SUPREME COURT OF THE STATE OF NEW YORK
1 **COUNTY OF**
----------X
2

Plaintiff, Index No.:_____ 4

-against-

3

MAINTENANCE GUIDELINES WORKSHEET (FORM UD-8(2) Rev. 3/1/23

Defendant.
----------X

IMPORTANT NOTE: DO NOT FILL OUT THIS FORM IF YOUR ACTION WAS COMMENCED BEFORE JANUARY 25, 2016, [1]

To assist you in making the calculations on this Worksheet, you may use the Maintenance/Child Support Calculators posted on the Court's Divorce Resources website at http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml. 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 Appendices to this Worksheet. Neither this Worksheet nor the Calculators are meant to predict what the court will order as to maintenance or child support in your case. Comments and questions about this Worksheet or the Calculators should be sent to NYMatCalc@nycourts.gov

If you decide to use the Calculators, you must copy your work onto Appendix B.

5 This Worksheet was prepared by ☐ Plaintiff ☐ Defendant,

NOTE: If you and your spouse have entered into an agreement about maintenance[2] check the box below and submit a copy of the agreement or agreements to the court along with the completed Worksheet.

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

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[1] January 25, 2016 is the date the new Maintenance Guidelines Law (L. 2015, c. 269,) became effective. If your divorce action was commenced before that date, include any request for maintenance as "Ancillary" or other relief in the Summons with Notice or the Summons and Verified Complaint. See pages 14 and 16 of the Uncontested Divorce Packet Instructions.

[2] Note that "maintenance" is support to be paid by one party to the marriage for the support of the other party to the marriage after the divorce is final. Because it is to be paid after the divorce is final, it is sometimes referred to as "post-divorce" maintenance, or simply as "maintenance."

6 **1. Enter Income of Parties by copying the amounts from the Annual Income Worksheet,**
Line 1A and Line 1B (Form UD- 8(1)).

A. Enter Plaintiff's Annual Income
$_____

B. Enter Defendant's Annual Income
$_____

7 **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 **MAINTENANCE PAYOR.....** $ _____

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

8 **3. CALCULATE GUIDELINE MAINTENANCE AWARD ON INCOME UP TO AND INCLUDING $203,000.**

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

☐ Use the Maintenance/Child SupportCalculators posted at **http://www.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml** and enter the Annual Guideline Maintenance Award from Line 19 of Part B of the Calculators in **Line 3B**.

OR

☐ Use **Appendix B** to make the calculation and enter the amount from **Line 19** of **Appendix B** in **Line 3B** below

B. **The Guideline Award of Maintenance** (based on Maintenance Payor's Income up to $203,000)..... **$**_____

9 **THE COURT WILL DETERMINE HOW LONG THE MAINTENANCE AWARD WILL BE PAID** [3]

4a., please enter:

i) The date of your marriage_____; The date your divorce action was

[3]The court **must** determine how long the maintenance award will be paid using the 15 Factors for Post-Divorce Maintenance in Appendix. D, and the court **may** also consider the Advisory Schedule for Duration of Award in Appendix E setting forth percentages of the length of the marriage for which maintenance may be paid.

commenced_____; The number of years you were married to the date your divorce action was commenced:_____

ii) The range that maintenance would be payable according to the Advisory Schedule for Duration of Award in Appendix E _____

Note: Multiply the number of years you have been married by the percentages in Appendix E to give the range on the schedule for that number of years married. For example, if you have been married 10 years on the date your action was commenced, the Advisory Schedule advises a duration of 15%- 30% times the number of years married. Multiply 10 x 15% = 1.5; Next Multiply 10 x 30%= 3. Write 1.5 – 3 years on line ii) above.

iii) How many years are you asking the Court to order that maintenance shall be payable? _____

iv) Please describe retirement assets, benefits and retirement eligibility (age and other requirements) of you and your spouse if you can on the lines below. If you do not know them, write, "unknown."

_____
_____
_____
_____
_____
_____

Attach an additional page if needed and check the box below:

☐ Additional Page Attached

4b. Review the **15 factors for post – divorce maintenance** in Appendix D, and list any factors you would like the court to know about when deciding how long maintenance will be paid.

_____
_____
_____
_____
_____
_____

Attach an additional page if needed and check the box below:

☐ Additional Page Attached

10 ***5.*** After reviewing the **15 factors for post-divorce maintenance,** check the applicable box or boxes to ask the Court to adjust the award of maintenance on income of the payor up to $203,000 or to order maintenance on income of the Payor in excess of $203,000 per year. Then list the factors you would like the Court to consider in making such decision.

☐Adjust Award of Maintenance on income up to $203,000 because you believe it is unjust [4]

☐Order Maintenance on Income in Excess of $203,000 per year[5]

_____
_____
_____
_____
_____
_____

Attach an additional page if needed and check the box below:

☐ Additional Page Attached

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

_____

Signature of ☐ Plaintiff ☐Defendant,

_____

Print or Type Name

Subscribed and Sworn to before me

on_____

_____

Notary Public

[4] **Unjust or Inappropriate Awards:** If a party believes that the Guideline Maintenance Award on income up to $203,000 is unjust or inappropriate, the party can ask the Court to order the Maintenance Payor to pay an adjusted amount. In making such decision, the Court shall consider the **15 factors for post-divorce maintenance**.

[5] **Awards on Income of the Payor above $203,000.** If the Maintenance Payor's income exceeds $203,000, the Court may award an additional amount of maintenance. In making such decision, the Court shall consider the **15 factors for post-divorce maintenance.**

See APPENDICES B, D, and E Attached

APPENDIX B.

Calculation of Guideline Amount of Maintenance up to and Including $203,000 and Adjustment for Low Income

APPENDIX D.

15 Factor for Court to Consider for Post-Divorce Maintenance* Where Income Exceeds $203,000 or in Connection with Adjustment of Award or in Considering Duration of Award.

APPENDIX E.

Advisory Schedule for Duration of Post-Divorce* Maintenance

* Note that “maintenance” is support to be paid by one party to the marriage for the support of the other party to the marriage after the divorce is final. Because it is to be paid after the divorce is final, it is sometimes referred to as “post-divorce” maintenance, or simply as “maintenance.”

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## APPENDIX B (Page 1 of 2 Pages)

### Calculation of Guideline Maintenance Award on Maintenance Payor's Income up to and Including $203,000; Includes Possible Low Income Adjustment

### I. BASIC CALCULATION

**STEP A: INCOME OF MAINTENANCE PAYOR AND MAINTENANCE PAYEE**

1. Enter Maintenance Payor's income from Line 2A on page 1 of the Worksheet: If this amount is greater than $203,000, enter $203,000 . . . . . $_____
2. Enter Maintenance Payee's income from Line 2B on page 1of the Worksheet $_____

**STEP B:**

**CALCULATE RESULT 1 and RESULT 2 USING FORMULAS B(1) AND B(2) BELOW; THEN ANSWER QUESTIONS IN STEP C AND STEP D TO DETERMINE WHETHER RESULT 1 OR RESULT 2 APPLIES**

**STEP B(1)(3):** Multiply Line 1 (Maintenance Payor's Income) by 20% . . . . . $_____

**STEP B(1)(4):** Multiply Line 2 (Maintenance Payee's Income) by 25% . . . . . $_____

**STEP B(1)(5):** Subtract Line 4 from Line 3: **Result 1**. . . . . $_____

**STEP B(2)(3):** Multiply Line 1 (Maintenance Payor's Income) by 30% . . . . . $_____

**STEP B(2)(4):** Multiply Line 2 (Maintenance Payee's Income) by 20% . . . . . $_____

**STEP B(2)(5):** Subtract Line 4 from Line 3: **Result 2**. . . . . $_____

**STEP C:** 6 Will child support be paid for children of the marriage? . . . . . **YES__ NO**

**STEP D:** 7. Is the Maintenance Payor the Non-Custodial Parent? . . . . . **YES__ NO**

**RESULT 1 OF STEP B(1) WILL APPLY IF THE ANSWERS TO BOTH OF THE QUESTIONS IN STEP C AND STEP D IS YES. RESULT 2 OF STEP B(2) WILL APPLY IF THE ANSWER TO EITHER QUESTION IN STEP C OR STEP D IS NO.**

**STEP E: COMPLETE THE CALCULATIONS BELOW to arrive at Result 3:**

8. Add Lines 1 and 2 . . . . . $_____
9. Multiply 40% of Line 8. . . . . $_____
10. Subtract Line 2 from Line 9: **Result 3**. . . . . $_____
11. Enter the lower of **Result 3** from Line 10 and Line 5 (from STEP B, **Result 1** or **Result 2**, whichever applies), but if Line 11 is less than or equal to zero, enter zero . . . . . $_____

    **THIS IS THE CALCULATED GUIDELINE AMOUNT**
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II. THE LOW INCOME ADJUSTMENT

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

12. Enter Maintenance Payor's Income from Line 1 . . . . . $_____

13. Enter calculated guideline amount from Line 11. . . . . − $_____

14. Subtract Line 13 from Line 12. . . . . $_____

- ***If Line 14 is greater than $19,683, there is no low income adjustment. Enter the amount from Line 11 in Line 18.***
- ***If Line 14 is less than $19,683, there is a low income adjustment. Go to Step G to calculate the amount of the award.***

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

15. Enter Maintenance Payor's income from Line 1 . . . . . $_____

16. Enter $19,683 (the Self Support Reserve)*. . . . . − $_____

17. Subtract Line 16 from Line 15. . . . . $_____

- ***If the amount on Line 17 is greater than zero, enter that amount in Line 18.***
- ***If the amount on Line 17 is less than or equal to zero, enter zero in Line 18.***

18. Amount owed after low income adjustment. . . . . $_____

III. AWARD

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

* Every March 1st the Self -Support Reserve changes. You may find the most current figures at **https://newyorkchildsupport.com/quick_links.html.** The current level of the Self-Support Reserve is $19,683

APPENDIX C INTENTIONALLY OMITTED

APPENDIX D

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 $203,000

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. the tax consequences to each party;
11. tthe 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 foregone or delayed education, training, employment or career opportunities during the marriage;
13. the equitable distribution of marital property and the income or imputed income on the assets so distributed;
14. the 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. any other factor which the court shall expressly find to be just and proper.

APPENDIX E

THE COURT MAY DETERMINE THE DURATION OF POST-DIVORCE MAINTENANCE IN ACCORDANCE WITH THE FOLLOWING ADVISORY SCHEDULE: BUT IN ANY EVENT, THE COURT MUST CONSIDER THE 15 POST-DIVORCE MAINTENANCE FACTORS SET FORTH IN APPENDIX D.

Length of Marriage	Percent of the length of the marriage for which maintenance will be payable
0 up to and including 15 years	15% - 30%
More than 15 up to and including 20 years	30% - 40%
More than 20 years	35% - 50%