

Temporary Spousal Maintenance Guidelines Calculator (Includes Low Income Adjustment) *for divorces on or after 10/25/15

I. Income Section

1. Plaintiff
2. Defendant

Income Over 184K

3. Plaintiff
4. Defendant

INSTRUCTIONS
 PUT INCOMES IN FIELD 1 & 2 AND PRESS ENTER.
 TO START OVER ----->

II. Income for Calculations (up to \$184,000 of Payor's Income)

5. Payor
6. Payee

Basic Calculation:

NOTE: YOU MUST CHECK THE APPROPRIATE BOXES IN ORDER FOR THIS CALCULATOR TO WORK

DETERMINE WHICH FORMULA APPLIES BY CHECKING THE BOXES BELOW:

QUESTION A: Will child support be paid for children of the marriage?

Yes No

QUESTION B: Is the Payor also the non-custodial parent pursuant to the CSSA?

Yes No

If the answer to both Question A and Question B is yes, formula 7a below will apply. Otherwise the formula in 7b will apply.

- | | |
|---------------------|--|
| 7a. Calculation A | 20% of Payor's Income minus 25% of Payee's Income |
| | <u>or</u> |
| 7b. Calculation B | 30% of Payor's Income minus 20% of Payee's Income |
| 8. Calculation C | 40% of Combined Income minus Payee's Income |
| 9. Guideline Amount | The Guideline Amount is the Lesser of Line 7a or 7b (whichever applies) and Line 8; or zero if Line 8 is less than or equal to 0 |

Low Income Adjustment:

10. Payor Income minus Guideline Amount

11. Low Income Award

Where the guideline amount would reduce the payer's income below the self-support reserve (\$16,389); the award is the payor's income minus the self-support reserve. If Line 11 equals zero or is negative, the award is zero.

III. AWARD

PAYOR:

12. Annual Amount
13. Monthly Payment
14. Semi- Monthly Payment
15. Bi-Weekly Payment
16. Weekly Payment

- **Income Exceeds \$184,000:** If the payor's income exceeds \$184,000, the court considers the 13 factors set forth in DRL §236 Part B(5-A)(h)(1) in determining any additional award of temporary maintenance based in the income above \$184,000. See Page 2 for a list of these factors.
- **Adjustment of Award:** The court may adjust the award if it finds the award is unjust or inappropriate based on consideration of 13 factors set forth in DRL §236 Part B(5-A)(h)(1). See Page 2 for a list of these factors.

Eff. 3/1/18

**13 Factors for Court to Consider for Temporary Maintenance Where Income Exceeds \$184,000
or In Connection With Adjustment of Award (See DRL 236(B)[5-a](h)1))**

- (1) the age and health of the parties;
- (2) the present or future earning capacity of the parties, including a history of limited participation in the workforce;
- (3) the need of one party to incur education or training expenses;
- (4) the termination of a child support award during the pendency of the temporary maintenance award when the calculation of temporary maintenance was based upon child support being awarded and which resulted in a maintenance award lower than it would have been had child support not been awarded;
- (5) the wasteful dissipation of marital property, including transfers or encumbrances made in contemplation of a matrimonial action without fair consideration;
- (6) the existence and duration of pre-marital joint household or a pre-divorce separate household;
- (7) acts by one party against another that have inhibited or continue to inhibit a party's earning capacity or ability to obtain meaningful employment. Such acts include but are not limited to acts of domestic violence as provided in section four hundred fifty-nine-a of the social services law;
- (8) the availability and cost of medical insurance for the parties;
- (9) the care of children or stepchildren, disabled adult children or stepchildren, elderly parents or in-laws provided during the marriage that inhibits a party's earning capacity;
- (10) the tax consequences to each party;
- (11) the standard of living of the parties established during the marriage;
- (12) the reduced or lost earning capacity of the payee as a result of having forgone or delayed education, training, employment or career opportunities during the marriage; and
- (13) any other factor which the court shall expressly find to be just and proper.