

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.