

# CHAIM STEINBERGER, P.C.

ATTORNEYS AT LAW

150 EAST 58TH STREET, SUITE 2701

NEW YORK, NEW YORK 10155

(212) 964-6100

FAX (212) 500-7559

[www.theNewYorkDivorceLawyers.com](http://www.theNewYorkDivorceLawyers.com)

[admin@tnydl.com](mailto:admin@tnydl.com)

*Shepherding you safely through difficult family transitions!*

## **DIVORCE IN NEW YORK – MAINTENANCE**

(c) 2019 Chaim Steinberger, P.C.

Maintenance, or “spousal support,” is known elsewhere as “alimony.”

Like with child support, New York now has statutory guidelines to guide judges when making a maintenance award. (What New York calls maintenance is called in the rest of the world “alimony.”) The temporary and permanent maintenance provisions are contained in DRL § 236[B][5] and [6]. The guideline maintenance formula apply to income up to \$184,000 (the current spousal maintenance cap). The formula used to determine maintenance is a complicated several-step formula:

For income equal to or less than the Income Cap, the Court:

- i. Subtracts 20% of the payee’s income from 30% of the payor’s income if the payor will not be paying the payee child support, or 25% of the payee’s income from 20% of the payor’s income if the payor will be paying child support; then
- ii. Subtracts the amount of the payee’s income from 40% of the sum of the payor’s and payee’s combined income; and
- iii. Finally, awards the lesser of the two above results as annual Spousal Support.

If the Court finds that a guideline award would be unjust or inappropriate based on the factors enumerated in the law, the court can modify the amount. The court may also award an additional appropriate amount of maintenance on income exceeding the cap, again by considering the factors enumerated in the statute.

*NOTE: This monograph is intended as an educational guide and not as legal advice. Legal advice should only be obtained from a qualified lawyer who is familiar with all of the facts and circumstances of your matter.*

The duration of maintenance under the guidelines depends on the length of the marriage in the following proportion:

<u>Length of the marriage</u>	<u>Percent of the length of the marriage for which maintenance will be payable</u>
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%

You can access the court's worksheets and calculators (Adobe Acrobat and Excel) [here](#).

Obviously, to guide you through these complicated, multi-step processes, and identify and determine all of the legal issues that might benefit you, you need a skilled, caring, dedicated lawyer. Feel free to call us for a free telephone conversation to see if we can help you.

---

*NOTE: This monograph is intended as an educational guide and not as legal advice. Legal advice should only be obtained from a qualified lawyer who is familiar with all of the facts and circumstances of your matter.*