Caregiver, Guardian & Trustee Coordination Notes

Educational Resource for Attorneys

An educational reference to assist attorneys in distinguishing the respective responsibilities of caregivers, guardians, and trustees when discussing family animal planning with clients. Terminology and legal authority vary by jurisdiction. Attorneys should apply the terminology and legal framework recognized in the applicable state.

Purpose

Family animal planning often involves multiple individuals serving different functions. Clients frequently assume that one person will handle every aspect of their family animal's future care; however, effective planning may assign separate responsibilities to different individuals.

This guide provides a practical framework for discussing these roles and coordinating them within a comprehensive estate plan.

Important Terminology

The terms caregiver, guardian, and trustee are often used interchangeably in everyday conversation, but they generally describe distinct responsibilities.

State law may define or recognize these roles differently. Attorneys should use terminology consistent with the governing jurisdiction and the client's planning documents.

Role Overview

The following overview summarizes the primary responsibilities typically associated with each role:

Role	Primary Responsibility
Caregiver	Provides the day-to-day care of the family animal.
Guardian	Individual designated by the client to assume long-term responsibility for the family animal after death or incapacity, subject to applicable law.
Trustee	Manages trust assets and distributes funds in accordance with the governing trust instrument and applicable law.

Caregiver Responsibilities

A caregiver typically assumes responsibility for the family animal's daily needs. Examples include:

- Feeding
- Medication administration
- Exercise
- Grooming

- Transportation
- Veterinary appointments
- Daily supervision
- Behavioral enrichment
- Socialization

The caregiver may serve temporarily or permanently depending upon the client's circumstances.

Guardian Responsibilities

Depending upon applicable law and the client's planning documents, a guardian may:

- Accept responsibility for long-term care.
- Coordinate veterinary treatment.
- Maintain continuity of the client's care preferences.
- Make housing and placement decisions.
- Communicate with family members.
- Coordinate with the trustee regarding expenses.
- Arrange successor care if necessary.

> ***Practice Note:*** *The legal effect of a "guardian" designation for family animals varies by jurisdiction. Attorneys should evaluate applicable state law when advising clients.*

Trustee Responsibilities

Where a trust exists, the trustee's responsibilities generally relate to financial administration rather than direct daily care. Responsibilities may include:

- Managing trust assets.
- Approving distributions.
- Paying approved expenses.
- Maintaining financial records.
- Monitoring expenditures.
- Communicating with caregivers.
- Preparing accountings when required.
- Administering the trust according to its governing terms.

The trustee is not necessarily expected to provide direct care.

One Person or Multiple People?

Clients frequently ask whether one individual should serve in all roles. There is no universally correct answer.

Some clients prefer:

- One trusted individual serving as caregiver, guardian, and trustee.

Others prefer:

- A caregiver providing daily care.
- A separate trustee managing funds.
- Additional successor caregivers or trustees.

The appropriate structure depends upon the client's family, finances, relationships, and planning objectives.

Factors to Discuss

Attorneys may wish to discuss:

- Willingness to serve
- Experience with the family animal
- Ability to manage trust assets
- Potential conflicts of interest
- Long-term availability
- Geographic proximity
- Financial responsibility
- Family dynamics
- Successor appointments

Coordination with Estate Planning Documents

Role designations should be reviewed for consistency with:

- Last Will and Testament
- Irrevocable Trust
- Durable Financial Power of Attorney
- Emergency Care Authorization
- Revocable Trust
- Family Animal Trust
- Letters of Instruction
- Temporary Care Agreements

Consistency among planning documents helps reduce ambiguity and improve administration.

Attorney Discussion Checklist

- ☐ Identify the proposed caregiver.
- ☐ Identify the proposed long-term guardian.
- ☐ Identify the proposed trustee.
- ☐ Discuss successor appointments.
- ☐ Review financial responsibilities.
- ☐ Review decision-making authority.
- ☐ Coordinate all planning documents.

- ☐ Discuss practical administration.
- ☐ Confirm willingness of each proposed individual to serve.

Educational Disclaimer

This publication is provided by PawsinTrust™ solely for educational purposes. It is intended to assist attorneys in discussing organizational roles associated with family animal planning. It is not legal advice, does not create an attorney-client relationship, and should not be relied upon as a substitute for independent legal judgment. Attorneys should adapt all planning recommendations and documents to the governing law of the applicable jurisdiction and the unique circumstances of each client.