

AN ACT concerning companion animals.

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

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

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

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

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

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

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

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

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

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

Sec. 19-101. When brought.

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

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

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

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

(735 ILCS 5/19-106.5 new)

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

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

(735 ILCS 5/19-130 new)

Sec. 19-130. Companion animals.

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

(1) History of daily caregiving responsibilities.

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

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

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

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

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

(7) Credible witness testimony.

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

(9) Continuity of routine and care.

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

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

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