

# Alimony Modification

## Attorneys

Sydney C. Abbott  
Miriam H. Babin  
Amber Cohen  
Renee A. Dangoia  
Laura A. daRosa  
Erynn A. Hamel  
Colleen Hollis  
Michael Kozlov  
Kellie L. Sanders  
Adam Sloane  
Mary Jeanne Stone

## Related Services

Family Law  
Alimony  
Alimony Modification  
Child Custody & Visitation  
Child Support  
Child Support Modification  
Divorce  
Domestic Violence &  
Restraining Orders  
Prenuptial Agreements

## Overview

An alimony order that no longer reflects your financial reality creates pressure that compounds with every payment cycle. But a change in circumstances does not automatically change the order. Former spouses who informally reduce or stop payments without court approval are not modifying their obligation. They are creating arrears that accumulate with interest and expose them to contempt proceedings. Modification requires a formal complaint filed with the Probate and Family Court, supported by evidence of a material change in circumstances sufficient to justify the adjustment. The legal standard applies equally to the paying spouse seeking a reduction and the recipient defending against one. Cohen Cleary represents clients on both sides of alimony modification disputes, providing the strategic preparation and courtroom capability these cases demand.

## How We Handle Alimony Modification and Material Change Claims

Alimony modification cases in Massachusetts are governed by the “material change in circumstances” standard established under the Alimony Reform Act of 2011 and further refined through the *Cavanagh v. Cavanagh* framework. We tell our clients that the threshold for modification is not simply “things are different.” The court evaluates whether the change is significant enough to warrant revisiting the original order, and the burden falls on the party seeking the change.

We represent clients through every stage of the modification process:

- Filing or defending complaints for modification based on job loss, involuntary income reduction, retirement, the recipient’s cohabitation, or significant health changes
- Presenting financial evidence and documentation that meets the court’s evidentiary requirements
- Addressing durational limits under the Alimony Reform Act, including provisions that cap general term alimony based on the length of the marriage
- Litigating contested modifications through a hearing and, when necessary, an appeal

Reaching full retirement age creates a presumption of material change under Massachusetts law, but that presumption is rebuttable. Cohabitation by the recipient may support termination or suspension of alimony, though proving a common household arrangement requires more than casual observation. Each trigger carries its own evidentiary burden, and we prepare accordingly.

## Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined

execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

### Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

### Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

### Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

### Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

### Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our family law work, this approach helps clients navigate alimony modification disputes with clarity, efficiency, and confidence.

## The Cavanagh Framework and Modification Procedure

The *Cavanagh v. Cavanagh* decision established a structured analytical framework that Massachusetts Probate and Family Court judges now apply to alimony determinations and modifications. For modification cases, this means the court does not simply compare old income to new income. It evaluates the recipient's continued need, the payor's current ability to pay, and the statutory factors that shaped the original order, all in light of the claimed material change.

Procedurally, a modification begins with the filing of a Complaint for Modification in the Probate and Family Court division that entered the original order. Both parties must file updated financial statements. The court may schedule a pretrial conference before setting the matter for an evidentiary hearing. In Bristol, Plymouth, and Norfolk County, scheduling realities and judicial expectations vary, and familiarity with those realities shapes how we build the case timeline and prepare the evidentiary presentation. We prepare every case with the assumption that it will reach a contested hearing, because the discipline of that preparation is what produces favorable results, whether the case resolves by agreement or by judicial decision.

## Alimony Modification Representation Across Massachusetts

Cohen Cleary represents clients in alimony modification matters throughout Massachusetts and Rhode Island. With offices in [Taunton](#) and [Plymouth](#), the firm maintains an active presence in the Probate and Family Courts across southeastern Massachusetts, including Bristol County, Plymouth County, and Norfolk County. Our familiarity with local filing requirements, scheduling patterns, and procedural expectations allows us to advise clients with precision about timelines and strategic considerations specific to their venue.

## Speak With a Massachusetts Alimony Modification Attorney

If your circumstances have changed and you need to modify an existing alimony order, or if your former spouse has filed for modification and you need to protect your current support, contact Cohen Cleary to discuss your options. Call our offices in [Taunton](#) or [Plymouth](#) to schedule a consultation with an attorney who handles alimony modification cases in the Massachusetts Probate and Family Court.

## Frequently Asked Questions About Alimony Modification

### What qualifies as a “material change in circumstances” for alimony modification in Massachusetts?

A material change is a significant, unanticipated shift in circumstances that was not contemplated at the time the original order was entered. Common examples include involuntary job loss, a substantial change in either party’s income, retirement at full retirement age, serious health issues, or the recipient’s cohabitation with a new partner in a common household. The change must be more than temporary or minor. The court evaluates whether the original order remains fair in light of the new circumstances, and the party seeking modification bears the burden of proof.

### Can I reduce my alimony payments on my own if I lose my job?

No. Even if your income drops significantly, you cannot unilaterally reduce or stop payments without a court order. Informal reductions create arrears that accumulate interest and may result in contempt proceedings. The correct course is to file a complaint for modification promptly after the change occurs. Until the court enters a modified order, the original obligation remains in full effect.

### Does my former spouse’s cohabitation automatically end my alimony obligation?

Not automatically. Massachusetts law provides that cohabitation with a new partner in a common household may be grounds for reducing, suspending, or terminating alimony. However, proving cohabitation requires demonstrating more than a romantic relationship. The court examines factors including shared living arrangements, financial interdependence, and the duration of the arrangement. A properly supported motion with documented evidence is essential.

### How does retirement affect alimony in Massachusetts?

Under the Alimony Reform Act, reaching full retirement age as defined by federal Social Security guidelines creates a presumption that a material change in circumstances has occurred. This presumption supports but does not guarantee modification or termination. The recipient may rebut the presumption by demonstrating that the payor has sufficient resources to continue payments or that other equitable factors weigh against modification. Retirement before full retirement age does not carry the same presumption and requires independent proof of a material change.