



ALL IN THE FAMILY

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

Navigating Domestic Violence Considerations in a Massachusetts Divorce

BY LYNETTE PACZKOWSKI • OCTOBER 9, 2026

October marks Domestic Violence Awareness Month, a time dedicated to supporting survivors, raising awareness, and offering vital resources to those experiencing intimate partner abuse. In Massachusetts, domestic abuse can influence how the Probate and Family Court handles critical aspects of a [divorce](#), including immediate safety, child custody, and financial division.

PRIORITIZING IMMEDIATE SAFETY: RESTRAINING ORDERS & EX PARTE MOTIONS

The divorce process typically begins by serving your spouse with a Complaint for Divorce. When domestic abuse is present, this step can escalate danger. Under Massachusetts General Laws Chapter 209A, survivors can seek a Restraining Order that may mandate that the abuser stay away from them, leave a shared home, and avoid all contact; and may grant temporary custody of children and order emergency financial support before the formal divorce process officially starts. Alternatively, or in addition, you can file “ex parte” motions (requests made to the judge without notifying the abuser in advance) to secure emergency temporary custody or financial support orders.

CHILD CUSTODY AND THE “PRESUMPTION OF HARM”

Child custody is often the most contested element of a divorce. While the Court must consider and base its determinations on the “best interests of the child,” if the Court finds that a parent has engaged in a pattern of domestic violence or has committed a serious incident of abuse, there is a rebuttable presumption that it is not in the child’s best interest for that parent to have sole or joint legal or physical custody. The Court can also implement strict protocols, such as supervised visits or requiring third-party drop-offs to prevent contact between the parents.

DIVISION OF MARITAL ASSETS AND FINANCIAL ABUSE

Domestic violence is rarely limited to physical harm; it frequently involves financial control and economic abuse. Massachusetts is an equitable distribution state, meaning the Court divides marital property fairly, though not always

equally. If an abuser intentionally depleted marital funds to control the survivor, hide assets, or pay for legal troubles stemming from the abuse, the Court can factor this financial misconduct into the final property distribution. If the abuse impacted the survivor's career, health, or ability to earn a living, the court may award higher or longer-term alimony to ensure their financial stability.

While these may seem like complex issues, they can be navigated, and they should not prevent a survivor from leaving a domestic violence situation. Consult and work with an [experienced family law attorney](#) who can help you navigate these issues and keep yourself and your child(ren) safe.

If you are the victim of domestic abuse, call [The National Domestic Violence Hotline](#) at (800) 799-7233.