

Table of Poverty Income Guidelines Amount, Self-support reserve, combined parental income and income cap amounts since 2016

The maintenance and child support provisions of Domestic Relations Law §§236 and 240, and Family Court Act §§412 and 413 refer to “income cap” with regard to maintenance and temporary maintenance awards, and “combined parental income” with regard to child support awards. These statutes also refer to the terms “self-support reserve” and the “poverty income guidelines amount for a single person.”

The “Income cap” amount for temporary maintenance¹ and post-divorce maintenance awards changed every two years on January 31.² The “Combined parental income” amount for child support changed every two years on January 31.³ The “Poverty Income guidelines amount” and “Self-support reserve” change every year.⁴ The Child Support Standards chart is issued every year before April first of each year

¹ Domestic Relations Law §236[B][6][b][4] provides:

(4) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

² Domestic Relations Law §236[B][5-a] [b][5] provides:

(5) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

³ Administrative Order AO/289/18.

⁴ Domestic Relations Law §236[B][5-a] [b][7] provides:

(7) “Self-support reserve” shall mean the self-support reserve as defined in the child support standards act and codified in section two hundred forty of this article and section four hundred thirteen of the family court act.

Domestic Relations Law §236[B][6][b][9] provides:

(9) “Self-support reserve” shall mean the self-support reserve as defined in the child support standards act and codified in section two hundred forty of this article and section four hundred thirteen of the family court act.

and in no event later than forty-five days following publication of the annual poverty income guideline for a single person as reported by the federal department of health and human services.

As of March 1, 2020, the “Income cap” of the maintenance payor for temporary⁵ and post-divorce maintenance⁶ changes every two years on March 1. The combined parental income amount for child support changes every two years on March 1.⁷

⁵ Domestic Relations Law §236[B][5-a][b][5] provides:

(5) “Income cap” shall mean up to and including one hundred eighty-four thousand dollars of the payor’s annual income; provided, however, beginning March first, two thousand twenty and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap. (As amended by L.2019, c. 313, §4, eff. Sept. 13, 2019; L.2019, c. 335, §§4, 5, eff. Oct. 3, 2019.).

⁶ Domestic Relations Law §236[B][6][b][4] provides:

(4) “Income cap” shall mean up to and including one hundred eighty-four thousand dollars of the payor’s annual income; provided, however, beginning March first, two thousand twenty and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap. (As amended by L.2019, c. 313, §4, eff. Sept. 13, 2019; L.2019, c. 335, §§4, 5, eff. Oct. 3, 2019.).

⁷ Social Services Law §111-i(2)(b) provides:

(b) The combined parental income amount to be reported in the child support standards chart and utilized in calculating orders of child support in accordance with subparagraph two of paragraph (c) of subdivision one of section four hundred thirteen of the family court act and subparagraph two of paragraph (c) of subdivision one-b of section two hundred forty of the domestic relations law as of January thirty-first, two thousand fourteen shall be one hundred forty-one thousand dollars; provided, however, beginning March first, two thousand sixteen and every two years thereafter, the combined parental income amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the current combined parental income amount and then rounded to the nearest one thousand dollars. (As amended by L.2015, c. 347, §1, eff. Dec. 24, 2015.).

Different versions of Domestic Relations Law §§236 and 240 apply in matrimonial actions depending upon the date of the commencement of an action, and different amounts apply depending upon the date of the application. The following table has been created to enable counsel to quickly find the amount applicable to actions commenced since 2016.

Table I. Poverty Income Guidelines Amount, Self-support reserve, and Combined Parental Income for child support awards

April 1, 2016

The poverty income guideline amount for a single person as reported by the United States Department of Health and Human Services was \$11,880. The self-support reserve was \$16,038. The Combined Parental Income Amount was \$143,000.²²

April 1, 2017

The 2017 poverty income guidelines amount for a single person was \$12,060. The 2017 self-support reserve was \$16,281. The Combined Parental Income Amount was \$143,000.²³

March 1, 2018

The 2018 poverty income guidelines amount for a single person as reported by the United States Department of Health and Human Services was \$12,140 and the 2018 self-support reserve was \$16,389. The Combined Parental Income Amount was \$148,000.²⁴

March 1, 2019

The 2019 poverty income guidelines amount for a single person as reported by the United States Department of Health and Human Services is \$12,490 and the 2019 self-support reserve is \$16,862. The Combined Parental Income Amount is \$148,000.²⁵

²² Child Support Standards Chart [LDSS 4515 (3/16)] Released March 10, 2016.

²³ Child Support Standards Chart [LDSS 4515 (3/17)] Released March 1, 2017. See https://www.childsupport.ny.gov/child_support_standards.htm (last accessed February 14, 2018.)

²⁴ Child Support Standards Chart, LDSS 4515 (3/18) released March 1, 2018.

²⁵ See https://www.childsupport.ny.gov/dcse/child_support_standards.html (last accessed March 1, 2019); See also Child Support Standards Chart prepared by New York State Office Of Temporary And Disability Assistance, Division Of Child Support

March 1, 2020

The 2020 poverty income guidelines amount for a single person as reported by the United States Department of Health and Human Services is \$12,760 and the 2020 self-support reserve is \$17,226.

The Combined Parental Income Amount is \$154,000.²⁵

Table II. Income Cap of the maintenance payor

January 23, 2016

As of January 23, 2016,³⁰ the “income cap” of the maintenance payor for post-divorce maintenance³¹ was up to and including \$175,000 of the payor's annual income.³²

Services, LDSS 4515 (3/19), Released: 03/01/2019 at <https://www.childsupport.ny.gov/dcse/pdfs/CSSA.pdf> (last accessed March 1, 2019).

²⁵ See https://www.childsupport.ny.gov/dcse/child_support_standards.html (last accessed February 11, 2021); See also Child Support Standards Chart prepared by New York State Office Of Temporary And Disability Assistance, Division Of Child Support Services, LDSS 4515 (3/20), Released: 03/01/2020 at <https://www.childsupport.ny.gov/dcse/pdfs/CSSA.pdf> (last accessed February 11, 2021)

³⁰ Laws of 2015, Ch 269, §3, effective January 23, 2016 as provided in Laws of 2015, Ch 269, §8 amended the temporary maintenance provisions in Domestic Relations Law §236[B][5-a] [b][5].

³¹ Post-divorce maintenance guidelines were enacted in 2016. Domestic Relations Law §236[B] [6] [b] [4] provides for post-divorce maintenance awards to be fixed according to a statutory formula, with exceptions for situations where the application of the formula is unjust or inappropriate. Laws of 2015, Ch 269, §4.

See Domestic Relations Law §236[B] [6] [b] [4]; Laws of 2015, Ch 269, §4, effective January 23, 2016 as provided in Laws of 2015, Ch 269, §8 states: (4) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

³² Laws of 2015, Ch 269, §4. Domestic Relations Law §236[B] [6] [b] [4]; Laws of 2015, Ch 269, §3, effective January 23, 2016 as provided in Laws of 2015, Ch 269, §8 states: (4) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall

January 31, 2016

As of January 31, 2016, the “income cap” of the maintenance payor for temporary maintenance was up to and including \$178,000 of the payor's annual income.³³

October 25, 2016

As of October 25, 2016, the “income cap” of the maintenance payor for temporary maintenance was up to and including \$178,000 of the payor's annual income.³⁴

January 31, 2018

As of January 31, 2018, the “income cap” of the maintenance payor for temporary and post-divorce maintenance is up to and including \$184,000 per year.³⁵

increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

³³ As of January 23, 2016 Domestic Relations Law §236[B][5-a] [b][5] provides: (5) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap. 2015 Sess. Law News of N.Y. Ch. 269 (A. 7645) Effective January 23, 2016. Laws of 2015, Ch. 269, §3, effective January 23, 2016 as provided in Laws of 2015, Ch. 269, §8

³⁴ See Temporary Maintenance Guidelines Worksheet (See Attached Instructions on page 8) Rev. 1/31/16, Ch.269, L. 2015.

³⁵ See Temporary Maintenance Guidelines Worksheet for Divorces on or after 10/25/15 (See Attached Instructions on page 8) Rev. 1/31/18 <https://www.nycourts.gov/divorce/TMG-Worksheet-013118.pdf> (Last accessed February 15, 2018).

See also Revised Instructions and Forms for Use in Matrimonial Actions in Supreme Court adopted effective January 31, 2018. The revised forms reflected the increase in the annual income cap of the maintenance payor for temporary and final (post-divorce) maintenance from \$178,000 to \$184,000 per year. See Form UD-8(2) Rev. 1/31/18 (ch. 269 and ch. 387, L. 2015) at <http://www.nycourts.gov/divorce/childsupport/UD-8-2MaintenanceGuidelinesWorksheet.pdf>; Form UD-8(3) Rev. 1/31/18 (ch. 269 and ch.

January 31, 2019

As of January 31, 2019, the ‘Income cap’ of the maintenance payor for temporary³⁶ and post-divorce maintenance³⁷ was up to and including \$184,000 per year.³⁸

387, L. 2015) at <http://www.nycourts.gov/divorce/childsupport/UD-8-3-childSupportWorksheet.pdf>. and Combined Worksheet Rev. 1/31/18 (ch. 269 and ch. 387, L. 2015) at <http://www.nycourts.gov/divorce/childsupport/CombinedWorksheetAndAPP.pdf> (last accessed February 6, 2018).

³⁶ Domestic Relations Law §236[B][6][b][4] provides:

(4) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

³⁷ Domestic Relations Law §236[B][5-a] [b][5] provides:

(5) “Income cap” shall mean up to and including one hundred seventy-five thousand dollars of the payor's annual income; provided, however, beginning January thirty-first, two thousand sixteen and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

³⁸ By Administrative Order 72/19, Revised Forms for Use in Matrimonial Actions in Supreme Court were adopted effective March 1, 2019. The revisions reflect the increases as of March 1, 2019 in the Self Support Reserve to \$16,861.50 and in the Poverty Income Level for a single person to \$12,490 (See https://www.childsupport.ny.gov/dcse/child_support_standards.html).

Forms and Calculators for both Contested and Uncontested Divorces revised March 1, 2019 reflecting these changes are posted at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>.

Uncontested Divorce Forms revised March 1, 2019 reflecting these changes are also posted at http://ww2.nycourts.gov/divorce/divorce_withchildrenunder21.shtml (last accessed March 15, 2019).

March 1, 2020

As of March 1, 2020, the “Income cap” of the maintenance payor for temporary³⁹ and post-divorce maintenance⁴⁰ is up to and including \$192,000 per year.⁴¹

³⁹ Domestic Relations Law §236[B][5-a][b][5] provides:

(5) “Income cap” shall mean up to and including one hundred eighty-four thousand dollars of the payor’s annual income; provided, however, beginning March first, two thousand twenty and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap. (As amended by L.2019, c. 313, §4, eff. Sept. 13, 2019; L.2019, c. 335, §§4, 5, eff. Oct. 3, 2019.)

⁴⁰ Domestic Relations Law §236[B][6][b][4] provides:

(4) “Income cap” shall mean up to and including one hundred eighty-four thousand dollars of the payor’s annual income; provided, however, beginning March first, two thousand twenty and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap. (As amended by L.2019, c. 313, §4, eff. Sept. 13, 2019; L.2019, c. 335, §§4, 5, eff. Oct. 3, 2019.)

⁴¹ See [https://ww2.nycourts.gov/divorce/legislationandcourtrules.shtml#:~:text=\(last accessed March 7, 2020\)](https://ww2.nycourts.gov/divorce/legislationandcourtrules.shtml#:~:text=(last%20accessed%20March%207%2C%202020).). See also <https://www.nycourts.gov/LegacyPDFS/divorce/childsupport/CombinedWorksheetAndAPP.pdf> (last accessed March 7, 2020)

Revised Forms for Use in Matrimonial Actions in Supreme Court were adopted effective March 1, 2020. These revisions reflect the required statutory adjustment on March 1, 2020 of the combined income cap under the Child Support Standards Act from \$148,000 to \$154,000, and of the income cap of the maintenance payor under the Maintenance Guidelines Act from \$184,000 to \$192,000. Both of these adjustments are based on increases in the Consumer Price Index for all urban consumers (CPI-U) published by the United States Department of Labor. In addition, the revised forms reflect the increases as of March 1, 2020 in the Self Support Reserve from \$16,861.50, to \$17,226 and in the federal Poverty Level Income for a single person from \$12,490 to \$12,760.

Forms and Calculators for both Contested and Uncontested Divorces revised March 1, 2020 reflecting these changes are posted at <http://ww2.nycourts.gov/divorce/MaintenanceChildSupportTools.shtml>.

March 1, 2021

As of March 1, 2021, the “Income cap” of the maintenance payor for temporary³⁹ and post-divorce maintenance⁴⁰ is up to and including \$192,000 per year.⁴¹

Uncontested Divorce Forms revised March 1, 2020 reflecting these changes as well as revisions relating to applications for child support services are also posted at http://ww2.nycourts.gov/divorce/divorce_withchildrenunder21.shtml.

See <http://ww2.nycourts.gov/divorce/legislationandcourtrules.shtml> (last accessed March 7, 2020).

³⁹ Domestic Relations Law §236[B][5-a][b][5] provides:

(5) “Income cap” shall mean up to and including one hundred eighty-four thousand dollars of the payor’s annual income; provided, however, beginning March first, two thousand twenty and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap. (As amended by L.2019, c. 313, §4, eff. Sept. 13, 2019; L.2019, c. 335, §§4, 5, eff. Oct. 3, 2019.)

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⁴¹ See <https://ww2.nycourts.gov/divorce/legislationandcourtrules.shtml#:~:text=> (last accessed March 7, 2020). See also <https://www.nycourts.gov/LegacyPDFS/divorce/childsupport/CombinedWorksheetAndAPP.pdf> (last accessed March 7, 2020)

Revised Forms for Use in Matrimonial Actions in Supreme Court were adopted effective March 1, 2020. These revisions reflect the required statutory adjustment on March 1, 2020 of the combined income cap under the Child Support Standards Act from \$148,000 to \$154,000, and of the income cap of the maintenance payor under the Maintenance Guidelines Act from \$184,000 to \$192,000. Both of these adjustments are based on increases in the Consumer Price Index for all urban consumers (CPI-U)

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See <http://ww2.nycourts.gov/divorce/legislationandcourtrules.shtml> (last accessed March 7, 2020).