

1 AN ACT concerning companion animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Companion
5 Animal Custody Equity Act.

6 Section 5. Findings; purpose. The General Assembly finds
7 that:

8 (1) Companion animals often occupy a unique role
9 within households that is not fully reflected in existing
10 statutory frameworks governing possession disputes.

11 (2) Current Illinois law permits courts to consider
12 the well-being of a companion animal primarily within
13 dissolution of marriage proceedings.

14 (3) In disputes involving unmarried parties, courts
15 may lack explicit statutory guidance to evaluate
16 caregiving history or animal welfare.

17 (4) Providing courts with limited discretion to
18 consider such factors promotes consistency, clarity, and
19 fairness in judicial decision-making.

20 (5) The purpose of this Act is to provide courts with
21 guidance when resolving possession disputes involving
22 companion animals while preserving existing property law
23 principles.

1 Section 10. The Code of Civil Procedure is amended by
2 changing Section 19-101 and by adding Sections 19-106.5 and
3 19-130 as follows:

4 (735 ILCS 5/19-101) (from Ch. 110, par. 19-101)

5 Sec. 19-101. When brought.

6 (a) Whenever any goods or chattels have been wrongfully
7 distrained, or otherwise wrongfully taken or are wrongfully
8 detained, an action of replevin may be brought for the
9 recovery of such goods or chattels, by the owner or person
10 entitled to their possession.

11 (b) When the property at issue is a companion animal,
12 "companion animal" means an animal that is commonly considered
13 to be, or is considered by the owner to be, a pet. "Companion
14 animal" includes, but is not limited to, canines, felines, and
15 equines.

16 (c) "Parties" in an action in replevin concerning
17 companion animals includes domestic partners, former partners,
18 cohabitants, fiances, or roommates if shared responsibility
19 for the care of the companion animal can be demonstrated.

20 (Source: P.A. 82-280.)

21 (735 ILCS 5/19-106.5 new)

22 Sec. 19-106.5. Temporary possession. When a companion
23 animal is the subject of an action of replevin, at the

1 initiation and pendency of a dispute, a court, exercising
2 discretion set forth in Section 19-130, may issue temporary
3 possession or caregiving orders, including limited visitation,
4 if necessary to reduce stress or disruption to the companion
5 animal. Section 19-106 applies in matters concerning companion
6 animals if the court finds as a matter of record and supported
7 by evidence that summary seizure of the property is justified
8 by reason of necessity as set forth in paragraphs (1) through
9 (5) of Section 19-106.

10 (735 ILCS 5/19-130 new)

11 Sec. 19-130. Companion animals.

12 (a) Judicial determinations. In a possession dispute
13 involving a companion animal, a court may consider the
14 well-being of the companion animal regardless of the legal
15 status of the parties. In exercising discretion, the court may
16 evaluate relevant evidence, including, but not limited to, the
17 following:

18 (1) History of daily caregiving responsibilities.

19 (2) Feeding, grooming, veterinary, and training
20 involvement.

21 (3) Financial contributions related to the animal's
22 care.

23 (4) Emotional bonds between the animal and each party.

24 (5) Stability and continuity of the animal's living
25 environment.

1 (6) Safety considerations and past conduct affecting
2 the animal.

3 (7) Credible witness testimony.

4 (8) Age and physical or behavioral vulnerability of
5 the animal.

6 (9) Continuity of routine and care.

7 (10) Ownership documentation, but this may not be
8 determinative on its own.

9 (11) For companion animals 10 years of age or older,
10 courts may give additional consideration to factors,
11 including continuity of environment, emotional stability,
12 stress minimization, and maintenance of established
13 routines.

14 (b) Mediation. A court may, if appropriate, order
15 mediation between the parties to resolve issues related to
16 companion animal possession.