Child Custody & Visitation

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Overview

Custody decisions shape a child's daily life, education, medical care, and relationship with each parent. Courts in Massachusetts do not default to equal parenting time, and they do not award custody based on which parent files first. Every determination turns on the best interests of the child, a standard that examines stability, each parent's capacity, and the child's existing routines. Parents who relocate without court approval, even within Massachusetts, can face serious consequences, including modification of custody. The court's primary concern is continuity, and unilateral changes to the parenting arrangement undermine it. Massachusetts courts evaluate custody based on statutory factors, not parental gender, and not assumptions about which parent has historically served as the primary caregiver. Parents establishing initial custody arrangements and those pursuing custody modification face the same threshold requirement: precise preparation and a strategy grounded in what the court actually weighs.

Child Custody, Visitation, and Modification Representation

Massachusetts distinguishes between legal custody and physical custody. Legal custody governs major decisions about a child's life: education, healthcare, religion, and extracurricular activities. Physical custody determines where the child lives and the schedule of parenting time. These designations can be sole or shared, and courts evaluate them independently. A parent may share legal custody while one parent holds primary physical custody with a defined parenting time schedule for the other.

Cohen Cleary represents parents through initial custody determinations, contested modifications, and enforcement proceedings. We draft and negotiate parenting plans that address weekly schedules, holiday and vacation allocation, transportation logistics, and communication protocols. In contested cases, we prepare for Guardian ad Litem (GAL) investigations and present evidence addressing the statutory best-interest factors that Massachusetts courts apply. For parents facing relocation disputes, we guide the process through the court approval requirements that Massachusetts law imposes before a custodial parent may move a child's residence. When an existing order is being violated, we pursue contempt actions to enforce compliance and protect the parenting arrangement the court established. We also handle grandparent visitation petitions, navigating the specific standing requirements and evidentiary standards that Massachusetts law applies to non-parent access.

Why Families 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

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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 custody and visitation matters with clarity, efficiency, and confidence.

How We Approach Custody and Modification Cases

We tell our clients that a custody case is won in the preparation, not the courtroom. Our approach reflects that:

- Every case begins with a detailed analysis of the statutory best-interest factors as they apply to the specific child and family, not a generic template.
- We prepare clients for GAL interviews and home studies with the same rigor we apply to trial preparation, because GAL recommendations carry significant weight with Probate and Family Court judges.
- Modification cases require proof of a material change in circumstances affecting the child. We build that evidentiary record methodically, identifying the specific changes and connecting them to the child's needs.
- For relocation matters, we address the "real advantage" standard that Massachusetts courts apply and prepare the supporting documentation before the opposing party can frame the narrative.

Serving Families Across Massachusetts and Rhode Island

Cohen Cleary represents parents in custody, visitation, and modification matters in Probate and

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Family Courts across Massachusetts and Rhode Island. With offices in Taunton and Plymouth, we are positioned throughout southeastern Massachusetts and maintain active practice in Bristol County, Plymouth County, and Norfolk County courts. Our attorneys also handle custody matters in Rhode Island Family Court, including cases involving parents with cross-border parenting arrangements between the two states. This dual-state familiarity with local court procedures, scheduling practices, and GAL panels informs case strategy from the initial filing through resolution.

Protect Your Relationship with Your Children With Guidance From Cohen Cleary

Custody and visitation decisions carry lasting consequences. If you are facing an initial custody determination, seeking a custody modification, or dealing with violations of a parenting plan, contact Cohen Cleary to speak with a child custody attorney who understands what Massachusetts and Rhode Island courts require.

Frequently Asked Questions About Child Custody in Massachusetts

What is the difference between legal custody and physical custody in Massachusetts?

Legal custody determines which parent makes major decisions about the child's education, healthcare, and welfare. Physical custody determines where the child lives and the parenting time schedule. Courts evaluate these independently. A parent can share joint legal custody while one parent holds primary physical custody, with a structured parenting time schedule for the other parent.

Can I modify an existing custody order?

Yes, but Massachusetts requires proof of a material change in circumstances that affects the child's well-being. Common triggers include a parent's relocation, changes in a child's needs, safety concerns, or a substantial change in a parent's circumstances. The standard is intentionally high to protect children from repeated litigation over settled arrangements. Filing a complaint for modification and presenting sufficient evidence requires careful legal preparation.

Do children get to choose which parent they live with?

Massachusetts law does not grant children a right to choose their custodial parent at any specific age. However, a child's preference may be considered as one factor among many, particularly as the child matures. Judges weigh the child's preference alongside stability, each parent's capacity, and the child's overall best interests. A child's stated preference alone rarely determines the outcome.

What happens if the other parent violates the custody order?

A parent who violates a custody order can be held in contempt of court. Contempt proceedings can result in sanctions, modification of the parenting plan, makeup parenting time, and in serious cases, a shift in the custody arrangement. Documenting violations carefully and pursuing enforcement through proper legal channels is critical. Self-help remedies, such as

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withholding parenting time in response, can backfire and create legal exposure for both parties.

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