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New York Divorce and Family Law Blog

[New York Enacts Guidelines for Temporary Maintenance](#)

Posted by [Daniel Clement](#) on September 14, 2010

Simultaneous with the enactment of no-fault divorce, New York enacted [guidelines for awarding temporary maintenance](#).

The stated purpose of the guidelines was to provide consistency and predictability for temporary maintenance awards in the same way that the child support guidelines do.

Pursuant to the guidelines, maintenance is to be awarded during the divorce when one parties' income is less than 2/3's of the other spouse's income.

The amount of maintenance is to be the lesser of a) 30% of the payor's income minus 20% of the non-payor's income or b) 40% of the combined income minus the non payor's income. ([New York Temporary Maintenance Calculator](#))

Income for calculation of temporary maintenance is to be capped at \$500,000. Therefore, the maximum temporary maintenance award (when one spouse earns \$500,000 and the other spouse has no income) is \$150,000 per year or \$2,885 per week.

The guidelines shall not apply to incomes less than the self-support reserve (135% of the Federal Poverty Guidelines currently \$14,620/year).

In awarding temporary maintenance, judges may also consider a host of factors including the duration of the marriage, the martial lifestyle and the party's prospects of employment.