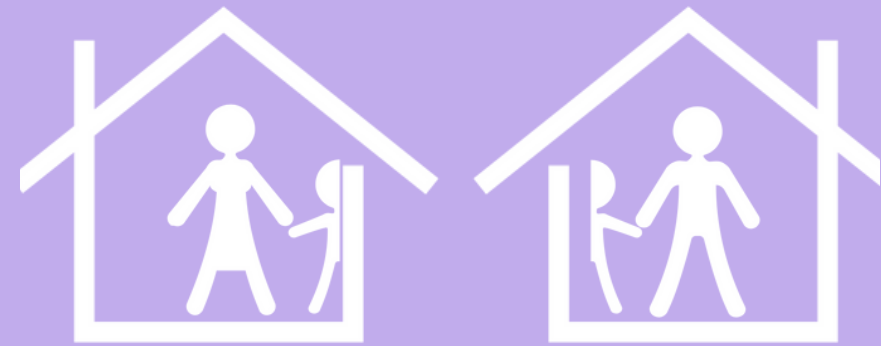


Financial Abuse 101

Presented by Shalom Task Force

Rachel Marks, Esq. in Conversation with Erin Bistricher, Esq.





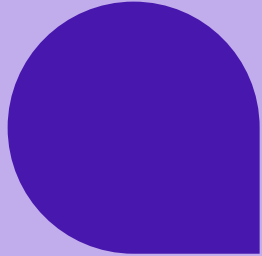
Financial Abuse 101

Webinar Part I: August 10th

- Differences between child support and spousal support, including a discussion on tuition
- What is equitable distribution
- Differences between Family and Supreme Court
- What are NY's Get laws
- What is Financial Abuse

Webinar Part II: August 17th

- Common challenges in Court as a result of financial abuse
- Strategies to address these challenges
- How to protect yourself financially pre and post separation
- Financial literacy tips and strategies



If I separate,
can I get any
financial
support?

- The **Child Support Standards Chart** can be used to determine an approximate annual child support obligation
- **COVID-19** has impacted income and thus entitlement to child support and spousal support.

CHILD SUPPORT STANDARDS CHART

prepared by
 NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
 DIVISION OF CHILD SUPPORT SERVICES

This Child Support Standards Chart can be used to determine an approximate annual child support obligation. For a detailed, legal explanation of all factors used by the court in calculating a child support obligation, you should consult section 413 of the Family Court Act. Please note that the calculations provided in the stated chart intervals are based upon the lower bound of the interval. For example, when calculating the obligation for the range of income at \$25,600 to \$25,699, the chart uses the amount of \$25,600 to determine the obligation amount. For a precise calculation of the obligation at an income level above the lower bound of the interval, use the percentages listed below to perform the calculation on the worksheet located on page 22.

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.

Note: Where the total income of both parents exceeds the combined parental income amount of \$154,000 the law permits, but does not require, the use of the child support percentages in calculating the child support obligation on the income above \$154,000.

Child Support Percentages

One Child	17%
Two Children	25%
Three Children	29%
Four Children	31%
Five + Children	no less than 35%

THE CHILD SUPPORT STANDARDS CHART

INCOME RANGE

0 – 9,999

NUMBER OF CHILDREN

1 2 3 4 5+

ANNUAL OBLIGATION AMOUNT

000 – 9,999	300	300	300	300	300
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Child Support Standards Chart (CSSA)

Temporary Spousal Maintenance Guidelines Calculator (Includes Low Income Adjustment) *for divorces on or after 10/25/15

I. Income Section

1. Plaintiff

2. Defendant

INSTRUCTIONS
PUT INCOMES IN FIELD 1 & 2 AND PRESS ENTER.

TO START OVER ----->

Income Over 184K

3. Plaintiff \$0.00

4. Defendant \$0.00

II. Income for Calculations (up to \$184,000 of Payor's Income)

5. Payor \$0.00

6. Payee \$0.00

NOTE: YOU MUST CHECK THE APPROPRIATE BOXES IN ORDER FOR THIS CALCULATOR TO WORK

Basic Calculation:

DETERMINE WHICH FORMULA APPLIES BY CHECKING THE BOXES BELOW:

QUESTION A: Will child support be paid for children of the marriage? Yes No

QUESTION B: Is the Payor also the non-custodial parent pursuant to the CSSA? Yes No

If the answer to both Question A and Question B is yes, formula 7a below will apply. Otherwise the formula in 7b will apply.

7a. Calculation A 20% of Payor's Income minus 25% of Payee's Income

or

7b. Calculation B 30% of Payor's Income minus 20% of Payee's Income

8. Calculation C 40% of Combined Income minus Payee's Income

9. Guideline Amount The Guideline Amount is the Lesser of Line 7a or 7b (whichever applies) and Line 8; or zero if Line 8 is less than or equal to 0

Low Income Adjustment:

10. Payor Income minus Guideline Amount

11. Low Income Award

Where the guideline amount would reduce the payer's income below the self-support reserve (\$16,389); the award is the payor's income minus the self-support reserve. If Line 11 equals zero or is negative, the award is zero.

III. AWARD

PAYOR:

12. Annual Amount

13. Monthly Payment

14. Semi-Monthly Payment

15. Bi-Weekly Payment

16. Weekly Payment

• Income Exceeds \$184,000: If the payor's income exceeds \$184,000, the court considers the 13 factors set forth in DRL §236 Part B(5-A)(h)(1) in determining any additional award of temporary maintenance based in the income above \$184,000. See Page 2 for a list of these factors.

• Adjustment of Award: The court may adjust the award if it finds the award is unjust or inappropriate based on consideration of 13 factors set forth in DRL §236 Part B(5-A)(h)(1). See Page 2 for a list of these factors.

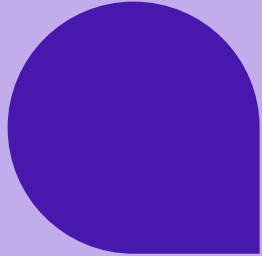
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Spousal Support Calculator

Will I receive an order for school tuition?

The Court may award educational expenses for private tuition in cases where “justice requires” payment of tuition or when such payment would promote the child’s best interests:

- Parties’ respective educational histories
- Children’s educational histories, including adult children of the marriage
- The parties’ financial means
 - “Special needs or circumstances” justifying inclusion of private school tuition
 - Child’s special needs
 - Family’s religious values as a central part of the family’s lifestyle
 - Agreement between the parties to raise the children in a certain religion or to send them to private school



How do I get support if my Ex-Partner works off the books?

- **What is imputed income?**
 - In certain cases, for purposes of spousal and child support, courts consider the earning capacities of the parties, not their actual on the books income.

**What are
marital
assets?**

**Bank
Accounts**

**Transferring
Assets**



Equitable Distribution

New York is an equitable distribution state.

During a divorce, property division is handled in a way deemed “most fair” to both sides. It does not mean that all property will be split 50/50 between spouses. The court takes into account factors regarding the marriage and contributions of each party.

Notice of Entry of Automatic Orders

NOTICE OF ENTRY OF AUTOMATIC ORDERS (D.R.L. 236) Rev. 1/13 FAILURE TO COMPLY WITH THESE ORDERS MAY BE DEEMED A CONTEMPT OF COURT

PURSUANT TO the Uniform Rules of the Trial Courts, and DOMESTIC RELATIONS LAW § 236, Part B, Section 2, both you and your spouse (the parties) are bound by the following **AUTOMATIC ORDERS**, which have been entered against you and your spouse in your divorce action pursuant to 22 NYCRR §202.16(a), and which shall remain in full force and effect during the pendency of the action unless terminated, modified or amended by further order of the court or upon written agreement between the parties:

(1) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

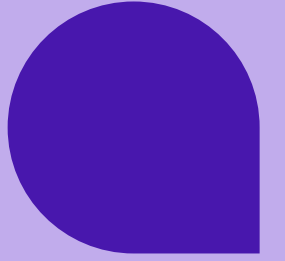
(2) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401K accounts, profit sharing plans, Keogh accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court ; except that any party who is already in pay status may continue to receive such payments thereunder.

(3) ORDERED: Neither party shall incur unreasonable debts hereafter, including, but not limited to further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual household expenses, or for reasonable attorney's fees in connection with this action.

(4) ORDERED: Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) ORDERED: Neither party shall change the beneficiaries of any existing life insurance policies and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

IMPORTANT NOTE: After service of the Summons with Notice or Summons and Complaint for divorce, if you or your spouse wishes to modify or dissolve the automatic orders, you must ask the court for approval to do so, or enter into a written modification agreement with your spouse duly signed and acknowledged before a notary public.



Where can I file?

What is the difference between Supreme and Family Court?

- **Family Court:** child support and spousal support
- **Supreme Court:** divorce, child support, spousal support and equitable distribution
- COVID-19 has impacted filing in NYS

Will my religious divorce (get) be addressed by the court?

- **Can I file for divorce if I am only religiously married?**
 - Yes! New York recognizes religiously married couples who do not have a marriage license.
- **What are the Get Laws?**
 - DRL 253: Plaintiff in a divorce needs to remove “barriers” to the other spouse’s remarriage
 - Domestic Relations Law section 236: Refusal of either party to remove barriers to the other’s remarriage is a factor when deciding maintenance and equitable distribution
 - Case law

Removal of Barriers to Remarriage

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X

Plaintiff,

Index No.: _____

-against-

**SWORN STATEMENT
OF REMOVAL OF
BARRIERS TO REMARRIAGE**

Defendant.

-----X

STATE OF _____ }

ss:

COUNTY OF _____ }

I _____ (Print Name), state under penalty of perjury that the parties* marriage was solemnized by a minister, clergyman or leader of the Society for Ethical Culture, and that;

' *To the best of my knowledge I have taken all steps solely within my power to remove all barriers to the Defendant's remarriage following the divorce.*

OR

' *The Defendant has waived in writing the requirements of DRL §253.*

Plaintiff's Signature

Subscribed and Sworn to
before me on

NOTARY PUBLIC

“A healthy relationship is one in which each [partner] feels responsible for enjoying, considering, and caring for the other - emotionally, spiritually, physically and psychologically.” ~ Lisa G. Twerski, LCSW

Control Through Finances

- Are you on a tight budget but your partner or spouse is not?
- Do they make you account for every penny spent?
- Do they harass you over every expense, questioning you endlessly, but expect to be able to make financial decisions as they see fit?
- Do you have to hand over any money you make, but don't actually have access to money, except for what they decide to give you?
- Do you find yourself lying about or hiding money, because you're worried you might not have any when you need it?

**Not letting you know
about or have access to
family income**

**Hiding or
transferring
assets**

**Preventing you from
getting a job or
keeping a job**

**Taking out
debt in your
name**

**Forcing the
sale of the
home**

**Giving you
an
allowance**

**Making you
ask or beg
for money**

**Partner
acting like
the "master
of the
castle"**

**Taking your
money**

**Refusing to
contribute to the
household**

**Join Shalom
Task Force
for Part II of
Financial
Abuse 101 on
Monday,
August 17th**

Part I: Recap

- Differences between CS and SS
- What is equitable distribution
- Differences between Family and Supreme Court
- What are NY's Get laws
- What is Financial Abuse

Part II: Preview

- Common challenges in Court as a result of financial abuse
- Strategies to address these challenges
- How to protect yourself financially pre and post separation
- Financial literacy tips and strategies

Contact us

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STF Hotline Confidential Whatsapp/Text Chat Line

(888) 883-2323

For more information visit:

<https://shalomtaskforce.org/>

***Join us for
Part II:
NEXT
MONDAY***