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New York Divorce and Family Law Blog

New York's Temporary Maintenance and Child Support Laws Cause a Redistribution of Income

Posted by Daniel Clement on April 07, 2011

Cases applying New York's temporary maintenance and counsel fee award laws enacted last year are beginning to trickle in. The recently decided case of *J.H. v. W.H.* illustrates how an award of temporary maintenance and child support will lead to a redistribution of income.

In the case, the husband and the wife had incomes of \$107,953 and \$11,660, respectively. Application of the temporary maintenance guidelines, resulted in an award of \$26,708.26 per year to the wife.

The parties had three children and the wife had physical custody of the children. After application of the child support guidelines, the husband was ordered to pay \$ 20255.13 per annum as support.

After the award of maintenance, child support, and taxes, the wife

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would have an income of **\$58,252.85** and the husband **\$41,000.40.**

	Wife	Husband
Gross Income:	\$11,660	\$107,953
FICA/Medicare:	-369.5	-8186.92
NYC Taxes:	-1.04	-3212.23
Federal Taxes:	0	-8590.06
Maintenance:	26,708.26	-26708.26
Child Support:	20255.13	-20255.13
	\$58,252.85	\$41,000.40

The Court recognized that there had been a substantial shift in actual financial resources and the husband, despite having the higher income, was no longer “the moneyed spouse.” As a result, the Husband did not have to pay the Wife’s attorney’s fees.