

2012 IL App (2d) 110278
No. 2-11-0278
Order filed March 22, 2012

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> MARRIAGE OF ERICH P. STEFFEN,)	Appeal from the Circuit Court
)	of McHenry County.
Petitioner-Appellee,)	
)	
and)	No. 09-DV-774
)	
JILL A. STEFFEN,)	Honorable
)	Michael J. Chmiel,
Respondent-Appellant.)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Presiding Justice Jorgensen and Justice McLaren concurred in the judgment.

ORDER

Held: (1) Trial court did not abuse its discretion in denying the wife's request to re-open proofs following trial; (2) trial court's visitation schedule for father did not constitute an abuse of discretion; but (3) trial court's decision to reserve the issue of maintenance indefinitely was improper and cause would be remanded with directions that the trial court set a triggering event or date certain to review propriety of maintenance.

¶ 1 Respondent, Jill A. Steffen, appeals from an order of the circuit court of McHenry County dissolving her marriage to petitioner, Erich P. Steffen. Jill challenges aspects of the judgment relating to Erich's visitation with the parties' minor daughter and maintenance. For the reasons set forth below, we affirm in part, vacate in part, and remand with directions.

¶ 2

I. BACKGROUND

¶ 3 Erich and Jill were married on July 22, 2005. The only child of the marriage, Hannah, was born on April 3, 2008. Erich filed a petition for dissolution of marriage on July 29, 2009.¹ At the time the petition was filed, Erich was 33 years old and Jill was 35 years old. A trial on Erich's petition was held over a course of three days in October 2010. The testimony presented at trial and the exhibits admitted into evidence established the following.

¶ 4 Jill attended college at Illinois State University, graduating in 1995 with a bachelor's degree in psychology. Jill was employed as a benefits manager at a law firm in downtown Chicago from 2003 through 2009. Jill's highest salary at the law firm was in 2008, when she earned \$89,500. In July 2009, Jill began working as a national accounts manager for a health care insurer in downtown Chicago. Although Jill's yearly salary at the health care insurer (\$68,500 per year) was less than her salary at the law firm, Jill testified that her position with the health care insurer allowed her to work from home more often. Jill acknowledged that when she was not working from home, Erich was Hannah's primary caretaker and that he did "a pretty good job" watching her.

¶ 5 Jill voluntarily resigned from her position with the health care insurer in March 2010. Jill stated that her motivation for leaving this position was to spend more time with Hannah. Thereafter, Jill had no income from employment, but received \$200 per month in public aid and financial assistance from her parents. In addition, pursuant to a court order, Jill began receiving \$935 per month in child support from Erich in April 2010. Jill testified that she plans on returning to the workforce once Hannah begins school.

¹ Various documents in the record reference a petition for dissolution of marriage filed by Jill. [C16; C23; C28] However, we have been unable to locate any such petition in the record itself.

¶ 6 Erich has a degree in engineering. Prior to the marriage, Erich was involved in a serious car accident that resulted in a traumatic brain injury. Erich was employed at the time of the accident and he returned to work after recovering from his injuries. At the beginning of the marriage, Erich was earning approximately \$68,000 a year. In December 2005, Erich was laid off as a result of downsizing. In August 2006, Erich obtained employment with another company. In February 2007, Erich was involved in a second car accident, resulting in a concussion.

¶ 7 Erich did not return to the labor market after the second car accident. He applied for and began receiving social security disability benefits and disability benefits through MetLife, a private insurer. At the time of trial, Erich's monthly social security benefit was \$1,774 and his monthly benefit from MetLife was \$1,288. In addition, Erich received a monthly social security benefit of \$935 for Hannah, which, as noted above, he began paying to Jill as child support.

¶ 8 As a result of his brain injury, Erich regularly sees medical professionals, including a neuropsychologist (Dr. Kohn) and a therapist (Richard Parsons). Erich testified that Parsons helps him deal with "anger issues that Jill brings out in [him]." Erich also explained that that as a result of his disability, he has difficulty "com[ing] up with words," he cannot deal with the noise that occurs in a work environment, he has trouble using the right side of his body, and he experiences anxiety when driving. Erich takes Cymbalta, an antidepressant, and Carbamazepine, a mood stabilizer. Because of his disability, Erich felt that his earning capacity was impaired, and he was requesting maintenance of \$1,500 per month from Jill. Alternatively, Erich requested that the issue of maintenance be reserved. Although Jill was not requesting maintenance, she asked that if the court reserves maintenance for Erich, that it also reserve maintenance for her.

¶ 9 During the marriage, the parties purchased a home in Huntley. After Erich left the marital residence, he moved to Rockford while Jill remained in Huntley with Hannah. Hannah was 2½ years old at the time of trial. Erich testified that other than words such as “mama,” “dada,” “yes,” and “no,” Hannah does not talk. He stated that to communicate, Hannah grunts and points. Erich stated that Hannah’s behavior does not concern him because he was “a late talker.” Jill testified that Hannah’s pediatrician recommended that Hannah undergo some testing because she was not speaking at a level appropriate for her age. According to Jill, the testing resulted in a diagnosis of verbal apraxia. Following the diagnosis, Jill consulted with the local school district and learned that Hannah would qualify for “early intervention.” According to Jill, this program provides at-home speech therapy twice a week. Jill testified that upon Hannah’s third birthday, she will qualify for an “early childhood development” program at preschool that would include an onsite speech therapist.

¶ 10 Jill testified that while she and Erich were living together, there were incidents of domestic violence, some of which resulted in family or police intervention. According to Jill, these incidents escalated after Hannah’s birth. Jill testified that during these incidents Erich would punch holes in the wall, throw objects at her, and threaten to wake up Hannah in an effort to make Jill compliant. Jill recalled one fight that ended with Erich threatening to kill himself with a knife. Erich acknowledged that he and Jill had gotten into arguments during which he had punched holes in the walls.

¶ 11 Jill recalled an incident in July 2009 that occurred shortly after she and Erich had returned from a vacation. Jill testified that Erich was in the process of removing their luggage from the car when she asked him to retrieve something for Hannah. According to Jill, her request “disrupted [Erich’s] whole routine and really kind of threw him off balance.” Subsequently, as Jill was

unpacking one of her suitcases, Erich approached her and twisted some hangers that Jill was holding, resulting in a cut to Jill's hand. Erich then threw a chair down, grabbed some keys, and ran out of the house. Realizing that he had the wrong set of keys, Erich returned, threw the first set of keys at Jill, took another set of keys, and left. In response to Erich's behavior, Jill contacted the police and ultimately obtained an order for exclusive possession of the marital residence.

¶ 12 The parties also testified regarding an altercation that occurred during a visitation exchange in December 2009, which resulted in an order of protection being issued against Erich. According to Jill, she and her mother (Joann) drove to Rockford to pick up Hannah from her visitation with Erich. When they arrived, Erich became confrontational and began lecturing the women about Joann smoking in Hannah's presence. Jill testified that Erich became very angry, that he would not let her or her mother near Hannah, and that he pushed both women. Jill stated that her mom was eventually able to pick up Hannah, but as she was leaving Erich's home, Erich pushed Joanne from behind as Joann was holding Hannah. Jill added that after she and her mother left the house, Erich followed, yelling at them. Jill called the police after driving away. Erich acknowledged the December 2009 incident, but testified that Joann began pointing her finger at him and slapped him in the face. Erich denied pushing Joann during the incident. According to Erich, he "made contact" with Joann because she "stopped in front of [him]" while retrieving Hannah's bag on a table and he was unable to "stop quick enough," so he "bumped into her."

¶ 13 Following entry of the order of protection, Erich's visitation was limited to supervised visitation once a week. Over time, Erich has transitioned to overnight stays and unsupervised visitation. At the time of trial, Erich had unsupervised visitation with Hannah from Saturday at 5 p.m. until Sunday at 5 p.m. Jill acknowledged that Hannah seems to enjoy her visits with Erich and

noted that since the incident in December 2009, there have been no instances of domestic violence between her and Erich.

¶ 14 Dr. Robert Meyer, a licensed clinical psychologist, was appointed by the court to conduct a custody evaluation pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/604(b) (West 2008)). Dr. Meyer interviewed and administered psychological tests to Jill and Erich, conducted a home visit with Jill, and communicated with the *guardian ad litem* assigned to the case. In addition, Dr. Meyer spoke with character witnesses for each party, examined police reports, and viewed a video tape of one of Erich's supervised visits with Hannah, which was conducted at a facility known as "Peace 4 All." Dr. Meyer was unable to conduct a home visit with Erich as a result of the order of protection entered in December 2009. In a report dated May 6, 2010, Dr. Meyer concluded that Hannah should have contact with both of her parents. Nevertheless, in light of the order of protection, Dr. Meyer recommended that Jill be granted sole residential custody of Hannah and that Erich be granted visitation. Dr. Meyer opined that Erich's visitation should be supervised by approved family members. Dr. Meyer recommended that initially visitation should occur one weekend day per week and gradually transition to visitation occurring every other weekend and one evening for dinner during the week. Dr. Meyer also recommended the eventual transition to unsupervised visitation for Erich and Hannah.

¶ 15 Attorney Martin Coonen was appointed the *guardian ad litem* in the case. Coonen offered his opinion regarding custody and visitation in a report dated May 10, 2010, and via testimony at trial. In preparation for his report, Coonen interviewed various individuals, including Erich, Jill, Erich's parents, Jill's father, Dr. Kohn, and Dr. Meyer. Coonen also viewed a videotape of one of Erich's supervised visits with Hannah at Peace 4 All and, without Erich's knowledge, he personally

observed a live video feed of another visit between Hannah and Erich at the facility. After authoring his preliminary report, Coonen observed Jill and Hannah during a home visit, spoke with Parsons, and observed the trial proceedings.

¶ 16 At trial, Coonen stressed that there is a lack of communication between the parties. He also found that each party has a tendency to diminish or dismiss the importance of the other parent in Hannah's life and that Erich needs to continue working on dealing with his anger and frustration issues. Coonen stated that as a result of the parties' lack of communication, he was unable to recommend joint custody. Therefore, he recommended that Jill have sole custody of Hannah. With respect to visitation, Coonen recommended that Erich have visitation one weekend from Saturday at 5 p.m. until Sunday at 5 p.m. and the next weekend from Friday at 5 p.m. until Sunday at 5 p.m. Coonen recommended that the schedule be reexamined once Jill starts working again. Coonen did not believe that Erich posed a danger to Hannah, and he did not recommend that Erich's visitation be supervised.

¶ 17 The trial court asked Coonen his thoughts on a schedule which would provide Erich with visitation every other weekend from Friday at 5 p.m. until Sunday at 5 p.m. and every other week from Wednesday at 5 p.m. until Friday at 5 p.m. The court noted that such an arrangement would allow Jill to spend some time with Hannah on weekends. Coonen responded that the court's suggestion was "a good alternative" as long as transportation issues could be worked out.

¶ 18 On October 22, 2010, the trial court presented its oral findings. Relevant here, the trial court reserved the issue of maintenance. The court noted that while this is "a classic case where both parties probably could use help from the other," neither party was employed and they have income "through gratuity or are fortunate to have access to disability coverage." Noting the parties' inability

to effectively communicate with each other, the court did not believe that joint custody of Hannah was appropriate. As a result, the court awarded sole custody of Hannah to Jill. The court ordered visitation for Erich on the following schedule: (1) alternating weekends from Friday at 3 p.m. until Sunday at 7 p.m.; (2) alternating Wednesdays from 3 p.m. until Friday at 7 p.m., until Hannah starts school when visitation will occur each Wednesday from 3 p.m. until 8 p.m.; (3) alternating Mondays from 3 p.m. until 7 p.m.; (4) each Father's day from 10 a.m. until 7 p.m.; and (5) alternating holidays. The matter was continued until November 10, 2010, for entry of judgment.

¶ 19 On November 9, 2010, Jill filed a motion to reopen proofs with respect to Erich's visitation schedule with Hannah. In the motion, Jill claimed that the visitation schedule set by the trial court, which she classified as a "rotating/shifting custody schedule," is not in Hannah's best interests and is not a reasonable schedule under section 607 of the Act (750 ILCS 5/607 (West 2008)). She noted that Hannah has been diagnosed with "verbal apraxia, a neurological disorder affecting speech," and that Erich is "a man with admitted brain injuries and anger problems." Jill also claimed that at the conclusion of the hearing on October 22, 2010, after the trial court left the bench for the day, Erich "stood up in a red-faced rage, screamed at Jill something to the effect of that he wished Hannah had been aborted." Jill further claimed that later that same day, during a visitation exchange, Erich yelled "abortion, abortion, abortion" at her. Jill claimed this new evidence of "Erich's outburst *** clearly supports Jill's longstanding position that [since] Erich's behavior is such that he cannot control himself even in a courtroom *** long periods of time with a 2½ year old will likely invoke similar rage." Jill also claimed that Hannah's speech therapist is only available on Thursdays and Fridays. As a result, she alleged that the visitation schedule imposed by the trial court would interfere with

Hannah's speech therapy on alternating weeks. Jill urged the court to adopt a more limited schedule for Erich's visitation with Hannah.

¶ 20 A hearing on Jill's motion was held on December 14, 2010, during which Coonen and Jill testified. On January 27, 2011, the trial court denied Jill's motion to reopen the proofs. On February 24, 2011, the trial court entered a written judgment of dissolution. With respect to maintenance, the trial court ruled that "[a]fter considering all statutory factors concerning maintenance, appropriate circumstances exist in this case for maintenance to be reserved for both parties at this point in time." On March 21, 2011, Jill filed a notice of appeal. On March 24, 2011, Erich filed a motion to reconsider. On August 19, 2011, in response to Erich's motion to reconsider, the trial court modified a portion of the judgment relating to the property division. This appeal followed.

¶ 21

II. ANALYSIS

¶ 22

A. Motion to Reopen Proofs

¶ 23 On appeal, we first address Jill's claim that the trial court erred in denying her motion to reopen proofs. Jill argues that evidence of Erich's "outburst" on the last day of trial (October 22, 2010), the comments he made during the visitation exchange that same day, and Hannah's speech therapy schedule was not known at the time of trial and that the consideration of such evidence would not result in any prejudice to Erich. As such, she insists that the trial court should have granted her motion to reopen proofs.

¶ 24 In deciding whether to grant or deny a motion to reopen proofs, a court considers whether there is some excuse for the failure to introduce the evidence at trial, whether the other party will be surprised or unfairly prejudiced by the new evidence, whether the evidence is of the utmost importance to the movant's case, and whether there are cogent reasons for denying the motion. *In*

re Marriage of Drone, 217 Ill. App. 3d 758, 766 (1991). We review the ruling of the trial court on a motion to reopen proofs for an abuse of discretion. *In re Marriage of Sawicki*, 346 Ill. App. 3d 1107, 1120 (2004). An abuse of discretion occurs only when no reasonable person would take the view adopted by the trial court. *In re Marriage of Wojcik*, 362 Ill. App. 3d 144, 161 (2005).

¶ 25 We conclude that the trial court did not abuse its discretion in denying Jill's motion to reopen proofs to introduce evidence of Erich's alleged behavior in court on October 22, 2010, and during the visitation exchange that same day. While evidence of Erich's behavior on October 22, 2010, was not available at the time of trial, we do not find this evidence to be of the utmost importance to Jill's case. To the contrary, we find that had the court been aware of it, it is unlikely that it would have materially altered Erich's visitation schedule. It was well known throughout the proceedings that Erich had anger issues. Thus, the evidence Jill wished to present was merely cumulative of other evidence already submitted at trial. Moreover, the testimony at trial suggested that Erich was dealing with his anger issues through counseling and the use of medication. We also point out that it appears that the alleged conduct of October 22, 2010, was an isolated incident, as Jill's motion does not allege any other misconduct on Erich's part between October 22, 2010, and the date of her motion.

¶ 26 We also find that the trial court did not abuse its discretion in denying her motion to reopen proofs to introduce evidence of Hannah's physical therapy schedule. Although Jill represents that this evidence is new, she did testify at trial that she met with her local school district and was informed that Hannah qualifies for an "early intervention" program. Jill noted that under that program, Hannah will have speech therapy at home twice a week until she turns three. Jill further testified at trial that upon Hannah's third birthday, she will qualify for an early childhood development program at preschool which provides an onsite speech therapist. In other words, there

was evidence adduced at trial that Hannah would eventually receive speech therapy during the week while at preschool. While Hannah's precise therapy schedule may not have been known at the time of trial, Jill does not allege that she would have been unable to obtain a schedule at the time of trial. Moreover, there was a cogent reason to deny the motion as there is no allegation that upon learning of the schedule Erich refused to take Hannah to speech therapy on the days of his visitation. For the foregoing reasons, we cannot say that the trial court abused its discretion in denying Jill's motion to reopen proofs.

¶ 27

B. Visitation

¶ 28 Jill next challenges the trial court's visitation order. Initial visitation determinations are governed by section 607(a) of the Act (750 ILCS 5/607(a) (West 2008)). *In re Marriage of Chehaiber*, 394 Ill. App. 3d 690, 693 (2009). Relevant here, section 607(a) provides in part that "[a] parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health." 750 ILCS 5/607(a) (West 2008). In determining whether visitation is "reasonable," a trial court employs the best-interests-of-the-child standard. *Chehaiber*, 394 Ill. App. 3d at 694-96; *In re Marriage of Seitzinger*, 333 Ill. App. 3d 103, 112 (2002). Moreover, it is the policy of the State of Illinois to grant liberal visitation rights to the noncustodial parent. *Seitzinger*, 333 Ill. App. 3d at 112. The trial court is vested with broad discretion in determining matters of visitation, and we will not disturb a trial court's decision as to visitation unless the trial court abuses its discretion or where a manifest injustice has been done to the children or the parent. *In re Marriage of Dorfman*, 2011 IL App (3d) 110099, ¶ 57; *In re Marriage of Saheb and Khazal*, 377 Ill. App. 3d 615, 624 (2007); *In re Marriage of Diehl*, 221 Ill. App. 3d 410, 429 (1991).

¶ 29 Jill argues that the visitation schedule established by the trial court is not in Hannah’s best interests. In support of her position, Jill asserts that Illinois courts disfavor “alternate” or “rotating” custody arrangements, particularly when these arrangements involve young children. According to Jill, the schedule is especially inappropriate given the 40-mile distance between the parties’ residences, Hannah’s “extreme speech delay,” and Erich’s inability to control his anger.

¶ 30 Although some Illinois courts have expressed disapproval of “alternate” or “rotating” custody arrangements, particularly when they involve young children (see *In re Marriage of Divelbiss*, 308 Ill. App. 3d 198, 209 (1999)), the judgment in this case does not provide for such an arrangement. Here, the trial court awarded sole custody of Hannah to Jill with liberal visitation vested in Erich. Notwithstanding this fact, Jill insists that the visitation schedule set by the trial court resulted in Erich having “‘*de facto*’ custody of Hannah on a rotating basis” because the schedule “effectively equally divided the parties’ time with Hannah.” We disagree, as the visitation schedule set by the trial court provides Erich with an average of 2¼ days of visitation with Hannah each week.

¶ 31 Jill also directs us to *In re Marriage of Deem*, 328 Ill. App. 3d 453 (2002), and *In re Marriage of Swanson*, 275 Ill. App. 3d 519 (1995), in support of her claim that the visitation schedule set by the trial court was not appropriate. In *Deem*, the minor was three years old at the time the judgment of dissolution was entered. The trial court determined that joint custody was not appropriate, so it awarded custody of the minor to the mother. However, the trial court also set a visitation schedule that awarded “custody” of the minor to the father “from the day after school is out until one week prior to commencement of school in the fall” subject to visitation by the mother during this period. In addition, the trial court ordered the mother to pay child support to the father while he had the minor for the summer. The reviewing court reversed the trial court’s award of

“custody” to the father over the summer and remanded the matter for a determination of the father’s visitation. Jill asserts that this case is persuasive because Hannah is similar in age to the minor in *Deem*. However, Jill’s citation to *Deem* for the proposition that the trial court’s visitation schedule is improper because of Hannah’s age is dubious as the *Deem* decision did not turn on the age of the minor. Rather, as Justice Appleton suggested in his special concurrence, the holding was premised on the fact that the trial court awarded “custody” to the father during the summer despite its finding that joint custody was inappropriate. *Deem*, 328 Ill. App. 3d at 459 (Appleton, J., specially concurring) (“I concur in the result reached by the majority but would make it clear that the division of time spent with the child during the summer months is well within the trial court’s discretion. I agree that such a division of time should not be called legal custody as opposed to physical custody. However, by reversing the trial court’s verbiage, we should not give the impression that we reverse the schedule imposed.”).

¶ 32 In *Swanson*, the parties were parents to twin boys, age 7½ at the time the mother filed her petition for dissolution. Following a custody hearing, the court directed the parties to produce a joint parenting agreement within 30 days. When the parties were unable to reach an agreement, the court entered an order of joint custody, including a joint parenting order drafted by the court. Pursuant to that order, the mother’s home was the children’s primary physical residence, but the father was awarded “visitation” for the last 14 days of every month. The reviewing court reversed, noting that a joint custody arrangement “requires an unusual level of cooperation and communication from both parties,” but that the parties were “either unable or unwilling (or both) to cooperate to the extent required by joint custody.” *Swanson*, 275 Ill. App. 3d at 523-24. As evidence of the parties’ inability to cooperate, the reviewing court cited, *inter alia*, the fact that the parties were unable to

agree on a joint parenting order. *Swanson*, 275 Ill. App. 3d at 523. Although the reviewing court alternatively stated that joint custody would not be in the best interests of the children, especially given the alternating schedule imposed by the trial court, this finding was not essential to its decision. *Swanson*, 275 Ill. App. 3d at 524. In any event, the visitation schedule at issue in *Swanson* was much different from the one imposed by the trial court here in that the *Swanson* children were away from their primary physical residence more often than Hannah and they were away for extended periods of time every month. As noted above, Hannah is away from her primary physical residence an average of only 2¼ days each week. Further, the schedule provides for the elimination of overnight mid-week visitation with Erich once Hannah starts school.

¶ 33 Moreover, we conclude that the visitation schedule established by the trial court is not manifestly unjust and did not constitute an abuse of discretion. We believe that the visitation schedule set by the trial court will allow Hannah to foster and maintain a close and continuing relationship with both parents. Jill acknowledged that Erich was Hannah's primary caretaker while she was working outside of the home. Jill also testified that Hannah seems to enjoy the time that she spends with Erich. Dr. Meyer, the custody evaluator, opined that Hannah should have contact with both parents. Coonen, the *guardian ad litem*, recommended that Jill have sole custody of Hannah with Erich having visitation. Although the visitation schedule recommended by Coonen was not as liberal as the one ultimately set by the trial court, the court is not required to accept the recommendation of an expert. *Stockton v. Oldenburg*, 305 Ill. App. 3d 897, 906 (1999). In any event, the trial court asked Coonen his opinion about its proposed visitation schedule. Coonen responded that it was "a good alternative" as long as transportation issues could be worked out.

¶ 34 Jill’s concerns regarding the distance between the parties’ residences, Erich’s anger issues, and Hannah’s need for speech therapy do not persuade us otherwise. Jill did not present any evidence that the distance between the parties’ residences negatively impacted Hannah or that it presented a challenge to visitation. In fact, the record suggests that prior to the incident in December 2009 which resulted in the issuance of the order of protection, the parties routinely made the drive between Huntley and Rockford for visitation exchanges without any problems. Further, Erich is receiving treatment for his anger issues. In this regard, we note that despite the existence of the order of protection, Coonen testified that Erich did not pose a danger to Hannah and he did not recommend that Erich’s visitation with Hannah be supervised. In addition, Jill testified at trial that since the incident of December 2009, there have been no instances of domestic violence between her and Erich. Finally, while Jill expresses concern that the visitation schedule set by the trial court will interfere with Hannah’s speech therapy, she does not cite any evidence that Erich has refused to cooperate with the recommendations of those treating Hannah. For all of these reasons, we decline to disturb the visitation schedule set by the trial court.

¶ 35 C. Maintenance

¶ 36 Jill also maintains that the trial court erred in reserving the issue of maintenance indefinitely “without any time frame or triggering event.” Erich responds that the trial court properly reserved the issue of maintenance well into the future given that his brain injury has rendered him disabled and unable to work. We review a trial court’s decision to reserve maintenance for an abuse of discretion. *Wojcik*, 362 Ill. App. 3d at 168; *In re Marriage of Bothe*, 309 Ill. App. 3d 352, 357 (1999).

¶ 37 This court has indicated that a “reserved jurisdiction” approach to maintenance is appropriate where the supporting party’s present ability to pay maintenance is limited or where the court seeks to monitor the actual circumstances of the parties. *In re Marriage of Snow*, 277 Ill. 2d 642, 651-52 (1996); *In re Marriage of Scafuri*, 203 Ill. App. 3d 385, 396-97 (1990). However, we have cautioned against reserving jurisdiction for excessively long or short periods of time. *Wojcik*, 362 Ill. App. 3d at 170. Thus, for instance, in *Scafuri*, we disapproved of a reservation of maintenance for five years, finding that such a lengthy period tended to protract litigation and did not encourage the dependent spouse to move towards self sufficiency. *Scafuri*, 203 Ill. App. 3d at 397. In *In re Marriage of Marriott*, 264 Ill. App. 3d 23, 41 (1994), we indicated that too brief a period of reserved jurisdiction would encourage the supporting party to defer efforts to become gainfully employed or otherwise improve his or her financial position. In *Bothe*, 309 Ill. App. 3d at 357, we disagreed with the trial court’s decision to indefinitely reserve jurisdiction on the issue of maintenance, noting that in those cases in which a court has reserved the issue of maintenance, there was either a specific triggering event or, more commonly, a specific time period within which to review the issue of maintenance. Similarly, in *Wojcik*, we concluded that the trial court, in reserving jurisdiction until the deaths or retirement of the parties or until the wife’s remarriage or cohabitation with another, “excessively protracted” the litigation. *Wojcik*, 362 Ill. App. 3d at 170-71. As such, we remanded the matter to the trial court with instructions to set a specific date to hold a hearing to rule upon the wife’s request for maintenance. *Wojcik*, 362 Ill. App. 3d at 171.

¶ 38 Like the courts in *Wojcik* and *Bothe*, the trial court in the present case placed no specific time period upon its reserved jurisdiction. We find the court’s ruling constituted an abuse of discretion. See *Bothe*, 309 Ill. App. 3d at 357-58. Given the relatively young ages of the parties, we are

especially concerned that an open-ended reservation of maintenance such as the one crafted by the trial court in this case would preclude finality and excessively protract the litigation. See *Wojcik*, 362 Ill. App. 3d at 170-71; *Scafuri*, 203 Ill. App. 3d at 397. Therefore, in accordance with the decisions set forth above, we vacate the trial court's order on the issue of maintenance and remand the matter with directions that the trial court set a triggering event or specific date to rule upon the maintenance issue.

¶ 39

III. CONCLUSION

¶ 40 For the reasons set forth above, we vacate that portion of the trial court's order indefinitely reserving the issue of maintenance and remand the case for further proceedings consistent with this decision. In all other aspects, we affirm the judgment of the circuit court of McHenry County.

¶ 41 Affirmed in part, vacated in part, and remanded with directions.