

**13 Factors for Court to Consider for Temporary Maintenance Where Income Exceeds \$228,000
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.