

1 AN ACT in relation to trusts.

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

4 Section 5. The Trusts and Trustees Act is amended by  
5 adding Section 15.2 as follows:

6 (760 ILCS 5/15.2 new)

7 Sec. 15.2. Trusts for domestic or pet animals.

8 (a) A trust for the care of one or more designated  
9 domestic or pet animals is valid. The trust terminates when  
10 no living animal is covered by the trust. A governing  
11 instrument shall be liberally construed to bring the transfer  
12 within this Section, to presume against a merely precatory or  
13 honorary nature of its disposition, and to carry out the  
14 general intent of the transferor. Extrinsic evidence is  
15 admissible in determining the transferor's intent.

16 (b) A trust for the care of one or more designated  
17 domestic or pet animals is subject to the following  
18 provisions:

19 (1) Except as expressly provided otherwise in the  
20 instrument creating the trust, no portion of the  
21 principal or income of the trust may be converted to the  
22 use of the trustee or to a use other than for the trust's  
23 purposes or for the benefit of a covered animal.

24 (2) Upon termination, the trustee shall transfer  
25 the unexpended trust property in the following order:

26 (A) as directed in the trust instrument;

27 (B) if there is no such direction in the trust  
28 instrument and if the trust was created in a  
29 non-residuary clause in the transferor's will, then  
30 under the residuary clause in the transferor's will;

31 or

1                   (C) if no taker is produced by the application  
 2                   of subparagraph (A) or (B), then to the transferor's  
 3                   heirs, determined according to Section 2-1 of the  
 4                   Probate Act of 1975.

5                   (3) The intended use of the principal or income may  
 6                   be enforced by an individual designated for that purpose  
 7                   in the trust instrument or, if none, by an individual  
 8                   appointed by a court having jurisdiction of the matter  
 9                   and parties, upon petition to it by an individual.

10                   (4) Except as ordered by the court or required by  
 11                   the trust instrument, no filing, report, registration,  
 12                   periodic accounting, separate maintenance of funds,  
 13                   appointment, or fee is required by reason of the  
 14                   existence of the fiduciary relationship of the trustee.

15                   (5) The court may reduce the amount of the property  
 16                   transferred if it determines that the amount  
 17                   substantially exceeds the amount required for the  
 18                   intended use. The amount of the reduction, if any, passes  
 19                   as unexpended trust property under paragraph (2).

20                   (6) If a trustee is not designated or no designated  
 21                   trustee is willing and able to serve, the court shall  
 22                   name a trustee. The court may order the transfer of the  
 23                   property to another trustee if the transfer is necessary  
 24                   to ensure that the intended use is carried out, and if a  
 25                   successor trustee is not designated in the trust  
 26                   instrument or if no designated successor trustee agrees  
 27                   to serve and is able to serve. The court may also make  
 28                   other orders and determinations as are advisable to carry  
 29                   out the intent of the transferor and the purpose of this  
 30                   Section.

31                   (7) The trust is exempt from the operation of the  
 32                   common law rule against perpetuities.