



ALL IN THE FAMILY

Legal blog on all aspects of Family Law and Divorce in Massachusetts and Rhode Island

A Material World – Considerations for Seeking a Modification of Child Custody and Child Support Orders

BY LYNETTE PACZKOWSKI • FEBRUARY 6, 2025

In Massachusetts, orders and judgments regarding child custody and child support may be subject to modification if there has been a material change in circumstance. But what does this mean? Let's start with what it does not mean. A court will not modify a judgment simply because a party is unhappy with the result. Rather, the party seeking a modification must show that something substantial has changed or occurred that makes the existing judgment unfair, inequitable, not in a child's best interests, out of line with the applicable statutes or laws, or untenable. Below are some examples of the types of changes in circumstance that could give rise to a modification:

- a significant alteration to a parent's schedule
- changes in a parent's or both parents' income
- loss of job by a parent
- a parent has become neglectful, abusive, or otherwise unfit
- relocation
- the child has developed a medical condition that one parent is better positioned to manage
- repeated violations of the existing custody order
- the child's age and changes in the child's school and extra-curricular schedule
- the child's relationship with both parents
- any special needs the child may have

A FEW WORDS OF CAUTION BEFORE SEEKING A MODIFICATION

First, as a reminder, this is a material change in circumstance. If you previously argued that a parent was neglectful, abusive, or otherwise unfit, you cannot seek a modification based upon the same allegations. If there are new and additional developments since the time of the existing order or judgment, these may be considered, but a modification cannot be based upon the same concerns that were expressed previously.

Second, with respect to finances, you should always [consult with an experienced family law practitioner](#) prior to seeking a modification based upon financial circumstances. There are a host of factors that may make your complaint for modification more complicated than you think. For example, the child support guidelines may have changed since your last order/judgment or children may now be college-age and contributions to college costs may need to be factored in. Rushing in on a modification can sometimes lead to a party thinking they were entitled to a reduction in child support actually subjecting themselves to an increase in child support. It is always best to spend the time and effort to crunch some numbers and assess what the likely outcomes will be.