

**15 FACTORS FOR POST-DIVORCE MAINTENANCE PURSUANT TO DRL§236B(6)(E)(1)
FOR ADJUSTMENT OF AWARD, FOR DURATION OF AWARD, OR WHERE PAYOR'S
INCOME EXCEEDS THE CAP**

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 before the termination of the maintenance award when the calculation of maintenance was based upon child support being awarded 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 a 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.t he tax consequences to each party;
- 11.t the standard of living of the parties established during the marriage;
- 12.t he reduced or lost earning capacity of the payee as a result of having foregone or delayed education, training, employment or career opportunities during the marriage;
- 13.t he equitable distribution of marital property and the income or imputed income on the assets so distributed;
- 14.t he contributions and services of the payee as a spouse, parent, wage earner and homemaker and to the career or career potential of the other party; and
- 15.a ny other factor which the court shall expressly find to be just and proper.