

LEGISLATIVE GUIDE · 104th Illinois General Assembly

Illinois HB4540 Companion Animal Custody Equity Act

A Guide for Pet Owners, Advocates, and Legislators

Chief House Sponsor: Rep. Barbara Hernandez

Chief Senate Sponsor: Sen. Linda Holmes

Status: Passed House 072-038-000 (4/14/2026); assigned to Senate Judiciary (4/28/2026)

Document date: May 1, 2026 · Bill status: pending in the Senate

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Important note

About this guide

This guide is an educational and advocacy resource prepared by Rosie's Law Initiative. It is not a substitute for advice from a licensed Illinois attorney about a specific legal matter.

Bill status snapshot

As of May 1, 2026, HB4540 is pending in the Illinois General Assembly. It passed the Illinois House on April 14, 2026 by a vote of 072–038–000 and was assigned to the Senate Judiciary Committee on April 28, 2026¹. A Senate Judiciary hearing was scheduled for May 6, 2026 at 3:30 PM, Capitol 400, Springfield, IL¹. Bills change — for the latest activity and the most recent engrossed text, see the ILGA bill page¹ and the engrossed PDF².

Executive summary

House Bill 4540, the proposed Companion Animal Custody Equity Act, would amend the Replevin Article of the Illinois Code of Civil Procedure to give Illinois courts explicit guidance when resolving possession disputes over pets and other companion animals between unmarried parties². Under current Illinois law, courts may consider the well-being of a companion animal in marital property allocation under 750 ILCS 5/503(n)³, but there is no parallel statutory standard for disputes between domestic partners, former partners, cohabitants, fiancés, or roommates pursued through replevin⁴.

If enacted as currently engrossed, HB4540 would: (1) make companion animals expressly subject to the Replevin Article; (2) define eligible "parties" to include unmarried partners and roommates where shared responsibility for the animal can be demonstrated; (3) authorize courts to issue temporary possession or caregiving orders — including limited visitation — to reduce stress or disruption to the animal during litigation; (4) provide a non-exclusive list of factors a court may weigh in deciding possession, including caregiving history, financial contributions, emotional bonds, safety, stability, witness testimony, and the animal's age and vulnerability; and (5) allow courts to order mediation between the parties².

The bill preserves traditional property law principles — companion animals remain property under Illinois replevin — while adding welfare-informed discretion that is consistent with the approach Illinois already takes in divorce proceedings³.

What HB4540 does, in plain language

HB4540 is a short, focused bill. It updates a part of Illinois civil procedure called replevin — the legal action used to recover personal property someone is wrongfully holding⁴. Today, replevin treats a pet the same as any other piece of personal property. HB4540 keeps that property framework, but tells judges they may look at the animal's well-being and the parties' caregiving history when deciding who gets the pet².

The bill in five points

- Companion animals are covered. A "companion animal" is any animal commonly considered, or considered by the owner, to be a pet — including but not limited to dogs, cats, and horses².
- Unmarried parties are covered. The bill expressly recognizes domestic partners, former partners, cohabitants, fiancés, and roommates as eligible parties when shared responsibility for the animal's care can be shown².
- Temporary possession orders. A court may issue temporary possession or caregiving orders — including limited visitation — during the case if necessary to reduce stress or disruption to the animal².
- Welfare-informed factors. The court may consider a non-exclusive list of factors centered on the animal's well-being, with extra weight permitted for animals 10 years of age or older².
- Mediation. Where appropriate, the court may order mediation between the parties².

What gap in current Illinois law does HB4540 address?

Under 750 ILCS 5/503(n)³, when a couple divorces and a court finds the companion animal is a marital asset, the court must allocate sole or joint ownership and responsibility for the animal and shall take into consideration the well-being of the companion animal. That standard, however, lives inside the Illinois Marriage and Dissolution of Marriage Act and applies to married parties going through dissolution.

Outside marriage, disputes over a pet typically proceed under the Replevin Article of the Code of Civil Procedure, beginning at 735 ILCS 5/19-101⁴. Replevin is designed for goods and chattels — things — and gives courts no explicit statutory instruction to weigh caregiving history, emotional bonds, or animal welfare. That gap leaves unmarried partners, fiancés, cohabitants, and roommates with a property-only framework that secondary commentators note can be dominated by purchase records and expense documentation⁶.

What this means in practice

Two people who lived together for five years and jointly raised a dog generally do not have access to the well-being analysis available to married couples — even though their bond with the animal, and the animal's bond with them, may be indistinguishable from a married household. HB4540 is designed to close that unmarried-party gap inside the existing replevin framework².

How HB4540 would amend Illinois replevin law

HB4540, as engrossed, makes three structural changes to the Replevin Article of the Code of Civil Procedure (735 ILCS 5/19-101 et seq.)²:

1. Amends 735 ILCS 5/19-101 (When brought)

The bill keeps the existing first sentence — replevin is a civil action to recover goods or chattels wrongfully taken or detained⁴ — and then adds two new subsections specific to companion animals:

- Subsection (b) defines "companion animal" as an animal commonly considered to be, or considered by the owner to be, a pet, including but not limited to canines, felines, and equines.
- Subsection (c) defines "parties" to include domestic partners, former partners, cohabitants, fiancés, or roommates if shared responsibility for the care of the companion animal can be demonstrated.

2. Adds 735 ILCS 5/19-106.5 (Temporary possession)

This new section authorizes a court — at the initiation and pendency of a replevin dispute involving a companion animal, and exercising its discretion under the new Section 19-130 — to issue temporary possession or caregiving orders, including limited visitation, if necessary to reduce stress or disruption to the animal. It also cross-references the existing notice-exception standard in 735 ILCS 5/19-106⁵: summary seizure of a companion animal remains available only when the court finds, as a matter of record and supported by evidence, that necessity is established under paragraphs (1) through (5) of Section 19-106 (e.g., imminent destruction, removal from the State, perishability, fraudulent transfer, or theft)⁵.

3. Adds 735 ILCS 5/19-130 (Companion animals)

This is the heart of the bill. It permits a court to consider the well-being of a companion animal regardless of the legal status of the parties, lists eleven non-exclusive factors the court may evaluate, and authorizes mediation where appropriate². The factors are detailed in the next section.

Court-consideration factors under proposed § 19-130

Proposed § 19-130(a) provides a non-exclusive list of factors a court may weigh in a possession dispute involving a companion animal. The list is welfare-informed and flexible — courts are permitted, not required, to consider these factors².

#	Factor	What it means in practice
1	Daily caregiving history	Who has handled the day-to-day care: walks, feeding times, litter, household routines.

#	Factor	What it means in practice
2	Feeding, grooming, veterinary, and training involvement	Specific care domains — buying food, grooming appointments, vet visits, training classes.
3	Financial contributions	Money spent on the animal: food, supplies, vet bills, boarding, insurance, training.
4	Emotional bonds	The mutual attachment between the animal and each party.
5	Stability and continuity of living environment	Which household offers a stable home, including space, other animals, and household members.
6	Safety considerations and past conduct	Past conduct affecting the animal, including any history of harm, neglect, or unsafe handling.
7	Credible witness testimony	Testimony from neighbors, vets, trainers, friends, or others with first-hand knowledge.
8	Age and physical or behavioral vulnerability	Whether the animal is young, elderly, medically fragile, anxious, or otherwise vulnerable.
9	Continuity of routine and care	Whether one household can preserve established routines (feeding times, walks, sleeping arrangements).
10	Ownership documentation (not determinative alone)	Adoption papers, microchip registration, license, and bills of sale — relevant but not dispositive on their own.
11	Animals 10 years of age or older — added consideration	For senior animals, courts may give additional weight to continuity of environment, emotional stability, stress minimization, and maintenance of established routines.

Senior-animal note

Factor 11 reflects a recognition that older companion animals are often more sensitive to changes in environment, household composition, and routine. In disputes involving animals 10 years of age or older, judges are expressly invited to give additional weight to continuity, emotional stability, stress minimization, and routine².

Suggested evidence checklist for pet owners

If HB4540 is enacted, the following kinds of evidence are likely to map onto the court-consideration factors in proposed § 19-130. This list is illustrative — facts and admissibility vary by case. Consult counsel about what to gather and how to present it.

Factor area	Examples of evidence
Caregiving & routine	Daily logs or calendars of walks, feedings, medications Photos and short videos of routine care Schedules showing who was home with the animal
Feeding, grooming, veterinary, training	Vet records and invoices (with the caregiver named) Grooming appointments and receipts Training class enrollment and completion records Pharmacy / prescription records for the animal
Financial contributions	Bank or card statements showing pet expenses Pet insurance policies and premiums Receipts for food, supplies, boarding, daycare
Emotional bonds & stability	Photos and videos over time Statements from family, neighbors, dog walkers, vets, trainers Description of household, yard, sleeping arrangements
Safety & past conduct	Animal-control or police reports, if any Vet records noting injuries or untreated conditions Communications (texts, emails) referencing the animal
Ownership documentation	Adoption contract or bill of sale Microchip registration in caregiver's name City or county pet license Rabies tag and tag-renewal records Note: documentation alone is not determinative.
Senior-animal continuity (age 10+)	Established routines (feeding times, medication schedule) Familiar surroundings (bed, yard, neighborhood) Vet's statement about stress sensitivity

Real-world examples of how the bill could apply

These examples are illustrative and based on the engrossed text of HB4540. They are not predictions of how a particular court would rule².

Example 1 — Cohabiting partners separating

Two unmarried partners adopt a dog together and share its care for four years. When they split up, both want to keep the dog. Today they would generally proceed as a property dispute under replevin⁴. Under HB4540, the court could expressly weigh daily caregiving history, vet records, financial contributions, emotional bonds, and the stability of each household, while still treating ownership documents as relevant but not determinative².

Example 2 — Roommates and a shared cat

Two roommates jointly care for a cat for three years. One roommate moves out and takes the cat. The remaining roommate sues for the cat's return. Proposed § 19-101(c) expressly recognizes roommates as eligible parties where shared responsibility for the animal can be demonstrated, so the court could apply the welfare-informed factors rather than relying solely on receipts or whose name is on the adoption record².

Example 3 — A 13-year-old dog with a fixed routine

A senior dog has lived in the same home, with the same medication schedule, neighborhood walks, and elevated bed for years. In a possession dispute, factor 11 invites the court to give additional consideration to continuity of environment, emotional stability, stress minimization, and maintenance of established routines, on top of the general factors².

Example 4 — Safety concern from past conduct

One party documents that the other has previously left the animal without food or water during multi-day trips, or has handled it roughly. Factor 6 expressly invites the court to consider safety and past conduct affecting the animal, alongside the other factors and any credible witness testimony under factor 7².

Example 5 — Temporary possession or caregiving order

Litigation will take months. Under proposed § 19-106.5, the court may, at the initiation and pendency of the dispute, issue a temporary possession or caregiving order — including limited visitation — if necessary to reduce stress or disruption to the animal. Summary seizure remains available only when the existing § 19-106 necessity standard is met on the record⁵.

Example 6 — Court-ordered mediation

Where the parties' disagreement is narrow — for example, scheduling visitation or splitting vet costs during litigation — proposed § 19-130(b) authorizes the court to order mediation, which can be faster, cheaper, and less stressful for the animal than continued contested litigation².

Advocacy talking points

For pet owners and advocates

- Document caregiving day-to-day. A simple shared calendar of feedings, walks, vet appointments, and grooming creates a record judges can use against the proposed factor list.
- Keep financial records in your own name. Vet bills, food, insurance, daycare, and training paid from your account map directly onto factor 3.
- Update microchip and license records. Ownership documents are not determinative on their own, but they are relevant and easy to align with the actual caregiver.
- Save communications. Texts and emails about the animal — schedules, vet decisions, medication — corroborate caregiving history and emotional bonds.
- Treat senior animals carefully. If the animal is 10 or older, focus your evidence on continuity of environment, routine, and stress minimization.
- Consider mediation. Mediation is often faster and easier on the animal than contested litigation; HB4540 expressly authorizes it.
- Track the bill. HB4540 is pending. The ILGA bill page has the latest action history and engrossed text¹.

For legislators and staff

- Closes a clear gap. Illinois already considers companion-animal well-being in marital property allocation under 750 ILCS 5/503(n)³. HB4540 extends a parallel, welfare-informed analysis to disputes between unmarried parties through the existing replevin framework⁴.
- Preserves property law. Animals remain personal property under replevin. The bill does not create custody, parental rights, or a best-interest standard. It adds discretionary factors to an existing civil action².
- Discretion, not mandate. Courts may consider the listed factors. Ownership documentation remains relevant, just not determinative on its own².
- Protects vulnerable animals. The age-10+ provision and the safety-and-past-conduct factor recognize that some animals — and some situations — call for closer judicial attention².
- Reduces disruption. Temporary possession and caregiving orders, including limited visitation, prevent volatile mid-litigation transfers and reduce stress on the animal².
- Encourages mediation. Authorizing mediation can resolve narrow disputes faster, cheaper, and with less harm to the animal².

- Aligned with national trends. A growing number of states are moving toward welfare-informed approaches in companion-animal disputes; HB4540 takes a measured Illinois-specific step within existing replevin doctrine⁶.

Appendix A — Full bill text (HB4540, engrossed)

The text below reproduces the engrossed version of HB4540 as posted by the Illinois General Assembly². Where the engrossed text amends an existing section, the text shows the section as it would read after amendment.

Source: ILGA, <https://www.ilga.gov/documents/legislation/104/HB/PDF/10400HB4540eng.pdf>

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.

Appendix B — Selected legislative timeline

Selected actions on HB4540 in the 104th General Assembly¹.

Date	Chamber	Action
1/22/2026	House	Filed with the Clerk by Rep. Barbara Hernandez
1/30/2026	House	First Reading; referred to Rules Committee
2/11/2026	House	Assigned to Judiciary – Civil Committee
3/25/2026	House	Do Pass / Short Debate, Judiciary – Civil; 013-007-000
4/07/2026	House	House Floor Amendment No. 1 filed by Rep. Hernandez
4/08/2026	House	Amendment 1 recommended by Judiciary – Civil; 013-007-000
4/14/2026	House	Amendment 1 adopted; Third Reading – Passed 072-038-000
4/15/2026	Senate	Arrived in Senate; First Reading; Sen. Linda Holmes named chief sponsor
4/28/2026	Senate	Assigned to Judiciary
5/06/2026	Senate	Judiciary hearing scheduled, 3:30 PM, Capitol 400, Springfield

Appendix C — Sources and further reading

[1] ILGA Bill Status, HB4540, 104th General Assembly —
<https://ilga.gov/Legislation/BillStatus?DocNum=4540&DocTypeID=HB&LegId=165370&Print=1>

[2] ILGA, Engrossed HB4540 full text (PDF) —
<https://www.ilga.gov/documents/legislation/104/HB/PDF/10400HB4540eng.pdf>

[3] 750 ILCS 5/503, Disposition of property and debts —
<https://www.ilga.gov/documents/legislation/ilcs/documents/075000050k503.htm>

[4] 735 ILCS 5/19-101, Replevin — When brought —
<https://www.ilga.gov/documents/legislation/ilcs/documents/073500050K19-101.htm>

[5] 735 ILCS 5/19-106, Exception to requirement of notice —
<https://ilga.gov/documents/legislation/ilcs/documents/073500050K19-106.htm>

[6] Animal Legal & Historical Center, Overview of Pet Custody During Divorce —
<https://www.animallaw.info/article/overview-pet-custody-during-divorce>