



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4540

Introduced 1/30/2026, by Rep. Barbara Hernandez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Companion Animal Custody Equity Act. Provides that in a possession dispute involving a companion animal, a court may consider the well-being of the companion animal regardless of the marital status of the parties. "Companion animal" means a domesticated dog or cat that resides in a household. Authorizes the court to issue temporary possession or caregiving orders, including limited visitation, if necessary to reduce stress or disruption to the companion animal. Provides that 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. Provides that a court may, if appropriate, order mediation between the parties to resolve issues related to companion animal possession.

LRB104 17489 JRC 30915 b

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. Short title. This Act may be cited as the  
5 Companion Animal Custody Equity Act.

6 Section 5. Legislative 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. Definitions. As used in this Act:

2 "Companion animal" means a domesticated dog or cat that  
3 resides in a household.

4 "Parties" includes spouses, domestic partners, former  
5 partners, cohabitants, fiancés, or roommates if shared  
6 responsibility for the care of the companion animal can be  
7 demonstrated.

8 Section 15. Judicial determinations. In a possession  
9 dispute involving a companion animal, a court may consider the  
10 well-being of the companion animal regardless of the marital  
11 or legal status of the parties. In exercising discretion, the  
12 court may evaluate relevant evidence, including, but not  
13 limited to, the following:

14 (1) History of daily caregiving responsibilities.

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

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

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

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

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

24 (7) Credible witness testimony.

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

3           (9) Continuity of routine and care.

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

6           Section 20. Temporary possession orders. During the  
7           pendency of a dispute, a court may issue temporary possession  
8           or caregiving orders, including limited visitation, if  
9           necessary to reduce stress or disruption to the companion  
10          animal.

11          Section 25. Senior animal consideration. For companion  
12          animals 10 years of age or older, courts may give additional  
13          consideration to factors including continuity of environment,  
14          emotional stability, stress minimization, and maintenance of  
15          established routines.

16          Section 30. Mediation. A court may, if appropriate, order  
17          mediation between the parties to resolve issues related to  
18          companion animal possession.