

Attorney Owens explains why interest on unpaid child support and alimony is so rarely awarded in Probate and Family Court, and what attorneys can do to change that result.



Massachusetts statutes provide for 12% interest on unpaid [child support](#) and [alimony](#), but in practice judges award it rarely and inconsistently. Here is what is actually going on, and how experienced counsel navigate an issue that judges often prefer to avoid.

Many clients who walk into our office with unpaid support arrears have already done some research. Maybe they've read somewhere about the 12% interest rate on unpaid child support or alimony arrears. Perhaps AI has told them that interest accrues from the date a payment was missed. And they are understandably frustrated when they learn that the interest they assumed would be added to their recovery is unlikely to be ordered, even after a successful [contempt](#) action.

The reasons trace to a tangle of overlapping statutes, an Appeals Court doctrine that has left key questions unresolved for nearly twenty years, and procedural realities most clients never hear about and many attorneys understand only vaguely. Setting client expectations honestly at intake, and structuring the contempt action to maximize what is recoverable, requires understanding why this frustrating area of domestic relations works the way it does in Massachusetts.

Four Statutes, Four Different Schemes

Massachusetts has not one interest framework for support arrears, but four overlapping ones. Each applies to different circumstances, runs from a different start date, and requires different procedural predicates.

The first is the **Department of Revenue administrative scheme** under [M.G.L. c. 119A, § 6](#) and [830 CMR 119A.6.1](#). When DOR is enforcing a Massachusetts child support order (but not alimony), the agency assesses 0.5% interest plus 0.5% penalty per month on past-due balances over \$500, with no compounding. This scheme runs administratively in the background. DOR does the math, applies the rate, and tracks the running balance. It applies only to Massachusetts orders and only to DOR-serviced cases. Not every child support recipient uses DOR, and DOR has no role at all in alimony or property division enforcement. The presence of this reliable, easy-to-predict interest and penalty scheme is among the strongest reasons for child support recipients facing arrears to sign up for DOR services, beyond the other practical advantages of DOR's collection tools (wage deduction, tax intercepts, etc.).

The second is the **court contempt scheme** under [M.G.L. c. 215, § 34A](#), which directs the rate set by [M.G.L. c. 231, § 6C](#), 12% per annum simple. The statute provides that a “monetary contempt judgment shall carry with it interest, from the date of filing the complaint.” This is the primary judicial vehicle for interest on support arrears, and it is the framework most attorneys learn first. But § 34A has a critical predicate: it requires an actual contempt finding to trigger interest. Without one, the statute does not apply.

The third is **post-judgment interest under [M.G.L. c. 235, § 8](#)**, which provides that “[e]very judgment for the payment of money shall bear interest from the day of its entry” at the same 12% rate. In [Karellas v. Karellas, 54 Mass. App. Ct. 469 \(2002\)](#), the Appeals Court held that a fixed-sum property division, for example, an equalization payment ordered as part of the divorce judgment, is a “judgment for the payment of money” that bears post-judgment interest automatically from the date of entry. In theory, no contempt finding is required to trigger interest on this type of obligation.

The fourth is the **catch-all interest provision under [M.G.L. c. 231, § 6H](#)**, which provides 12% interest “in any action in which damages are awarded, but in which interest on said damages is not otherwise provided by law.” Section 6H is the statute most naturally suited to fill the gap when contempt is unavailable but interest seems appropriate. Whether it actually applies to support arrears outside the contempt framework is the central unresolved question in Massachusetts interest doctrine, which we will return to below.

The *Karellas* Line: Periodic Support vs. Fixed-Sum Obligations

The first analytical move in any interest analysis is identifying which side of the *Karellas* line the obligation sits on. In *Karellas* the Appeals Court drew a sharp distinction between obligations like fixed-sum [property divisions](#) (e.g. a lump sum buyout of a [marital home](#)), which are “judgments for the payment of money” within c. 235 § 8, and periodic support obligations like weekly child support and monthly alimony, which the *Karellas* Court suggested may not qualify.

The Court explained:

[I]nterest under G.L. c. 215, § 34A, is available as a remedy for ongoing failure to comply with an order for periodic support or alimony that may not qualify as a “judgment for the payment of money” under G.L. c. 235, § 8, and might not thus carry such statutory interest. In this sense G.L. c. 215, § 34A, fills in a gap and provides for interest that would not be otherwise available.

This “gap-filling” reasoning became the cornerstone of all subsequent Massachusetts interest doctrine. It explains why fixed-sum property division obligations enjoy automatic post-judgment interest while weekly or monthly child support or alimony obligations require a contempt finding to trigger interest at all. The legislature, in the *Karellas* framing, deliberately created § 34A because periodic support obligations would otherwise have no interest pathway.

The Appeals Court has had occasion to reinforce this reading in an unpublished decision, [*Galvin v. Galvin*, 64 Mass. App. Ct. 1106 \(2005\)](#). In *Galvin*, the recipient argued that *Karellas* supported imposing interest on each missed child support installment from the date that installment came due, a theory grounded in [M.G.L. c. 119A, § 13\(a\)](#), which provides that each unpaid support installment is “a judgment by operation of law” with the full attributes of a judgment of the Commonwealth. The Court rejected the argument as inconsistent with “the long-standing and well-settled law applicable to awards of interest in actions for enforcing support payments,” holding that where the judgment is on a contempt complaint, “interest must be computed under c. 231, § 6C, as explicitly required by c. 215, § 34A.” Although *Galvin* is unpublished and not binding precedent, the decision signals how the Appeals Court views attempts to bypass the contempt-finding requirement through the Bradley Amendment route.

What this means in practice is fairly straightforward. If a party is owed a fixed-sum payment under a divorce judgment, such as an equalization payment, a buyout of the marital home, or a lump-sum alimony amount, interest is accruing automatically from the date the judgment entered, regardless of whether anyone has filed anything. If the party is owed unpaid weekly child support or monthly alimony, the picture is fundamentally different. Interest is not accruing in the background, and the only way to get interest added to the recovery is to file contempt and obtain an actual contempt finding from the judge. That second path is more difficult than most clients assume, which is the subject of the next several sections.

The *Poras* Gate to § 34A

For periodic support obligations, the path to interest runs through contempt, and through one specific case: [*Poras v. Pauling*, 70 Mass. App. Ct. 535 \(2007\)](#).

In *Poras*, the husband had accumulated more than \$50,000 in child support arrears. After a 1994 proceeding labeled a “contempt judgment,” he was placed on a structured repayment schedule and eventually paid the arrears in full. The wife then sought over \$93,000 in accumulated interest. The probate judge denied interest, and the Appeals Court affirmed.

The reasoning was simple and consequential. Despite the “contempt judgment” label, the 1994 judgment contained no actual finding of the husband being guilty of contempt. Instead, the judgment explicitly found the husband unable to pay. Section 34A is unambiguous on its face: it provides that “any monetary contempt judgment shall carry with it interest, from the date of

filing the complaint.” The Appeals Court read that language strictly. A judgment that resolves a contempt complaint without finding contempt is not a “contempt judgment” within the meaning of the statute, regardless of how the docket characterizes it. Without a clear adjudication of contempt, the Court held, § 34A does not apply.

Poras effectively placed a gate at the entrance to § 34A interest for support arrears. The plaintiff cannot simply prove arrears, [file a contempt complaint](#), and collect interest. The court must enter an actual contempt finding, meaning a finding that the payor knew of the order, had the ability to comply, and knowingly failed to do so. If the court instead concludes the payor lacked the ability to pay, **or if the court declines to enter a contempt finding for other reasons**, the door to § 34A closes.

The wife in *Poras* attempted to argue that other interest statutes might apply, specifically [c. 231 § 6C](#) (the 12% interest rate for breach of contract actions) and [§ 6H](#) (the catch-all interest provision for actions in which damages are awarded but no other interest statute applies), but the Appeals Court declined to reach those arguments, ruling them inadequately briefed. That brief footnote turned out to be the most consequential aspect of the decision. The Court left open whether § 6H could fill the gap that *Poras* itself had created.

(Nearly 20 years on from the *Poras* footnote, Massachusetts appellate courts still haven’t definitely ruled on [§ 6C](#) or [§ 6H](#), leaving a crucial gap in the law of interest on arrears.)

The Compliance Hearing Problem

In theory, the *Poras* gate should be binary: contempt finding (interest) or no contempt finding (no interest). In practice, Probate and Family Court judges have developed a third path, and it is the most common outcome in routine contempt actions.

When a contempt complaint is filed and the payor either has the ability to cure the arrears or appears motivated to do so, judges frequently schedule a “contempt continued” or “compliance” hearing. Often, the court does not enter a judgment. Instead, it sets a future date by which the payor must demonstrate compliance, paying the arrears, resuming current support, or both. If the payor cures by the compliance hearing, the contempt judgment often never enters (in many cases a judgment of dismissal enters on the contempt).

This outcome creates a significant problem for the recipient. Without a judgment, there is no contempt finding, and § 34A interest (or attorney’s fees) never attaches. The arrears get paid, that is the good news, but the recipient has invested attorney time and filing costs to secure a result that compensates only the principal. Statutory attorney’s fees under § 34A’s presumption also become substantially harder to recover (although not impossible), because the prevailing-party narrative is muddled by the payor’s compliance and the absence of a clear judgment or finding of contempt.

There is a related variant in which the judge enters a judgment or finding of contempt but schedules a compliance hearing for the purge, typically a “pay by [date] or face incarceration” structure with a suspended jail sentence, and the judgment is silent as to fees and interest. If the

payor cures before the purge date, the contempt finding remains on the record, but the relief that should have followed it does not. Statutory entitlement to fees and interest is preserved on paper but practically harder to obtain after the fact.

These outcomes are not aberrations. They are the structural rule for contempt actions where the arrears are within the payor's ability to cure. From the judge's perspective, they produce compliance without imposing the formal contempt sanction or generating a fees-and-interest fight after the underlying problem has resolved. From the recipient's perspective, they leave material relief on the table.

The judicial reluctance surrounding interest and fees underlying this pattern is worth understanding rather than dismissing. As this blog illustrates, the statutory web governing interest is genuinely complicated, and the math becomes meaningfully harder when arrears continue to accrue after the contempt is filed and during the pendency of the proceeding. Arguments over interest also tend to consume hearing time that judges would prefer to spend on the substantive questions of compliance and arrears calculation. And although the view is subject to fair criticism, some judges believe that generous awards of fees and interest can themselves generate motivation for further litigation, undercutting the conciliatory function judges value in the contempt process. None of this excuses the disconnect between statutory entitlement and judicial outcomes, but recognizing the institutional pressures on the bench helps explain why the disconnect is consistent across counties and judges, and why pleading interest reflexively tends to receive an unenthusiastic reception from those wearing the black robes.



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Two Procedural Moves That Materially Change Outcomes

Experienced counsel try to adapt to these tricky dynamics in two specific ways.

First, file the motion and affidavit for fees and request for interest *before* the contempt hearing, not after. A judge ruling on contempt who sees an affidavit of fees and a calculated interest figure already on the docket has the path of least resistance pointed toward including those amounts in the judgment. Without those filings, the path of least resistance is to enter the judgment, address the arrears, and let fees and interest float as something to “address later.” Often, “later” never comes.

The pre-hearing filing also preserves the record for a post-judgment motion to alter or amend the judgment under [Mass. R. Dom. Rel. P. 59\(e\)](#) if the original judgment is silent on fees and

interest. A Rule 59 motion on a record that already contains the fees affidavit and interest computation is asking the judge to amend the judgment to include relief that was already requested, not to consider new material. That is a significantly easier procedural ask, and one a judge can often rule on the papers without scheduling a hearing. (There can also be a strategic incentive to relying on Rule 59. By delaying the interest and fees request to a Rule 59 motion, it can create more oxygen in the hearing to argue the substantive non-compliance, while shifting the interest and fees component to a request that is filed after substantive victory is ensured. Even with this strategy, it often makes sense to file the motion or affidavit for fees and request for interest before the hearing, then use Rule 59 after judgment enters to seek the relief.)

Second, recognize when the threat of interest serves a purpose distinct from actually obtaining it. Interest pleaded in a contempt complaint signals to the payor that the arrears have a price tag attached beyond the principal and even attorney's fees. Even if the experienced attorney knows that most Massachusetts judges are reluctant to order significant interest in a routine contempt case, the payor, who often knows less about the field, may not. The threat-of-interest framing can drive earlier and more complete compliance than the principal alone would.

In practice, attorneys most often raise interest in two scenarios: (1.) where the arrears are large or old enough that actually-ordered interest would meaningfully change the recovery, and (2.) where the threat of interest serves a tactical purpose in pushing the payor toward compliance. Outside those scenarios, pleading interest carries cost, including drafting time, judicial irritation, and opposing-counsel friction, that often lacks commensurate benefit. Default practice should be to plead interest selectively, not reflexively.

The Section 6H Question, Still Unresolved After Twenty Years

For attorneys facing a case where the *Poras* gate has closed, i.e. the court is unlikely to enter a contempt finding, perhaps because the payor has a colorable inability-to-pay defense, the question becomes whether any other interest pathway is available.

Section 6H is the obvious candidate. Its text is broad: "In any action in which damages are awarded, but in which interest on said damages is not otherwise provided by law," 12% interest is added by the clerk from the commencement of the action. On its face, an action seeking to recover unpaid support arrears is "an action in which damages are awarded." If § 34A is available, it provides interest; if § 34A is unavailable because no contempt finding has been entered, then interest is "not otherwise provided by law" and § 6H should fill the gap.

The Appeals Court has been waiting almost twenty years for an attorney to brief this question properly.

In *Poras* itself (2007), the wife mentioned § 6H, but the Court found her arguments inadequately briefed and declined to reach the issue. In [*M.K.C. v. K.G.C., 103 Mass. App. Ct. 1128 \(2024\)*](#), an unpublished decision involving alimony arrears established without a contempt finding, the wife raised § 6H in her opening brief but appeared to abandon the argument in her reply brief. The Court noted the issue in a footnote and declined to analyze it. Most recently, in [*Cavanagh v. Cavanagh, 105 Mass. App. Ct. 620 \(2025\)*](#), the Appeals Court explicitly stated: "We do not

consider the applicability of the statutory catchall provision set forth in G. L. c. 231, § 6H, because the mother has not argued that she is entitled to prejudgment interest under that section.”

Three Appeals Court decisions over nearly two decades, three preservation failures. Each time, the Court has flagged the issue and declined to decide it because the parties did not brief it adequately. Each time, the Court has left open the *possibility* that 6H could apply.

The *Cavanagh* decision also surfaced a related structural problem: while [Mass. R. Civ. P. 54\(f\)](#) requires the clerk of court to compute prejudgment interest automatically in civil cases, Mass. R. Dom. Rel. P. 54 (the domestic relations rules counterpart) has no equivalent subpart. The automatic clerk-computed interest mechanism that operates in Superior Court (which is extremely helpful in SC cases) does not exist in Probate and Family Court. This is a procedural gap that affects how § 6H would even be implemented if it applies in probate court.

There are also substantive obstacles. Section 6H requires “an action in which damages are awarded,” and whether a support enforcement action meets the definition of “damages” has not been resolved in the family law context. There is the further question of whether § 34A “otherwise provides” interest for support arrears, thus displacing § 6H, even when the specific contempt predicate is not satisfied. None of these questions has been answered by the Appeals Court or SJC, because no party has yet argued them properly.

For attorneys representing recipients in non-contempt matters, this means § 6H is a genuine but undeveloped argument. The cleanest preservation play is to plead § 6H affirmatively in the trial court, brief it adequately, and preserve the record for appeal. The Appeals Court has signaled three times that it is waiting for a properly preserved case. That case may eventually come from a Massachusetts family law practitioner willing to do the briefing work.

As for whether it’s worth trying to plead under § 6H in an arrears case, the honest answer is that it depends on the dollars and the posture. For a run-of-the-mill contempt with modest arrears, pleading § 6H adds drafting cost and judicial irritation for an issue the trial court is unlikely to embrace and may never reach. But for matters with substantial arrears, or where the case is likely to appeal on other grounds and the marginal cost of preserving § 6H is low, pleading the argument affirmatively is exactly what the Appeals Court has been waiting for someone to do.

(Again, for child support cases, this is a reminder that DOR’s automatic calculation of interest and penalties provides a more reliable source of interest than any of the other statutes or theories, since DOR collects interest and penalties in virtual real time, without the need for a separate hearing, judgment or finding. DOR services are free and don’t require a separate court order. Any child support recipient can use DOR at any time.)

Setting Client Expectations

The combined effect of these doctrines and practice realities is that interest on support arrears, despite being statutorily provided at a high rate, is inconsistently awarded in Massachusetts Probate and Family Court. Clients who come in expecting that the 12% rate will be applied automatically, adding meaningful sums to their recovery, are often disappointed.

Honest expectation-setting at intake is essential. Clients deserve to understand that the court has the statutory authority to order interest, but as a practical matter judges award it rarely and selectively. They also deserve to understand that this is not a sign their case has been handled poorly. It is a feature of how the field operates, and it affects every plaintiff in every contempt action.

When we explain this to clients, we usually frame it directly: the court can order interest, and the statute is on your side, but Massachusetts judges in practice are reluctant to award interest in routine contempt actions, particularly when the arrears are within the payor's ability to cure. We will plead interest where pleading it serves your case, either because the dollars are large enough that even a partial award meaningfully changes the recovery, or because the threat of interest pressures the other side toward compliance. In matters where neither of those conditions applies, we may decide together not to plead interest at all, because pleading it without realistic recovery prospects can create friction without benefit.

This conversation, conducted at intake (or whenever arrears becomes an issue), prevents the much harder conversation later in the case, when a client who expected interest is surprised that the judgment did not include it.

The Bigger Picture

The current state of Massachusetts interest doctrine on support arrears is a doctrinal gap waiting to be closed. The statutes are clear about what the rate should be, 12% across every applicable provision. The case law has resolved the methodology for calculating interest when § 34A applies. What remains unresolved is the threshold question of when an interest pathway is available at all in a non-contempt case, and that question has been waiting for an answer since 2007.

Until the Appeals Court resolves the § 6H question on a properly preserved record, attorneys representing support recipients in Massachusetts will continue to operate in the gap between statutory entitlement and judicial practice. The way to operate effectively in that gap is to understand its contours: which obligations enjoy automatic interest under *Karellas*, when the *Poras* gate closes off § 34A, how the compliance hearing dynamic affects what is recoverable in routine contempt actions, what procedural moves materially change outcomes, and how to preserve § 6H for the appellate review the issue eventually deserves. And, of course, don't forget the practical usefulness of the DOR option when the arrears is for child support.

Frustrated as our clients reasonably are about the gap between what the law says and what the courts do, the gap is navigable. It just requires understanding the field as it actually operates, not as the statutes alone would suggest.

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Schedule a consultation with [Jason V. Owens](#) today at (781) 253-2049 or send [him an email](#).

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