

- 8(1) ANNUAL INCOME WORKSHEET**
- 8(2) MAINTENANCE GUIDELINES WORKSHEET**
- 8(3) CHILD SUPPORT WORKSHEET**

If the divorce was commenced on or after January 25, 2016 and if either party is seeking maintenance, Form (UD-8-(1)and Form UD-8((2) are required forms. If there are children of the marriage, Form UD-8(3) is also required. If the Defendant seeks maintenance or child support, the Defendant must fill out the applicable forms.

To help you make the calculations on these forms, you may Use the Court’s Maintenance and Child Support Calculators available online on the Court’s Divorce Resources Website at <http://www.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>

(the “Calculators”). They are provided for your convenience as a tool. They have been tested with many scenarios to assure accuracy with appropriate entry of data. You may wish to make the calculations yourself on the applicable Appendices to these Worksheets. Neither these Worksheets nor the Calculators are meant to predict what the court will order as to maintenance or child support in your case.

IMPORTANT NOTES ABOUT USING THE CALCULATORS:

If you use the Calculators to make the calculations on the Worksheets, you must copy the figures onto the applicable Appendices to the Worksheets so that the Court will have the figures available when reviewing your divorce papers. Work cannot be saved on the Online Calculator so it is a good idea to print out the work from the Calculators for your records.

Make sure you read the Instructions on the above Website at <http://www.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml> before using the Calculators.

8(1) ANNUAL INCOME WORKSHEET

- Field 1:** Insert the county in which you are bringing the action.
- Field 2:** Print the Plaintiff's name.
- Field 3:** Print the Defendant’s name.
- Field 4:** Insert the index number assigned to the action.
- Field 5:** In some cases the Defendant prepares this form; Check the appropriate box to show whether Plaintiff or Defendant prepared this form. This must be the same as shown in Field 7.

Field 6: Complete Income Computations for Plaintiff and Defendant by either of the following methods:

- **Use the Calculators** at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>
OR
- **Make the calculations yourself on Appendix A to the Worksheet**

Check the applicable box on the Worksheet that indicates which method you chose to make the calculations. If you use the Calculators, copy the figures onto Appendix A.

Enter the result of your calculations from **Line 18 of Part A of the Calculator** or **Line 18 of Appendix A on Lines 1A and 1B on page 1 of the Worksheet.**

Field 7: Plaintiff must sign this document on page 2 of the Worksheet. If the Defendant prepared this document, then the Defendant signs it. Check the appropriate box. This form must be signed and sworn to before a notary public. Attach the latest income tax returns, W-2's, 1099's, pay stubs -- or whatever documentation you have -- to confirm the amounts you state in this form

Special Instructions for Appendix A.

Appendix A is divided into three Parts:

Appendix A Section I - Gross Annual Income: You *must* fill out all the items of Income for both Plaintiff and Defendant on Appendix A Section I, *if you know of them*. You may use a tax return, pay stub, W- 2 or any financial document that will assist you in completing the form. You may also use other information that you have to assist you. For example, if the Defendant was earning \$20,000 per year at the time you separated or if you know someone with the same job making \$20,000, you should list that amount and state the source of your information on Appendix A. If you do not know the Defendant's income at present, write the number "0" in all relevant sections with the word "unknown" next to that amount. You may return to this Court or the Family Court should you learn Defendant's income at a later date.

Appendix A Section II - Annual Deductions: Fill out all the Deductions for both Plaintiff and The deductions used most often are: New York City or Yonkers income tax and Social Security taxes.

Appendix A Section III - Subtract the total Deductions of Plaintiff from the total Income of Plaintiff to get Plaintiff's Net Annual Income and insert that amount in Section 1A of the Worksheet on page 1. Subtract the total Deductions of Defendant from the total Income of Defendant to get Defendant's Net Annual Income and insert that amount in Section 1B of the Worksheet on page 1. Although Appendix A looks complicated, a careful, step-by-step approach should help you complete it properly and without too much trouble.

*** Example: The Plaintiff is a teacher and earns \$30,000 per year but also receives a \$10,000 pension from a prior profession. The total income is \$40,000. FICA, Medicare and NYC Tax Withholding reduce Plaintiff's income to \$36,800.**

8 (2) MAINTENANCE GUIDELINES WORKSHEET

If your divorce case was commenced on or after January 25, 2016, which is the date the Maintenance Guidelines Law (Ch. 269, Laws of 2015) became effective, and if either party seeks Maintenance, the Plaintiff must submit this Worksheet to assist the Court in determining if maintenance is required to be paid under the Maintenance Guidelines Law by the party with the higher income to the party with the lower income. You should complete this form before you prepare the summons, so that you can give the Defendant the required notice as to the amount of maintenance demanded or offered, as the case may be.

- Field 1: Insert the county in which you are bringing the action.
- Field 2: Print the Plaintiff's name.
- Field 3: Print the Defendant's name.
- Field 4: Insert the index number assigned to the action.
- Field 5: In some cases the Defendant prepares this form; Check the appropriate box to show whether Plaintiff or Defendant prepared this form. This must be the same as shown in the signature line.
- Field 6: **In SECTION 1**, Enter Income of Parties by copying the amounts from the Annual Income Worksheet, Line 1A and Line B (Form UD 8(1)).
- Field 7: **In SECTION 2**, Determine whether Plaintiff or Defendant has greater income; that spouse will be called the "maintenance payor" and the other spouse will be called the "maintenance payee." Enter amounts on Lines 2A and 2B of section 2 of the Worksheet.
- Field 8: **In SECTION 3**, Calculate the guideline amount of maintenance on income up to and including \$192,000, and any low income adjustment. Use the Calculators or Appendix B to the Worksheet. Note: you will have to answer **YES** or **NO** to Questions 6 and 7 as follows:
Question Line 6: STEP C: Is Child Support going to be paid for children of the marriage?
Question Line 7: STEP D: Is the Maintenance Payor the Non-Custodial Parent?
If there are no children of the marriage, answer **No** to both questions
- Note:** For child support purposes, one parent is labeled the "custodial parent" and the other parent is labeled the "non-custodial parent" depending on which parent the child(ren) live with more than 50% of the time. If the person with the higher income (Maintenance Payor) is also the non-custodial parent, enter **for YES** Question 7. If not, enter **NO**. If the child lives with both parents equally, enter **YES** for Question 7 because the party with the higher income will be deemed the non-custodial parent.

- **Use the Calculators** at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>
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. If you use the Calculators, copy the figures onto Appendix B.. Enter the result of your calculations from **Line 19 of the Calculator** or from **Line 19 of Appendix B on Line 3B of the Worksheet**. This is the guideline award of maintenance on income up to and including \$192,000 after adjustment for low income, if any.

- Field 9 After reviewing the **15 post-divorce maintenance factors** in **Appendix D and the Advisory Duration Schedule in Appendix E of the Worksheet**, enter the information requested in **Paragraphs 4a and 4b** to help the Court decide how long maintenance should last.
- Field 10 After reviewing the **15 post-divorce maintenance factors**, whichever applies, check the applicable box or boxes to ask the Court to adjust the award of maintenance or order maintenance on income of the Payor in excess of \$192,000 per year. Then list the factors you would like the Court to consider in making such decision.
Note: Your Divorce may become contested.
- Field 11 Plaintiff must sign this document on page 2 of the Worksheet. If the Defendant prepared this document, then the Defendant signs it. This form must be signed and sworn to before a notary public.

8(3) CHILD SUPPORT WORKSHEET (Form UD-8(3)) : Note: this form replaces prior Form UD-8 effective January 25, 2016.

Like the **Maintenance Guidelines Worksheet (Form UD-8(1))**, the Child Support Worksheet (Form UD-8(3)) requires financial information about the net annual income of the parties that you already entered on the **Annual Income Worksheet (Form UD-8(1))**.

Although this document looks complicated, a careful, step-by-step approach should help you complete it properly and without too much trouble. When things become complicated, examples will be given. You should complete this form before you prepare the summons, so that you can give the Defendant the required notice as to the amount of child support demanded or offered, as the case may be. It may help to read through the form before you begin.

- Field 1: Insert the county in which you are bringing the action.
- Field 2: Print the Plaintiff's name.
- Field 3: Print the Defendant's name.
- Field 4: Insert the index number assigned to the action.
- Field 5: In some cases the Defendant prepares this form; Check the appropriate box to show whether Plaintiff or Defendant prepared this form. This must be the same as shown in the signature line.
- Field 6: Check the boxes in sections 2 and 3 if you have entered into a written agreement with your spouse about Child Support and have submitted it with this Worksheet. Check the box in section 4 if you are not represented by an attorney to acknowledge you have received a copy of the Child Support Standards Chart.

Note: You may enter into a written agreement with your spouse for more or less child support than the guidelines would allow, but only if certain requirements are met in the agreement to show that the parties knew about the provisions of the Child Support Standards Act (CSSA), received a copy of the CSSA Chart if unrepresented, knew the amount they would have been entitled to under the CSSA, explained the reasons for providing a different amount if a different amount was provided. The agreement must be submitted to the court for its approval and to make sure the requirements of the CSSA are met.

Field 7: Section 5: Calculate the amount of child support that must be paid to the custodial parent by the non-custodial parent by either of the methods shown below. Then check the applicable box on the Worksheet that indicates which method you chose to make the calculations. Enter the result of your calculations in **Line 5 B from Part C - IV, Line 1 of the Calculator** or from **Section IV Line 1 of Appendix G**.

Notes for making the calculations by either method:

- ✓ If the Spouses agree to a different amount of maintenance than the amount required by the Maintenance Guidelines Act or zero maintenance, you must submit a copy of your written agreement about maintenance to the court for review.

- ✓ For child support purposes, one parent is labeled the “custodial parent” and the other parent is labeled the “non-custodial parent” depending on which parent the child lives with for more than 50% of the time. If the person with the higher income (Maintenance Payor) is also the non-custodial parent, select **YES** for Question 7 (whether the Maintenance Payor is also the non-custodial parent). If not, select **NO** for Question 7. If the child lives with both parents equally, answer **YES** for this Question.

- ✓ If the Non-Custodial Parent’s Income after deducting his/her Percentage Share of Combined Child Support is less than the Self Support Reserve but greater than the poverty level, the Court has discretion whether or not to award the Mandatory Add- On Expenses and the total you entered in Line 5B may turn out to be lower.

- **Use the Calculators** at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>

Note: If you and your spouse agree to zero maintenance or a different maintenance amount, click **NO** for the Question “Do you want to calculate guideline maintenance award?”

Part B will disappear if you click “No,” but you will still have to answer Questions 6 and 7 before going to Part C to calculate child support by telling the calculator what the award amount should be. Select **YES** for Question 6 since you want to calculate child support.

OR

- **Make the calculations yourself on Appendix G to the Worksheet**

Check the applicable box on the Worksheet that indicates which method you chose to make the calculations. If you use the Calculators, copy the figures onto Appendix G.

NOTE: See Special Instructions for Appendix G below. Then complete the Worksheet.

Special Instructions for Appendix G

I. ADJUSTMENT FOR MAINTENANCE AND CALCULATION OF ANNUAL BASIC CHILD SUPPORT OBLIGATION

In Line 1, enter the amount of the guideline award of maintenance on Income of the Maintenance Payor from **Line 3B on page 2 of the Maintenance Worksheet (Form UD-8(2))**, but if you and your spouse have a written agreement as to maintenance, enter the agreed amount instead and check the applicable box and submit the agreement to the Court to prove the correct amount.

Note: if neither party seeks maintenance, enter zero instead. Then adjust for maintenance to be paid or received, if any, by adding or subtracting the amount from Line 1 to the income amounts of the party with the lower annual income you enter in Line 2 and the party with the higher annual income you enter in Line 3 as instructed on Lines 2 and 3. Take the annual income amounts from Line 1A and 1B of Annual Income Worksheet (Form UD-8(1)) that you have already filled out.

In Line 4, Add Lines 2 and 3 to get the Combined Parental Income.

In Line 5, enter the Income of the Non-Custodial Parent (the NCP). The NCP is the parent who does not have the child(ren) more than 50% of the time. To do this, copy the Net Annual Income from Section 2 of the Maintenance Guidelines Worksheet. Copy the income of the Maintenance Payor or the Maintenance Payee, depending on which parent does not have the child (ren) more than 50% of the time.. The parent who has the child(ren) more than 50% of the time will be the Custodial Parent (CP). Note: If the child (ren) live with both parents equally, the party with the higher income will be the NCP for this purpose.

In Line 5a, Compute the NCP's Percentage Share of Combined Income

In Line 5b, Compute the CP's Percentage Share of Combined Income by following the directions on the form. This requires simple division. *

*** For Example: Suppose the Plaintiff is the NCP; his adjusted income is \$30,000, and the Defendant's income is \$20,000. The combined income is \$50,000. You divide \$30,000 [NCP income] by \$50,000 [Combined income]. $\$30,000 / \$50,000 = .60$ or 60%. To get the CP's Percentage you divide \$20,000 by \$50,000 [Combined Income]. $\$20,000 / \$50,000 = .40$ or 40%.**

These percentages are important, because they will be used later to determine obligations of the parents for child support.

On Line 6, fill in the percentage that applies. The Child Support laws require certain percentages based on the number of children. Suppose you have one Child. The percentage would be 17%.

On Line 7, multiply the combined income up to \$154,000 by the percentage you entered in Line 6. If the combined income is over \$154,000, then disregard the amount exceeding \$154,000 for now and multiply the appropriate percentage by \$154,000.

*** For Example: If the Plaintiff's adjusted income is \$30,000 and the Defendant's adjusted income is \$20,000, then their combined income is \$50,000. Suppose there is one child. You entered 17% on Line 6 for 1 child. You multiply $\$50,000 \times 17\% = \$8,500$. You now have the combined child support of \$8,500;**

On Line 8, multiply the combined child support from Line 7 by the NCP percentage in Line 5a to get the NCP's Percentage Share of Child Support on Income Up to \$154,000. *

*** For Example: Using the figures in the last two examples, $\$8,500 \times 60\% = \$5,100$.**

On lines 9 -9c, compute the amount of child support on Combined Parental Income over \$154,000, if any, that you are asking the court to award. Some people decide to simply use the same formula that was used in Line 7 and hope the court goes along with that, but the court might decide instead to consider the **10 child support adjustment factors in Appendix D**. Line 9c computes what that amount would be if the court uses the percentages. List the factors you would like the court to consider on Section 2 of the Child Support Worksheet (see Field 8 above).

II. Appendix G II. Determine Whether Low Income Exemption Applies

In lines 1-3, follow the instructions by subtracting the NCP's Annual Basic Child Support from the NCP's Annual Income. Enter the Result in Line 3. Treat any negative number as zero.

There are three possibilities to see whether the Low Income Exemption Applies:

First -- If the figure you get in Line 3 of Section II falls between the **Poverty Level and the Self-Support Reserve**,* proceed to Line 4a to compute the difference between NCP Income and the Self Support Reserve, and enter the greater of \$600 or the difference on Line 4b of Section II. Then Proceed to Section III to compute Add-on Expenses. Note the Court has discretion whether to award the Add-on Expenses.

Second -- If the figure you get in Line 3 of Section II is equal to or larger than the Self-support Reserve, then there will no low income adjustment. Go on to Section III.

Third -- If the figure you get in Line 3b of Section II is less than the poverty level, enter \$300 in Line 4b of Section II. This will result in a child support of \$300 per year unless the Court decides this amount is "unjust or inappropriate" based on the **10 child support adjustment factors** in Appendix F to the Worksheet. Skip Section III and go on to Section IV.

***Note: Every March 1st, the Poverty Level and Self-Support Reserve changes.** You may obtain the most Current figures from the Child Support Standards Chart available by April 1st at [https://childsupport.ny.gov/dcse/child support standards.html](https://childsupport.ny.gov/dcse/child%20support%20standards.html)

III. Appendix G- III. Child Support Add-On Expenses (Skip this Section if the Basic Child Support Obligation with Low Income Exemption is \$300).

There are two types of Child Support Add-on Expenses: "Mandatory" (or Required) Expenses (Sections A and B) and Discretionary Expenses. A pro rata share of Unreimbursed Health Insurance Expenses and Health Insurance Premiums for the children are mandatory expenses, as are child care expenses leading to employment or while the custodial parent is working. The Court has authority to award or apportion additional reasonable expenses for child care and other education and extraordinary expenses that do not qualify as Mandatory Add-On Expenses. **However, If Line 3 of Section II is less than the Self Support Reserve but greater than the poverty level, the Court has discretion whether or not to award the Mandatory Add- On Expenses. (See DRL 240-(1-b)(d).**

In **Line A (1)**, enter the cost of child care for child care expenses leading to employment or while the custodial parent is working. If you pay for any of those items, enter the total annual expense.

In **Line A(2)** enter NCP's Percentage Share from **Line 5a of Section I**.

In **Line A(3)** multiply the total child care expense (**Line A(1)**) by the non-custodial parent's Percentage Share from **Line A(2)**, and put the number in **LineA(3)**.

* For Example: If NCP's Percentage Share is 60% and **Line A(1)** is \$1,000 then **Line A(3)** would be $\$1,000 \times 60\% = \600 .

In Lines B(4a) and B(4b) enter the Non- Custodial Parent (NCP)'s and the Custodial Parent (CP)'s Percentage Shares of both health insurance premiums and future unreimbursed health expenses. To do this, copy the NCP Percentage Share from **Line 5a of Section 1** and CP's Percentage Share from **Line 5b of Section 1**. **Note: this should be a percentage, not a dollar figure.**

In Line 5, enter the annual cost of health insurance for the children.

In Line 6, enter yes or no to the question whether the NCP provides the health insurance for the children.

In Lines 6a and 6b follow the instructions to add or deduct the Percentage Share of health insurance for the children. If the NCP does not provide the insurance, multiply Line 4a by Line 5 and enter the result. If the NCP does provide the insurance, multiply Line 4b by Line 5 and enter the result as a negative number.

In Line 7, enter the health insurance adjustment from Line 6a or 6b whichever applies.

In Line 8, total lines 3 and 7 to equal the total Add-On Expenses.

In Line 9, enter the total **Discretionary Expenses** for Child Care and education and extraordinary expenses you are asking the Court to award, if any. These amounts are up to the court's discretion and will not be added to the totals.

IV. Appendix G IV. Basic Annual Child Support Obligation

Line 1: Add Line 4b of Section II and Line 8 (consisting of the total of Lines 3 and 7) of Section III. To do this, add Line 4b of Section II, and Line 3 of Section III, and Line 7 of Section III. Complete the total and enter this amount on Line 5B of the Worksheet.

However, if Line 3 of Section II is less than the Self Support Reserve but greater than the poverty level, the total may be less after the Court decides whether to award the add-on expenses. In that case, do not copy the amounts from Lines 3 and 7 of Section III but leave them blank for the court to fill in and to complete the total to be entered on Line 5B of the Worksheet.

Now complete the rest of the Worksheet starting with Section 2 at Field 8.

Field 8: Section 2. If you believe the Annual Basic Child Support Obligation is unjust and should be changed, check the applicable box and list the factor or factors on Appendix F that contain your reasons. **Note: your Divorce May Become Contested.**

Field 9: If you would like the Court to award Child Support on Combined Income above \$154,000, list the factor or factors on Appendix F that contain your reasons.

Field 10: Plaintiff must sign this document, If the Defendant prepared it, then the Defendant signs it. Check the appropriate box. This form must be signed **and sworn**