

Maintenance Standards Act Fact Sheet

Why does New York State need Post-Marital Income Guidelines (PMI)?

- The Maintenance Standards Act will protect **economically-vulnerable** spouses.
- The Maintenance Standards Act will make maintenance **more predictable and consistent**, which will **encourage settlements** and discourage prolonged, expensive litigation.
- The Maintenance Standards Act will address the needs of **low and moderate income spouses**, who now give up legitimate claims simply because they lack resources to litigate. Among those are **minorities** and **immigrants**.
- The Maintenance Standards Act recognizes marriage as an **economic partnership**. Often one spouse devotes primary energies to increasing earning power while the other forgoes educational or workforce opportunities to take responsibility for family obligations.
- The Maintenance Standards Act is a necessary **complement to equitable distribution**. It provides remedies for spouses when they have no assets of significance besides a future stream of income. For most couples in New York, this is the *only* asset of the marriage.

How will Maintenance Standards Awards be calculated?

A formula will be used to arrive at a dollar amount to be used as the beginning point for discussion. In practice, this amount will provide for a 30%-70% split of combined income of both spouses (when one spouse has no pre-award income) to a 40%-60% split of combined income (when the spouse receiving the award has some income). Judges will be free to adjust these amounts up or down to reach fair results.

How long will payments last?

A second formula will determine duration. The longer the marriage, the longer the payments will last. For marriages of less than five years, payments will last one-third of the length of the marriage. For marriages lasting longer than 25 years, payments may be nondurational. Judges also may adjust the time period.

Who supports Maintenance Standards

The coalition currently has 34 members. These organizations' names are on the website: **DivorceReformNY.org**. In addition, the American Academy of Matrimonial Lawyers recommended this approach in 2007. The American Law Institute also endorsed guidelines to promote consistency and predictability.