



Rep. Barbara Hernandez

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10400HB4540ham001

LRB104 17489 JRC 36345 a

1 AMENDMENT TO HOUSE BILL 4540

2 AMENDMENT NO. _____. Amend House Bill 4540 by replacing
3 everything after the enacting clause with the following:

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.

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

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

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

11 (735 ILCS 5/19-101) (from Ch. 110, par. 19-101)

12 Sec. 19-101. When brought.

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

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

23 (c) "Parties" in an action in replevin concerning
24 companion animals includes domestic partners, former partners,

1 cohabitants, fiances, or roommates if shared responsibility
2 for the care of the companion animal can be demonstrated.

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

4 (735 ILCS 5/19-106.5 new)

5 Sec. 19-106.5. Temporary possession. When a companion
6 animal is the subject of an action of replevin, at the
7 initiation and pendency of a dispute, a court, exercising
8 discretion set forth in Section 19-130, may issue temporary
9 possession or caregiving orders, including limited visitation,
10 if necessary to reduce stress or disruption to the companion
11 animal. Section 19-106 applies in matters concerning companion
12 animals if the court finds as a matter of record and supported
13 by evidence that summary seizure of the property is justified
14 by reason of necessity as set forth in paragraphs (1) through
15 (5) of Section 19-106.

16 (735 ILCS 5/19-130 new)

17 Sec. 19-130. Companion animals.

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

24 (1) History of daily caregiving responsibilities.

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

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

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

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

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

10 (7) Credible witness testimony.

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

13 (9) Continuity of routine and care.

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

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

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