

A GUIDE TO THE NEW YORK DIVORCE AND FAMILY LAW™ TEMPORARY MAINTENANCE CALCULATOR

The New York Divorce and Family Law™ FamCalc Software Suite of programs make life easier for every attorney who practices divorce and family law in New York. This software, which requires only a basic knowledge of computers, was written especially for the New York Divorce and Family Law™ attorney.

The New York Divorce and Family Law™ Temporary Maintenance Calculator automatically generates a helpful summary report, and calculates the temporary maintenance amount on the parties income, both under and over \$500,000. Another feature, useful for purposes of negotiating a settlement, is the ability to do "what if" calculations using a different income.

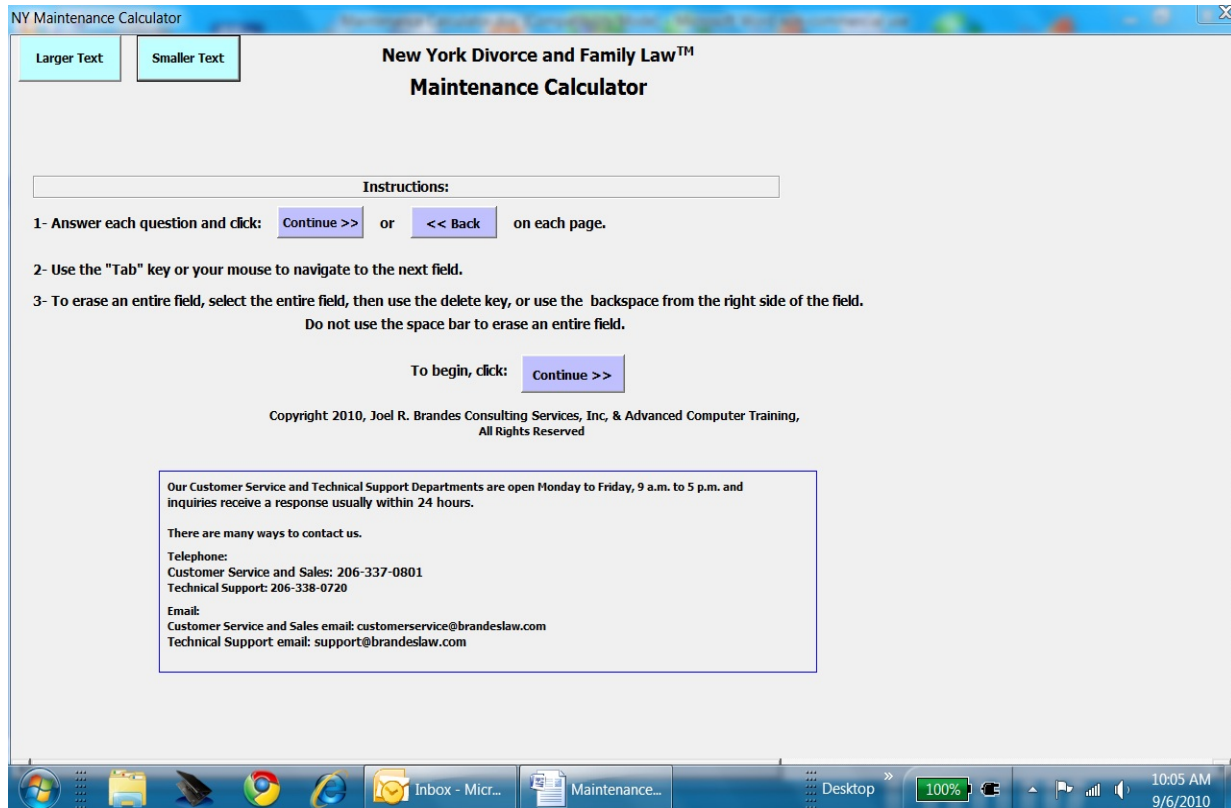
The New York and Family Law™ Temporary Maintenance Calculator contains a separate on-screen manual, written by Joel R. Brandes, entitled "A Basic Guide to Understanding the Temporary Maintenance Guidelines." The purpose of this guide is to provide you with a basic understanding of the Temporary Maintenance Guidelines which is codified in Domestic Relations Law § 236 [B][5-a]. It is intended to equip the reader with a clear and concise explanation of the current statutory law applicable to temporary maintenance awards. It explains all of the provisions of the Temporary Maintenance Guidelines in order to provide you with a good understanding of the law. It also updates the seasoned practitioner on the latest developments in New York Divorce and Family Law. This publication is updated annually so that you will always be up to date on the New York Temporary Maintenance Guidelines.

The New York and Family Law™ Temporary Maintenance Calculator is easy to use and comes with pictorial guides, rather than confusing instructions. That's all there is to it. There is nothing to learn.

The cost of the program is \$ 199.00 each for the first three licenses. Each additional license is \$ 99.00 each.

The programs have been written by us, based upon years of experience in New York divorce and family law practice.

The opening page of the New York and Family Law™ Temporary Maintenance Calculator has all the instructions you need to run the program and calculate the “presumptive” amount of temporary maintenance.



Step 1: The pages that follow the opening page give you simple, easy to understand choices to make based upon the provisions of the provisions of Domestic Relations Law § 236 [B][5-a], the temporary maintenance guidelines. The first thing to do is enter the names of the payor and payee.

The screenshot shows a window titled "NY Maintenance Calculator" with a sub-header "Payor and Payee". It contains two text input fields: "Payor (paying spouse)" with the value "John Smith" and "Payee (receiving spouse)" with the value "Joan Smith". A "Continue >>" button is centered below the fields. The Windows taskbar at the bottom shows the Start button, several application icons, and the system tray with the date and time "10:07 AM 9/6/2010".

Step 2. The next page after the names page is the FICA Calculator page. If you know the amount of the FICA deductions you can skip this page and go to the New York City and Yonkers Tax Calculator page, by indicating that the calculation is not needed.

NY Maintenance Calculator

FICA Calculator

Larger Text Smaller Text

Social Security Year: 2009 2010 Ceiling Amount: 106,800.00

<< Back Continue >>

FICA Calculation needed - enter on this page
 FICA Calculation is not needed - either known or not applicable

Payor		Payee	
Employee Wage Income	\$ 600000	Employee Wage Income	\$ 0
Self-Employment Income	\$	Self-Employment Income	\$

10:08 AM 9/6/2010

Step 3. Next, use the New York City and Yonkers Income Tax Calculator page to calculate New York City and Yonkers Income Taxes for either or both parties if you do not have information as to the actual amount of the New York City and Yonkers Income Taxes. Just select which calculations are needed. Then enter the New York State Taxable Income for the party or parties, and his or her filing status, as the case may be.

The screenshot shows a software window titled "NY Maintenance Calculator" with a sub-header "New York City and Yonkers Income Tax Calculator". At the top left are "Larger Text" and "Smaller Text" buttons. At the top right are "<< Back" and "Continue >>" buttons. The main area is divided into two columns: "Payor" and "Payee".

Payor Section:

- Radio buttons for calculation needs:
 - No calculation needed- either not relevant or tax amount is known
 - New York City Income Tax calculation only is needed
 - Yonkers Income Tax calculation only is needed
 - Both New York City and Yonkers Income Tax needs calculation
- Text input: "Payor's NYS Taxable Income" with a value of "550,000".
- Dropdown menu: "Father- Filing Status" with options "married filing jointly", "married filing separately" (selected), and "head of household".

Payee Section:

- Radio buttons for calculation needs:
 - No calculation needed- either not relevant or tax amount is known
 - New York City Income Tax calculation only is needed
 - Yonkers Income Tax calculation only is needed
 - Both New York City and Yonkers Income Tax needs calculation
- Text input: "Payee's NYS Taxable Income" with a value of "0".
- Dropdown menu: "Mother- Filing Status" with options "married filing jointly", "married filing separately" (selected), and "head of household".

The Windows taskbar at the bottom shows the system tray with a 100% battery icon, signal strength, and a clock showing 10:14 AM on 9/6/2010. Open applications include "Inbox - Micr..." and "Maintenance..."

Step 4. Then enter the amount of each party's gross income, the additions to income and the deductions from income in accordance with the provisions of Domestic Relations Law §240 (1-b)(b)(5)(v). Notice that the New York Divorce and Family Law Temporary Maintenance Calculator does the temporary maintenance calculations at the bottom of the screen as you enter the information and calculates the presumptive statutory award. You can try a different combined income as you wish.

NY Maintenance Calculator

Maintenance Calculator << Back Continue >>

Larger Text Smaller Text

Gross Income For Maintenance
 Payor \$ 500000 Payee \$ 0

Deductions From Income			Additions to Income		
Payor		Payee	Payor		Payee
6,621.60	FICA: Social Security	0.00		Investment Income	
8,700.00	FICA: Medicare	0.00		Worker's Compensation	
19,362.00	NYC/Yonkers Income Tax	0.00		Unemployment Insurance	
	Maintenance			Social Security	
	Child Support Paid Pursuant to Order			Veteran's Benefits	
	Unreimbursed employee business expenses			Retirement/Annuities Disability Income	
				Fellowships/Stipends	
				Income Producing Property	
				Employment Perquisites	
				Income From Others	
				Imputed income	

Payor's Adjusted Income: 465,316.40 Payee's Adjusted Income: 0.00

Statutory Presumptive Award
 Annual: 139,595.00 Monthly: 11,632.92

Windows taskbar: Desktop 100% 10:15 AM 9/6/2010

Step 5: If you are satisfied with your entries select 'Continue' to create your report. Your report will be created and placed in the folder where the program is installed. The program automatically calculates your report.

MAINTENANCE CALCULATION

PAYER: John Smith
PAYEE: Jean Smith

Note: Income calculation is defined pursuant to:
1- The Child Support Standards Act (CSSA); 24, Section 240 and PCA Section 412, and
2- Income Producing Property.

	PAYER	PAYEE
(A) Gross Income	\$191,894.00	\$0.00
(B) Additions to Gross Income:		
- Income Producing Property		
(C) Deductions to Gross Income:		
- Federal Income Tax		
- State Income Tax		
- Social Security Benefits		
- Unemployment Insurance Benefits		
- Veterans Benefits		
- Retirement Income/ Disability Benefits		
- Pensions and Annuities		
- Payments of Employment		
- Medical, Dental, Vision Provided by Others		
(D) Required Income	\$0.00	\$0.00
(E) Total Deductions		
(F) Deductions From Income Pursuant to CSSA:		
- Social Security & Medicare	\$12,320.00	\$0.00
- NYC Income Tax	\$12,320.00	\$0.00
- Maintenance	\$0.00	\$0.00
- Child Support Paid	\$0.00	\$0.00
- Unemployment Insurance	\$0.00	\$0.00
(G) Child Deductions	\$24,500.00	\$0.00
(H) Adjusted Income: Payer A - Payer B - Payer C (Payer's Tax)	\$445,316.40	\$0.00
(I) \$500,000		
(J) Calculation 1:		
(K) 50% of Payer's Income (Item K or D)	\$119,894.00	
(L) 50% of Payer's Income (Item K or D)	\$0.00	
(M) Payer B minus Payer F	\$119,894.00	
(N) Calculation 2:		
(O) Sum of Payer's and Payer's Income Item K or D	\$445,316.40	
(P) 40% of Sum From Item O	\$178,126.56	
(Q) Payer's Income From Item K or D	\$191,894.00	
(R) Payer's Income (Item K or D) or (P)	\$119,894.00	
(S) Payer's Income (Item K or D) or (R) Available to (S)	\$11,892.21	
(T) Child Support Payment		
(U) Payer's Income (S) minus Annual (T)	\$222,711.48	

(D) 2010 Self Support Reserve: \$14,600.00

Page: 1 of 2 Words: 236 40% 10:20 AM 9/6/2010

Step 6. Open the Temporary Maintenance Report.

This is what the reports look like. You can print it

MAINTENANCE CALCULATION

PAYOR: John Smith

PAYEE: Joan Smith

Note: Income calculation is defined pursuant to:

- 1- The Child Support Standards Act (CSSA), DRL Section 240 and FCA Section 413, and**
- 2- Income Producing Property.**

	PAYOR	PAYEE
[A] Gross Income:	\$500,000.00	\$0.00
Additions to Gross Income:		
Income Producing Property:		
Additions to Income Pursuant to the CSSA:		
Investment Income:		
Workers' Compensation:		
Unemployment Insurance Benefits:		
Social Security Benefits:		
Veteran Benefits:		
Retirement/Annuity/Disability Benefits:		
Fellowships and Stipends:		
Perquisites of Employment:		
Money, Goods, Services Provided by Others:		
Imputed Income:		
[B] Total Additions:	\$0.00	\$0.00
Deductions From Income Pursuant to CSSA:		
Social Security & Medicare	\$15,321.60	\$0.00
NYC/Yonkers Income Tax	\$19,362.00	\$0.00
Maintenance	\$0.00	\$0.00
Child Support Paid	\$0.00	\$0.00
Unreimbursed Employee Expenses	\$0.00	\$0.00
[C] Total Deductions	\$34,683.60	\$0.00
[D] Adjusted Income: Row A + Row B - Row C (Payor's first \$500,000)	\$465,316.40	\$0.00
Calculation 1:		
[E] 30% of Payor's Income (from Row D):	\$139,594.92	
[F] 20% of Payee's Income (from Row D):	\$0.00	
[G] Row E minus Row F:	\$139,594.92	
Calculation 2:		
[H] Sum of Payor's and Payee's Income from Row D:	\$465,316.40	
[I] 40% of Sum From Row H:	\$186,126.56	

[J] Row I minus Payee Income from Row D:	\$186,126.56	
[K] Presumptive Annual Award (Lesser of Row G or J):	\$139,594.92	
[L] Presumptive Monthly Award (Row K divided by 12):	\$11,632.91	
Check for Self-Support Reserve:		
[M] Payor's Income (D) minus Award (K):	\$325,721.48	
[N] 2010 Self Support Reserve:	\$14,620.00	

Frequently Asked Questions (FAQS)

Q. What must I have to run the program?

A. New York Divorce and Family Law™ Temporary Maintenance Calculator requires a computer with at least 1 gigabyte of memory, with the Microsoft Windows Operating System, running the Microsoft® Word Program (MS Word).

Q. What happens after I purchase the program?

A. A technical support representative will contact you by telephone. After obtaining necessary information from you about your computer, the representative will configure the program especially for your computer and send your program to you by email. Once you have the program the representative will “walk you through” the installation of the program.

Installation usually takes less than five minutes.

Q. How do I start the program?

A. Go to the folder where the program is installed and left click on the program icon to start it . It will open with a “security warning.” Do not worry. Nothing is wrong. Just choose to “enable macros.” If you choose to “disable the macros” the Microsoft program will not run.

Contact Information

Our Customer Service and Technical Support Departments are open Monday to Friday, 9 a.m. to 5 p.m. and most inquiries receive a response usually within 24 hours on business days.

There are many ways to contact us.

Telephone:

Customer Service and Sales: 206-337-0801

Technical Support: 206-338-0720

Email:

Customer Service and Sales email: customerservice@brandeslaw.com

Technical Support email: support@brandeslaw.com

Website: www.brandeslaw.com or www.nysdivorce.com

http://www.brandeslaw.com/Forms/new_york_divorce_and_family_law_cust_svc_and_sales.htm

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Note: The screen shots of the program depicted in this brochure are subject to change as the version of the program you purchase may be a newer version.