

MAINTENANCE

Statutory factors of Maintenance found in Domestic Relations Law section

236B(6):

1. The standard of living of the parties established during the marriage;
2. the age and health of the parties;
3. the earning capacity of the parties;
4. the need of one party to incur education or training expenses;
5. the wasteful dissipation of marital property;
6. the transfer or encumbrance made in contemplation of a matrimonial action without fair consideration;
7. the existence and duration of a pre-marital joint household or a pre-divorce separate household; 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 the children or stepchildren, disabled adult children or stepchildren, elderly parents or in-laws that has inhibited or, continues to inhibit a party's earning capacity or ability to obtain meaningful employment;
10. the inability of one party to obtain meaningful employment due to age or absence from the workforce;
11. the need to pay for exceptional additional expenses for the child or children, including, but not limited to, schooling, day care and medical treatment;
12. the tax consequences to each party;
13. marital property subject to distribution pursuant to subdivision five of this part;
14. the reduced or lost earning capacity of the party seeking temporary maintenance as a result of having foregone or delayed education, training, employment or career opportunities during the marriage; A. 76456
15. the contributions and services of the party seeking temporary maintenance as a spouse, parent, wage earner and homemaker and to the career or career potential of the other party; and
16. any other factor which the court shall expressly find to be just and proper.

CHILD SUPPORT

Statutory factors of Child Support found in Domestic Relations Law 240:

1. the financial resources of the custodial and non-custodial parent, and those of the child;
2. the physical and emotional health of the child and his/her special needs and aptitudes;
3. the standard of living the child would have enjoyed had the marriage or household not been dissolved;
4. the tax consequences to the parties; the non-monetary contributions that the parents will make toward the care and well-being of the child;
5. a determination that the gross income of one parent is substantially less than the other parent's gross income;
6. the needs of any other children of the non-custodial parent for whom he/she is providing support;
7. extraordinary expenses incurred by the non-custodial parent in extended visitation, or expenses incurred by the non-custodial parent in extended visitation provided that the custodial parent's expenses are substantially reduced as a result thereof; and
8. any other factors the court determines are relevant in each case.

FACTORS OF EQUITABLE DISTRIBUTION PURSUANT TO DOMESTIC REALATIONS LAW §236(b)(5):

1. The present and past incomes of each party during the term of the marriage from any and every source, subject to each party having fully disclosed these to the other party and each warranting and guaranteeing to the other that he or she has not concealed anything from the other party;
2. The property of the respective parties, including but not limited to, marital property distributed between the parties during the course of the marriage and personal and real property exchanged or given as gifts to each other or sold to each other during the course of the marriage and personal property received by the respective parties from third parties by gift, bequest, devise or otherwise;
3. The duration of the marriage and the age and health of both parties;
4. The need of a custodial parent to occupy or own the marital residence and to use or own its household effects;
5. The loss of inheritance and pension rights upon dissolution of the marriage as of the date of dissolution;
6. Any award of maintenance;

7. Any equitable claim to, interest in, or direct or indirect contribution made to the acquisition of such marital property by the party not having title, including joint efforts or expenditures and contributions and services as a spouse, parent, wage earner and homemaker, and to the career or career potential of the other party;
8. The liquid or non-liquid character of all marital property;
9. The probable future financial circumstances of each party;
10. The impossibility or difficulty of evaluating any component asset or any interest in a business, corporation or profession and the economic desirability of retaining such asset or interest intact and free from any claim or interference by the other party;
11. The tax consequences to each party;
12. The wasteful dissipation of assets by either spouse;
13. Any transfer or encumbrance made in contemplation of a matrimonial action without fair consideration;
14. The time and training necessary to enable the Husband or Wife to become self-supporting;
15. Any claim to the appreciation of separate property as a result of the direct or indirect efforts of either party and such efforts furthering the career or career potential of the other party;
16. The standard of living established during the marriage;
17. Any other factor which the parties find to be just and proper;