

There are a lot of issues about whether or not on a Complaint for Modification there should be Temporary Motions. A Complaint for Modification means where there is a material and substantial change in circumstance and the Judgment Modification is necessary.

There is one general law, Mass General Laws c. 208 Section 24; which does not provide for Temporary Orders. However, there are issues on whether or not in order for Temporary Motions to be allowed and whether or not there is an emergency or irreparable harm that would be needed if the Temporary Motions were not allowed.

Generally, the idea is that a Complaint for Modification might have genuine issues of material facts that would be better suited to a trial than a Temporary Order which are not evidentiary hearings.