.  
(inaudible)

She's right after you, so whatever order you two want to go.

(Inaudible)

I'm sure Senator Boucher will be very succinct and right to the point.

SEN. BOUCHER: Me. (Laughter). I thought we knew each other.

Good afternoon, Chairman McDonald and Lawlor and Representative Fox and distinguished members of the Judiciary Committee. Thank you for the opportunity to provide testimony in support of Senate Bill 650, an act concerning the creation of trust for the care of domestic

animals. Many Connecticut residents invest a great deal in the care of their pets and consider them like their human loved ones. There is research that shows pets can extend a person's life, help victims recover from tragedy or abuse, provide companionship for those that have lost a loved one and generally improve the quality of one's life. There are now countless childless couples and older population who are increasingly attached to their pets. As one of my constituents noted, pets are essential to my life, just as friends, families and spouses are. They embody every aspect of each of these. The question of who cares for a pet after they are gone is troubling to many pet owners. Pet owners are seeking a process to ensure that pets are not neglected, abandoned or euthanized if they die before the domestic animals do. Some pets, like parrots, one of which we have in our extended family, can live for 40 to 80 years, certainly much longer than the current owners in our family and looking to have others, younger members of the family, take care of them. If a pet owner becomes, ill, incapacitated or dies, decisions should be made ahead to provide a pet with food, water, shelter or veterinary care and companionship. To ensure that a beloved pet will continue to receive care, it is critical to plan ahead. Pet ownership is a responsibility and this proposal allows pet owners to make plans for carrying out that responsibility in the event that their pets survive them.

Although the residents that contacted me feel very strongly that they would like assistance in their effort to secure the pet's health and well-being after they are gone, many other pet owners are too often forgetting of the pets when they particularly die and these loyal companions may become abandoned, neglected or

even put to sleep. By approving this proposal, we will also be highlighting this issue and call the public's attention to the need for providing, at the very minimum, the basics for the care and feeding of an orphaned family pet. So I am hoping that just our having this hearing might highlight the issue across Connecticut. So I ask the Joint Committee on Judiciary to unanimously approve the measure before you. We should see the example of some other states who have already taken a lead on this, such as Rhode Island, and make sure that we have a law on the books that spells out what a pet owner can do to protect and provide for their pets when they are no longer able to do so. In addition, I have provided the Joint Committee a substitute language for Senate Bill 650 which you should have before you and I ask that for you to incorporate this language into this bill when considering the proposal.

I -- thank you for your very thoughtful and careful consideration and I am prepared to answer any questions and also want to add my thanks for the assistance support to my colleagues who have worked together with all of us on this, Representative Hetherington and Representative Morin, as well. Thank you.

REP. FOX: Thank you, Senator. Are there any questions?

Senator McDonald.

SEN. MCDONALD: Thank you, Mr. Chairman. Thank you Senator for being here.

You and I have had a chance to talk about this on previous occasions and actually you were kind enough to give me some other language and I don't know if that was -- frankly I lost it.

SEN. BOUCHER: I have another copy right here for you, Senator.

SEN. MCDONALD: Okay. Is that the language that's in the Committee Bill?

SEN. BOUCHER: It is a substitute language that was distributed with this testimony today. We've been trying to hone this bill by looking at other states, incorporating the best that we can there, we've put it before the Connecticut Bar Association for their review as well, and as I said Representative Morin has done some extensive research as well as Representative Hetherington, but we would be very open to having it be changed according to the wishes, certainly of the chairs of this committee and ranking members after they review it. If they think that maybe we can improve it, as probably we can, you know Connecticut has some very smart legislators here who might actually have some even better ideas.

SEN. MCDONALD: Well, let's hope they take a look at this. But in the meantime, (laughter) we have it so -- of course it would not be just the chairs and ranking members, but the entire committee that would do so. But, just looking at this quickly, is there any limitation in your proposal to the amount of money that could be left in a trust?

SEN. BOUCHER: We do not have that, and if you think that that is an important consideration -- we don't because I anticipate that there may be families that have very modest means and for them it's a matter of just designating responsibility as well as some of the resources. There may be others that have a substantial estate that might be considered. But in most of the cases, in the language here, after the death of the last remaining pet the

assets would then revert to the remaining heirs and the way in which the will or estate is designated.

SEN. MCDONALD: Right, but I'm thinking about the Leona Helmsey situation where she tried to leave most of her estate to her Maltese, I believe it was. And I believe, if I'm not mistaken, they call it a surrogate court in New York, that the surrogate court limited, notwithstanding what the trust said, and I'm not certain what the legal theory was that allowed the court to do it, but limited the amount of money that could be left in a trust for an animal. Have you -- you haven't given any thought to any limitation?

SEN. BOUCHER: Only in a very

SEN. MCDONALD: You do represent some wealthy folks, so.

SEN. BOUCHER: We do indeed, and we do indeed. And there are some very expensive pets, if you think about thoroughbred horses, animals that are substantial in size and in the maintenance and care, there are even very rare parrots that are very expensive as well. And as I said could live a very long time. So that it is not the typical domestic pet that might live to be 10, 15 even 23 years, but many, as I said, could outlive even some of the trustees for this. But I think that you have a very good point, there might be, certainly if you are talking about very substantial estates, you might want to consider that limitation. But I would caution it to take in mind that there could be some extraordinary circumstances where someone could have not maybe a horse but a stable of horses that might need to be taken care of.

SEN. MCDONALD: So, okay, I appreciate that answer and I'm sure we'll want to talk about it. But there are some other practical concerns here, not the least of which is that at least under current law for other types of trusts a beneficiary of a trust has the authority to ask for the removal of the trustee if the money or the corpus of the trust is not being used for the purposes intended in the trust document. I suspect that is not likely for an animal to ask for the removal of a trustee, so how, how would you guarantee that a trust of this nature would not be used or abused by a trustee? If the beneficiary, obviously, isn't participating in the oversight of the trust?

SEN. BOUCHER: Exactly. Well you bring up a very good point. That's why planning ahead is very essential that we -- we can't even assure that when families designate individuals to be the caretakers of the family members and children, as well, or incapacitated senior members of their family. But I think we should take an example from the legislation that currently exists for other trusts as well and we might want to use that as an example or a template.

SEN. MCDONALD: It's not going to work in this situation because, you know, normally there is not, maybe I'm wrong, I don't think I am, normally there's not any kind of regular or persistent review of the trust by anybody other than the trustee with eventually the beneficiary looking at it from afar. But, you know, I don't know that the probate courts would love to have the new responsibility of doing annual reviews of it, but the fact of the matter is if somebody left \$2 million in a trust for an animal and the trustee started taking \$200,000 a year commissions for the administration of that trust, I suspect most people would consider that to be excessive as a



trustee, but there is no way to check that. That's been one of my problems with this concept in the past. Do you have any answers for that?

SEN. BOUCHER: Well, I think that you raise an important point. The idea of placing limits ahead of time might be a good thing in that regard. I don't know how you can, unless there was a third party in the family that would say first of all that the pet was not being taken care of, that it had a premature death, so to speak, and the resources weren't being used where they were appropriately designated for, and in addition that something would be excessive. But your first point on leaving that up to either the judgment of the court at the start of this, or certainly it would have to change depending on the kind of animal you are talking about. I can't imagine you use the same ceiling unless that is your intent for every pet that is designated. For example, a family cat versus a family horse or an animal that would live on to a good deal of time. It is a very subjective area, you know what we might consider reasonable maybe very different to someone with a great deal of need. I think you raised some valid points. I think -- this does exist in other places. It would be good to look into how this has been implemented and what the experience has been in other states. But I think that at least we should have a minimal amount of capability to provide for these circumstances for individuals with domestic pets.

SEN. MCDONALD: Okay, I mean -- I certainly understand the need for creating some type of situation of the care of pets. I am not convinced that this framework is going to do it, but I am certainly willing to work with

folks to see if we can come up with some answers to some of these thorny issues.

Thank you very much.

SEN. BOUCHER: Thank you for your questions.

SEN. FOX: Thank you, Senator McDonald.

Representative Hetherington.

REP. HETHERINGTON: Thank you, Mr. Chairman. Toni, thank you for all you've done on this. I did want to ask you, though, in view of Chairman McDonald's questions which were good ones, I just call your attention to Subdivision C, and it says that the trust may appoint a person to be in effect the overseer of the trust and that person may have the ability to -- that person would have the ability to ask the court to take corrective action if there is abuse by the trustee or the trust provision has not been carried out. So, and the court may on its own appoint someone to be an overseer.

SEN. BOUCHER: Right, taken into consideration some of those issues that we just posed about whether the intent was being carried out properly, I think yes it is in this particular language that has been in many ways taken from other existing laws in other states but I do believe that the Chairman did raise a very valid point about then this would then create additional work on the part of our court system and that's a matter of considering whether this is valid enough and important enough to pursue this. Now in my view it is. In many people's view it is when they consider that they have a valued pet that they consider less a pet and more a member of the family, and certainly in many cases they would want to pursue this. But then it's open to each individual family. But

the point has been raised that it would cause from additional work on a part of the court system and maybe the fees associated with it would reflect that additionally.

REP. HETHERINGTON: Do you see the opportunity in "C" for the greater of the trust, or the trust, to appoint a person to be, I hate to use the word enforcer, (laughter) but I suppose that is, to oversee -- as some extent responding to that concern and I would also, if you'd look at Subdivision D, I mean I know you have, but which gives the court expressed power to reduce the amount of the trust if it's excessive and more than necessary to.

SEN. BOUCHER: And it does say here exactly and I believe the Chairman probably did not have the benefit of having this in front of him. But you're right in exactly the third line, the value of the trust property exceeds the amount required for its intended use. But again that's a matter for interpretation, I believe. It could be the intended use to what level of comfort do they want to leave their pet in. And I'm sure that's where I think the Leona Helmsey might come to light. But, yes I think they have tried to identify some of those potential issues or concerns and.

REP. HETHERINGTON: Okay, thank you. Well, we've got to be comfortable with these solutions to these issues, after all we don't want to be barking up the wrong tree (laughter).

SEN. BOUCHER: Exactly. Thank you. As always your great wit is much appreciated.

REP. HETHERINGTON: Thank you, Mr. Chair.

REP. FOX: Thank you. Are there any other questions?

SANDRA SHERLOCK-WHITE: Thank you.

REP. FOX: Next is Veronica Halpine, followed by Suzanne Brown-Walsh, followed by Royal Stark.

VERONICA HALPINE: Thank you, Representative Fox and the members of the committee. This committee defines public service to me and I am very grateful for the work you do for protecting the citizens of this state.

There are a number of bills I am here to testify in support of, the transfer of the contested cases to the Superior Court, to the abolishment of the guardian ad litem and conservatorship proceedings. I am in support of the governor's efforts to consolidate this state and to do it now, the probate courts in the state. I support her proposition to consolidate them according to the senate districts. I am in opposition to Senate Bill 576, which is a uniform probate jurisdiction act, and I am in opposition to Judge Knierim's Section 12 of his Bill 6027, which would allow Superior Court judges to remand cases that have been taken on appeal to the Superior Court back to probate, that in my mind would be a living hell. I -- we have heard people speak today about the need to consolidate to increase professionalism of the courts. Professionalism is a kinder work than I would use for what is going on in these courts. Additionally, when we speak to maintaining the relationship that these courts have with your community, I would look around us to see the devastation that these courts have caused the citizens of this state and I would submit to you that there are many, many people that are not enamored with the relationship they are forced to have with these courts. I had the opportunity to attend a seminar at UCONN Medical Center several years

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ms JUDICIARY COMMITTEE

March 9, 2009  
10:00 A.M.

matter heard based on location, but it can only be in place for 90 days and after that it lends clarity. Widespread passage of the act would, therefore, result in significant judicial economy, it would reduce waste for litigation and it would conserve the incapacitated persons affect. And quickly, let me please mention that the Bar of the Estates and Probate section has submitted testimony in favor of raised Bill 650, which is the Pet Trust Bill. We did work with Senator Boucher, Representative Hetherington and Representative Morin on that and so I want to commend you to Peter Matz' written testimony in support of that.

I would be happy to answer any questions.

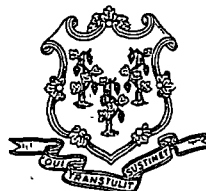
REP. FOX: Thank you very much. Are there questions? If not, thank you.

SANDRA SHERLOCK-WHITE: Thank you, Representative Lawlor.

REP. LAWLOR: Next is Royal Stark. Mr. Stark will be followed by Judith Hoberman and Dee King.

ROYAL STARK: Good afternoon, Chairman Lawlor, members of the Committee. It's my privilege to be here and speak with you today about a number of provisions on today's agenda. I am -- my name is Royal Stark, I am an attorney with Connecticut Legal Services. I am also a member of the Conservator Revision Committee. It was my privilege to serve with Judge Killian and to draft the language that became Public Act 07-116. I would be happy to answer any questions that talk about what we did in that committee to deal with the issue that the Uniform Jurisdiction Act seeks to deal with, but I'm not going to go into it right now because I have a lot of thinks I want to talk about. The official position of Legal Services is to slow

SB576  
HB6027



## State of Connecticut

### SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

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**ASSISTANT MINORITY LEADER**

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SELECT COMMITTEE ON CHILDREN

**MEMBER**  
EDUCATION COMMITTEE  
FINANCE, REVENUE AND BONDING COMMITTEE

March 9, 2009

Chairman Andrew McDonald; Chairman Michael Lawlor, Ranking Member John Kissel, Ranking Member Arthur O'Neill and other distinguished Members of the Joint Committee on Judiciary

Thank you for the opportunity to provide testimony in support of ***SB No. 650 AN ACT CONCERNING THE CREATION OF TRUSTS FOR THE CARE OF DOMESTIC ANIMALS***

Many Connecticut residents invest a great deal in the care of their pets and consider them like their human loved ones. There is research that shows pets can extend a persons life, help victims recover from tragedy or abuse, provide companionship for those that have lost a loved one and generally improve the quality of one's life. There are now more childless couples and an older population who are increasingly attached to their pets. As one of my constituents noted, "pets are essential to my life – just as friends, family, and spouses are. They embody every aspect of each of these."

The question of who cares for a pet after they are gone is troubling to many pet owners. Pet owners are seeking a process to ensure their pets are not neglected abandoned or euthanized if they die before their domestic animals do. Some pets, like parrots, can live for 40 to 80 years. If a pet owner becomes ill, incapacitated or dies, decisions should be made ahead to provide a pet with food and water, shelter, veterinary care, and companionship. To ensure that a beloved pet will continue to receive care, it's critical to plan ahead. Pet ownership is a responsibility, and this proposal allows pet owners to make plans for carrying out that responsibility in the event that their pets survive them

Although the residents who contacted me feel strongly that they would like assistance in their effort to secure their pet's health/well-being after they are gone, many other pets are too often forgotten when the owner dies. These loyal companions may become abandoned, neglected and even put to sleep. By approving this proposal we will be highlighting this issue and call the public's attention to the need for providing, at the minimum, the basics for the care and feeding of an orphaned family pet.

I ask the Joint Committee on Judiciary to unanimously approve the measure before you. We should follow the example of states like Rhode Island and make sure we have a law on the books that spells out what pet owners can do to protect, and provide for, their pets when they are no longer able to do so

In addition, I have provided the Joint Committee on Judiciary substitute language for SB 650, and I ask you to incorporate this language into SB 650 when considering this proposal.

Thank you for your thoughtful and careful consideration, and I am prepared to answer any question you may have.

**TESTIMONY OF CLAUDIA A. WEBER TO THE JUDICIARY COMMITTEE, MARCH 9, 2009.**

Senator MacDonald, Representative Lawlor, members of the Judiciary Committee:

I am speaking in favor of **SB650 An Act Concerning Trusts for Domestic Animals** and can speak to this issue from several unique and personal perspectives.

First, I have a background in government and appreciate the duties and responsibilities imposed upon our public officials. I am currently, and have been for the past 12 years, the Town Clerk for the Town of New Canaan and have previously worked at various levels of Federal, State and local government.

Second, in 1983, when two elderly people perished in a fire along with 20 of their 40 cats, there were no agencies or rescue groups to help. As a result, I shortly thereafter, founded Strays & Others, Inc., a volunteer-run 501(c)(3) charity which has been committed to the rescue and responsible placement of homeless and abandoned animals for the past 24 years. I still serve as its Executive Director and President and was recently honored by the American Red Cross of Lower Fairfield County for my work in this field. During the past two and a half decades, we have rescued and placed nearly 4300 animals and have assisted thousands of people and pets who required our help. We reach out to, and represent, thousands of people who care about animals through out Fairfield County.

Countless times Strays & Others has been called upon by a relative of a decedent who will ask us to take an animal left behind through the death of an owner. Numerous other times, we have also been contacted because the pet's owner, or guardian, had to go into a nursing home and there were no provisions made for the animal left behind. This has placed an unfair burden on many nonprofit rescue organizations because no funding had ever been set aside for these once beloved pets and relatives aren't legally obligated to carry out their wishes.

We have also witnessed cases where provisions have been made in a Will, but the person who was given the task of caring for the animal did not hold up their end of the bargain, and the decedents' pets were either abandoned or tossed away with little regard of what happened to them. This is a frightening thought for many of us.

Third, I also live with my own companion animals, and I care very much what happens to them if I were to die or become incapacitated. Without the legal ability to create a trust for the benefit of my pets, I have no way of guaranteeing that they will be able to continue to live in a manner consistent with my belief systems or that they will even remain alive at all.

The Katrina hurricane taught us much more than just about levees and government bureaucracy. It made us all, as a nation, become aware and willing to accept that companion animals are no longer considered to be property; they are considered to be family members, and people will go to great lengths to protect them.

As elected officials, we are called upon to represent our constituents and do what's best for the public good. **I urge you to support SB650.** I applaud State Senator Toni Boucher and State Representative John Hetherington for their efforts and support and the members of this committee for their consideration of such important legislation. And I assure you that the majority of the electors and residents of Connecticut want this Bill to be passed without delay.

Thank you.



Claudia A. Weber, 523 Main Street, New Canaan, CT 06840

**Trust for care of animals.** - (a) A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates upon the death of the animal, or if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime upon the death of the last surviving animal.

(b) Except as provided in this section, the provisions of the general laws which govern the creation and administration of express trusts applies to the trust for the care of an animal.

(c) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove the appointed person. The appointed person shall have the rights of a trust beneficiary for the purpose of enforcing the trust, including receiving accountings, notices, and other information from the trustee and providing consents.

(d) Trust property, subject to usual expenses including trust funds and commissions, may be applied only to its intended uses, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Property not required for the intended use, including the trust property remaining upon its termination, shall be distributed in the following order of priority:

- (1) As directed by the terms of the trust;
- (2) To the settler, if then living;
- (3) Pursuant to the residuary clause of the settlor's will;
- (4) To the settlor's heirs in accordance with the Connecticut general laws on descent and distribution.

(e) If a trustee is not designated or designated trustee is not willing or able to serve, the probate court shall name a trustee; a court may order the transfer of the property to another trustee, if the court makes a factual finding that it is necessary to assure the intended use is carried out and if a successor trustee is not designated in the trust instrument or if a designated trustee does not agree to serve or is unable to serve.





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**Testimony of Peter Mott  
Estates and Probate Section  
Connecticut Bar Association**

**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.



March 5, 2009

The Honorable Andrew J. McDonald and  
The Honorable Michael P. Lawlor  
Connecticut General Assembly  
Judiciary Committee


Dear Co-CHAIRS,

I am writing on behalf of the Connecticut Dog Federation [CDF]. It is a statewide organization consisting of thirty-seven Kennel Clubs recognized by the American Kennel Club. We have a membership of over fifteen hundred Connecticut voters and their families. Our members are pet owners, dog breeders, dog judges, dog handlers, dog exhibitors and veterinarians. Please note our support to Bill #650 and proposed Bill 5246 concerning the creation of trust funds for the care of domestic animals

Some people have strong emotional feelings for their animals. Many times they are substitutes for the children we were unable to have and nurture. Should we not be able to go to our final resting-place with the peace of mind knowing that those animals left behind will be well taken care of?

Please support these bills.

Sincerely

  
Edward F. Lyons  
Treasurer CDF  
Legislative liaison member