Divorce

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Overview

Calm Through Complexity

Massachusetts is a no-fault divorce state. That means you do not need to prove wrongdoing to end your marriage. Filing requires only a showing of an irretrievable breakdown of the marital relationship. Yet the simplicity of that legal standard masks the complexity of what follows: dividing assets accumulated over years or decades, establishing custody and parenting arrangements, determining whether alimony is appropriate, and resolving disputes over financial disclosure. The most expensive divorces are not the ones with the most assets. They are the ones where neither party can separate the emotional process from the legal one. Clients who treat the legal proceeding as a business transaction consistently achieve better outcomes and lower fees. Cohen Cleary helps clients approach divorce with that discipline, providing strategic advocacy and practical guidance from initial filing through final judgment.

How We Handle Contested and Uncontested Divorce

Every divorce begins with understanding the client's priorities, not just their legal position. We assess the full picture: financial complexity, parenting dynamics, real estate, business interests, retirement accounts, and the likelihood of reaching an agreement versus proceeding to trial.

Our representation covers:

Joint Petition (1A) Divorce

When both spouses agree on all terms, we prepare the separation agreement and guide the joint petition through the Probate and Family Court, where approval can take as little as 90 to 120 days after filing.

Contested (1B) Divorce

When agreement is not possible on all issues, we file a complaint for divorce and manage the litigation process, including motions for temporary orders, discovery, depositions, and trial preparation.

Temporary Orders

Clients often need immediate resolution on custody, support, or use of the marital home while the case is pending. We pursue temporary orders early to stabilize the situation.

Financial Discovery and Disclosure

Massachusetts requires full financial disclosure from both parties. We use formal discovery tools to verify assets and income when voluntary disclosure is incomplete or unreliable.

Asset Division

Massachusetts follows equitable distribution, which does not mean equal. The court considers over a dozen statutory factors, including length of marriage, each spouse's contribution,

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employability, and conduct during the marriage. In high-asset divorce matters involving business valuations, stock options, or complex retirement holdings, we work with forensic accountants and valuation professionals to ensure accurate identification and division of the marital estate.

Why 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 divorce with clarity, efficiency, and confidence.

Our Approach to Divorce

We tell our clients that every contested divorce follows a predictable arc: filing, temporary orders, discovery, negotiation, and, if necessary, trial. Understanding that arc reduces both anxiety and cost. Our preparation for trial begins at the outset of every case, not because litigation is inevitable, but because the strength of your trial position directly affects the quality of any settlement offer. Judges in the Probate and Family Court have broad discretion in weighing the statutory factors that govern property division, custody, and support. An attorney who understands how a particular court tends to approach these issues can advise more precisely on what a realistic outcome looks like and when settlement serves the client better

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than continued litigation. For clients open to divorce mediation, that same preparation ensures you enter the process with a clear understanding of your priorities and your alternatives.

Representing Divorce Clients Across Massachusetts and Rhode Island

Cohen Cleary represents divorce clients from offices in Taunton and Plymouth, Massachusetts. Our family law attorneys regularly practice in the Bristol County, Plymouth County, and Norfolk County Probate and Family Court divisions, as well as courts throughout southeastern Massachusetts and the Greater Boston area. Familiarity with local filing procedures, scheduling patterns, and judicial expectations in these divisions allows us to advise clients with specificity about process and timeline. We also represent clients in Rhode Island divorce proceedings, coordinating across jurisdictions when families have connections in both states. The firm has capacity to serve clients across New England.

Schedule a Consultation With a Massachusetts Divorce Attorney

If you are considering divorce or have been served with a complaint, contact Cohen Cleary to discuss your situation and your options. Our attorneys will assess the issues specific to your case, explain the process ahead, and help you develop a strategy that protects your interests and your family's stability.

Frequently Asked Questions About Divorce in Massachusetts

What is the difference between a 1A and 1B divorce in Massachusetts?

A 1A divorce is a joint petition filed when both spouses agree on all terms, including property division, custody, and support. The court reviews the separation agreement and, if the terms are fair, can approve the divorce relatively quickly. A 1B divorce begins when one spouse files a complaint, and the case proceeds through litigation to resolve disputed issues. Many 1B cases settle before trial, but the process takes longer and involves more procedural steps.

Does fault affect the outcome of a Massachusetts divorce?

Massachusetts allows both no-fault and fault-based grounds for divorce, but most cases proceed on no-fault grounds of irretrievable breakdown. Fault can be relevant in limited circumstances, such as when a court considers marital misconduct as one factor in property division. However, it rarely has the dramatic impact that clients expect. Focusing exclusively on fault often increases litigation costs without proportionate benefit.

How is property divided in a Massachusetts divorce?

Massachusetts is an equitable distribution state. The court considers all property owned by either spouse, including assets acquired before and during the marriage. Equitable does not mean equal. The court weighs factors including the length of the marriage, each spouse's income and employability, contributions to the marital estate, and the needs of any children. Pension benefits, stock options, and business valuations often require expert analysis,

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particularly in high-asset divorce cases where the marital estate includes illiquid or difficult-to-value holdings.

How long does a divorce take in Massachusetts?

An uncontested 1A divorce can be finalized within approximately four to six months after filing, depending on court scheduling. Contested 1B divorces vary significantly based on the complexity of the issues, the extent of discovery required, and the court's calendar. Cases involving significant assets, custody disputes, or contested support claims can take twelve months or longer to reach resolution through settlement or trial. Once the divorce is finalized, updating your estate planning documents, including wills, trusts, powers of attorney, and beneficiary designations, is an important step that many clients overlook.

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