SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF_____

---------- X

Plaintiff,

— against —

Defendant

---------- X

Index/Docket No.:

_____ / _____

TEMPORARY MAINTENANCE GUIDELINES WORKSHEET

(See Attached Instructions on page 8)

This Worksheet is submitted by ☐ **Plaintiff** ☐ **Defendant.**

NOTE: If you and your spouse have entered into an agreement about temporary maintenance, check the box below and submit a copy of the agreement to the court along with the completed Worksheet.

☐ Plaintiff and Defendant have entered into a written agreement about maintenance.

1. ENTER INCOME OF PARTIES

A. Enter Plaintiff's Annual Income from **Line 17** of **Appendix A** . . . . . $ _____

B. Enter Defendant's Annual Income from **Line 17** of **Appendix A** . . . . . $ _____

NOTE: If you do not know your spouse's income write "**unknown**."

2. DETERMINE WHO IS THE PAYOR AND WHO IS THE PAYEE

A. Enter the higher of **Lines 1A** and **1B**.
The person with the higher income is the **PAYOR.** . . . . . $ _____

B. Enter the lower of **Lines 1A** and **1B**.
The person with the lower income is the **PAYEE**. . . . . $ _____

continued

3. CALCULATE GUIDELINE AWARD ON INCOME UP TO AND INCLUDING $524,000[1]

A. Check the box to indicate how you made the calculation:

☐ Use the **Online Calculator** available at: http://www.nycourts.gov/divorce/calculator.pdf and enter the amount from **Line 12** of the **Online Calculator** in **Line 3B** below

OR

☐ Use **Appendix B** to make the calculation and enter the amount from **Line 16** of **Appendix B** in **Line 3B** below

B. The Guideline Award of Temporary Maintenance (based on Payor's Income up to $524,000) **is**: . . . . . **$** _____[2]

I have carefully read this statement and attest that it is true and accurate to the best of my knowledge.

_____
Signature of party who presented this worksheet

_____
Print or type name

Subscribed and Sworn to before me

on _____

_____
NOTARY PUBLIC

_____
Signature of Attorney, if any

_____
Print or type name

_____
Attorney's Address

_____
Attorney's Telephone Number

NOTES:

[1] **Temporary Maintenance Award on Portion of Payor's Income above $524,000.** If the Payor's income exceeds $524,000, the court considers 19 factors set forth in Section 236 Part B (5-A)(C)(2) (A) of the Domestic Relations Law in determining any additional temporary maintenance based on the income above $524,000. See Appendix C for a list of the 19 factors.

[2] **Unjust or Inappropriate Awards:** If a party believes that the Guideline Award of Temporary Maintenance is unjust or inappropriate, the party can ask the court to vary the award based on 17 factors set forth in Section 236 Part B (5-A)(E)(1) of the Domestic Relations Law. See Appendix D for a list of the 17 factors.

APPENDIX A

TO TEMPORARY MAINTENANCE GUIDELINES WORKSHEET

Itemization of Income and Deductions

I. GROSS INCOME *(Annual Figures Only)*

	PLAINTIFF	DEFENDANT
1. Gross (total) income (as should have been or should be reported in most recent federal income tax return)	$_____	$_____
2. Investment income (not already included in item 1) reduced by amount expended in connection with the investments	_____	_____
3. Income or compensation from the following sources (not already included in items 1 or 2)	_____	_____
a. deferred compensation	_____	_____
b. worker's compensation	_____	_____
c. disability benefits	_____	_____
d. unemployment insurance benefits	_____	_____
e. social security benefits	_____	_____
f. veterans benefits	_____	_____
g. pensions and retirement benefits	_____	_____
h. fellowships and stipends	_____	_____
i. annuity payments	_____	_____
4. Former income or resources voluntarily reduced	_____	_____
5. Self-employment deductions (not already included in items 1 or 2)	_____	_____
a. depreciation deduction	_____	_____
b. entertainment and travel allowances	_____	_____
6. Other Income not already listed above (including but not limited to: Income from non-income producing assets; employment "perks" and reimbursed expenses to the extent that they reduce personal expenses; fringe benefits as a result of employment; money, goods and services provided by friends and relatives;)	_____	_____
7. GROSS ANNUAL INCOME *(Add lines 1-6)*	$ 0.00	$ 0.00
	PLAINTIFF	DEFENDANT

II. DEDUCTIONS *(Annual Figures Only)*

		PLAINTIFF	DEFENDANT
8.	Unreimbursed employee business expenses (except to extent expenses reduce personal expenditures)	$_____	$_____
9.	Alimony or maintenance actually paid to non-party spouse pursuant to court order or agreement	_____	_____
10.	Alimony or maintenance actually paid or to be paid to party-spouse pursuant to court order or agreement (but only if child support will increase when alimony or maintenance ends	_____	_____
11.	Child support actually paid pursuant to court order or agreement for non-party child	_____	_____
12.	Public assistance	_____	_____
13.	Supplemental social security Income	_____	_____
14.	N.Y.C. or Yonkers taxes	_____	_____
15.	Federal Insurance Contributions Act (FICA) taxes	_____	_____
16.	**TOTAL ANNUAL DEDUCTIONS** ***(Add lines 8-15)***	$ 0.00	$ 0.00

III. NET INCOME

		PLAINTIFF	DEFENDANT
17.	**NET ANNUAL INCOME** ***(Subtract line 16 from line 7 and insert on lines 1A and 1B of the Worksheet)***	$_____	$_____

APPENDIX B

TO TEMPORARY MAINTENANCE GUIDELINES WORKSHEET

Calculation of Guideline Amount Of Temporary Maintenance Up To And Including $524,000, and Adjustment for Low Income, If Any

I. BASIC CALCULATION

STEP A:

1. Enter Payor's income from Line 2A on page 1 of the Worksheet: If this amount is greater than $524,000, enter $524,000 . . . . . _____
2. Enter Payee's income from Line 2B on page 1 of the Worksheet . . . . . _____

STEP B:

3. Multiply Line 1 (Payor's Income) by 30% . . . . . _____
4. Multiply Line 2 (Payee's Income) by 20%. . . . . _____
5. Subtract Line 4 from Line 3 . . . . . _____

STEP C:

6. Add Line 2A (Payor's Income) and Line 2B (Payee's Income) . . . . . _____
7. Multiply 40% of Line 6 . . . . . _____
8. Subtract Line 2 from Line 7 . . . . . _____

STEP D:

9. Enter the lower of Line 8 and Line 5, but if Line 8 is less than or equal to zero, enter zero . . . . . _____

II. THE LOW INCOME ADJUSTMENT

STEP E: ***(Determine if the low income adjustment applies)***

10. Enter payor's income from Line 1 . . . . . _____
11. Enter calculated guideline amount from Line 9. . . . . – _____
12. Subtract Line 11 from Line 10. . . . . _____
    - ▶ ***If Line 12 is greater than $14,702, there is no low income adjustment. Enter the amount from Line 9 in Line 16.***
    - ▶ ***If Line 12 is less than $14,702, there is a low income adjustment. Go to Step F to calculate the amount of the award.***

STEP F: ***(Determine the amount of the award after the low income adjustment)***

13. Enter payor's income from Line 1 . . . . . _____
14. Enter $14,702 (the self support reserve). . . . . – _____
15. Subtract Line 14 from Line 13. . . . . _____
    - ▶ ***If the amount on Line 15 is greater than zero, enter that amount in Line 16.***
    - ▶ ***If the amount on Line 15 is less than or equal to zero, enter zero in Line 16.***

III. AWARD

16. Enter the amount as directed in either Step E or Step F, whichever applies. **Also enter this amount in Line 3B of the Worksheet** . . . . . $_____

APPENDIX C

TO TEMPORARY MAINTENANCE GUIDELINES WORKSHEET

Income Exceeds $524,000:

For the Payor's Income In Excess Of $524,000, The Court Shall Determine Any Additional Guideline Amount of Temporary Maintenance Through Consideration of the Following Factors:

1. The Length of the Marriage;
2. The Substantial Differences in the Incomes of the Parties;
3. The Standard of Living of the Parties Established During the Marriage;
4. The Age and Health of the Parties;
5. The Present and Future Earning Capacity of the Parties;
6. The Need of One Party to Incur Education or Training Expenses;
7. The Wasteful Dissipation of Marital Property;
8. The Transfer or Encumbrance Made in Contemplation of a Matrimonial Action Without Fair consideration;
9. The Existence and Duration of a Pre-marital Joint Household or a Pre-divorce Separate Household;
10. 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;
11. The Availability and Cost of Medical Insurance for the Parties;
12. The Care of the Children or Stepchildren, Disabled Adult Children or Stepchildren, Elderly Parents or In-laws That Has Inhibited or Continues to Inhibit a Party's Earning Capacity or Ability to Obtain Meaningful Employment;
13. The Inability of One Party to Obtain Meaningful Employment Due to Age or Absence from the Workforce;
14. The Need to Pay for Exceptional Additional Expenses for the Child or Children, Including, but Not Limited To, Schooling, Day Care and Medical Treatment;
15. The Tax Consequences to Each Party;
16. Marital Property Subject to Distribution Pursuant to Subdivision Five of this Part;
17. The Reduced or Lost Earning Capacity of the Party Seeking Temporary Maintenance as a Result of Having Foregone or Delayed Education, Training, Employment or Career Opportunities During the Marriage;
18. The Contributions and Services of the Party Seeking Temporary Maintenance as a Spouse, Parent, Wage Earner and Homemaker and to the Career or Career Potential of the Other Party; *and*
19. Any Other Factor Which the Court Shall Expressly Find to Be Just and Proper.

APPENDIX D

TO TEMPORARY MAINTENANCE GUIDELINES WORKSHEET

Adjustment of Award

The court may adjust an award if it finds the award is unjust or inappropriate based on consideration of the following factors:

1. The Standard of Living of the Parties Established During the Marriage;
2. The Age and Health of the Parties;
3. The Earning Capacity of the Parties;
4. The Need of One Party to Incur Education or Training Expenses;
5. The Wasteful Dissipation of Marital Property;
6. The Transfer or Encumbrance Made in Contemplation of a Matrimonial Action Without Fair Consideration;
7. The Existence and Duration of a Pre-marital Joint Household or a Pre-divorce Separate Household;
8. 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;
9. The Availability and Cost of Medical Insurance for the Parties;
10. The Care of the Children or Stepchildren, Disabled Adult Children or Stepchildren, Elderly Parents or In-laws That Has Inhibited or Continues to Inhibit a Party's Earning Capacity or Ability to Obtain Meaningful Employment;
11. The Inability of One Party to Obtain Meaningful Employment Due to Age or Absence from the Workforce;
12. The Need to Pay for Exceptional Additional Expenses for the Child or Children, Including, but Not Limited To, Schooling, Day Care and Medical Treatment;
13. The Tax Consequences to Each Party;
14. Marital Property Subject to Distribution Pursuant to Subdivision Five of this Part;
15. The Reduced or Lost Earning Capacity of the Party Seeking Temporary Maintenance as a Result of Having Foregone or Delayed Education, Training, Employment or Career Opportunities During the Marriage;
16. The Contributions and Services of the Party Seeking Temporary Maintenance as a Spouse, Parent, Wage Earner and Homemaker and to the Career or Career Potential of the Other Party; *and*
17. Any Other Factor Which the Court Shall Expressly Find to Be Just and Proper.

Instructions for Temporary Maintenance Guidelines Worksheet

SECTION 1

- Complete **Income Computations for Plaintiff and Defendant** in **Appendix A**. Insert the amounts from **Appendix A, Line 17** on **Lines 1A** and **1B** of the worksheet. If you do not know your spouse's income, write the word **"unknown"** in the relevant section.

SECTION 2

- Determine whether Plaintiff or Defendant has greater income; that spouse will be called the **"payor"** and the other spouse will be called the **"payee."** Enter amounts on **Lines 2A** and **2B** of **Section 2** of the Worksheet

SECTION 3

- Calculate the guideline amount of temporary maintenance on income up to an including $524,000, and any low income adjustment, by either of the following methods:

  ▶ use the court's online calculator available at http://www.nycourts.gov/divorce/calculator.pdf
  or
  ▶ make the calculations yourself on **Appendix B** to the worksheet

- Check the applicable box on the Worksheet that indicates which method you chose to make the calculations

  Enter the result of your calculations from **Line 12** of the **online calculator** or **Line 16** of **Appendix B** on **Line 3B** of the Worksheet. This is the guideline award of temporary maintenance on income up to and including $524,000 after adjustment for low income, if any

  After you have completed **Sections 1-3** of the Worksheet, sign your name on **Page 2** of the Worksheet before a notary public and print your name below the line. If you are represented by an attorney, the attorney should also sign. Then submit the original of the Worksheet to the court. Have a copy served on your spouse and keep a copy for yourself. Attach copies of your most recent tax returns and W-2 statements if you have not already submitted them with your Net Worth Statement.