

**Temporary Spousal Maintenance Guidelines Calculator (Includes Low Income Adjustment)**

**I. Income Section**

1. Plaintiff
2. Defendant

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

**Income Over 178K**

3. Plaintiff
4. Defendant

**II. Income for Calculations (up to \$178,000 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:**

<b>QUESTION A: Will child support be paid for children of the marriage?</b>	Yes	No
<b>QUESTION B: Is the Payor also the non-custodial parent pursuant to the CSSA?</b>	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<br><i><b>or</b></i>  |
| 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 (\$16,281); 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 \$178,000: If the payor’s income exceeds \$178,000, 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 \$178,000. 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.

13 FACTORS WHERE INCOME EXCEEDS \$178,000 OR WHERE THERE IS ADJUSTMENT OF AWARD

- (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 the 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.