The Growing Role of Artificial Intelligence in Family Law: Opportunity or Risk?

The integration of artificial intelligence (AI) into family law marks a significant shift in how legal services are delivered and understood. While technological innovation promises increased efficiency and accessibility, it also raises complex ethical, professional and legal concerns. Nowhere are these tensions more pronounced than in family law, where decisions often carry deeply personal and long-lasting consequences.

Opportunity

Improving access to Justice

AI is making a meaningful impact on improving access to justice. Legal services can be expensive, and many individuals navigate family law proceedings without representation. AI-powered platforms now assist with drafting legal documents, explaining court procedures and providing general guidance. This has the potential to empower individuals who might otherwise struggle to engage with the legal system. Although AI cannot replace professional legal advice, it can make legal information more accessible, enabling people to make informed decisions and reducing barriers to justice.

Increasing Efficiency

AI has the potential to transform the efficiency of family law practice by automating many of the routine and time-consuming tasks that traditionally require significant administrative time. One of the most significant advantages of AI is its ability to analyse and process large volumes of information in a matter of seconds.

Accessibility

AI powered systems can provide immediate responses to routine questions outside of office hours, helping clients understand procedural updates, court timetables and documentation requirements.
AI is accessible 24/7 and is there to provide a response to any immediate concerns or questions.

The Risks

The Human Element

One of the most debated developments is the use of predictive AI in legal decision-making. While such tools can analyse large volumes of case law and identify patterns, family law cases remain highly fact-specific. Outcomes often depend on nuanced considerations – such as the welfare of a child or the dynamics of a relationship – that cannot be easily reduced to data points. As a result, reliance on predictive AI risks oversimplifying complex human situations and may inadvertently reinforce existing biases present in historical legal decisions.

Increased accessibility brings its own challenges. Many users may place undue trust in automated systems without fully understanding their limitations. Unlike a qualified solicitor or barrister, an AI tool cannot provide tailored legal advice or exercise professional judgment in the same way. There is a real risk that individuals may rely on incomplete or inappropriate guidance, potentially to their detriment.

For this reason, it is generally far more reliable to seek advice from a qualified solicitor or barrister when dealing with family law matters. Legal professionals are trained to assess the unique facts of each case, apply the law accurately and provide strategic guidance tailored to the individual's circumstances. They are also bound by professional and ethical duties, including the obligation to act in their client's best interests and to the court. While AI can be a useful supplementary tool, it should not be seen as a substitute for expert legal representation, particularly in complex cases.

Confidentiality and Data Protection

Confidentiality is another critical concern, particularly in family law, where cases frequently involve highly sensitive personal information, including financial records, medical information, allegations of domestic abuse and information relating to children. The use of AI systems therefore raises important questions about how such information is collected, stored, processed and potentially used by third-party providers.

This concern has been recognised in recent professional guidance. The Bar Standards Board's Guidance on the Use of Artificial Intelligence and Other Technologies, which came into force in May 2026, emphasises that barristers must ensure that any AI technology they adopt is capable of complying with their obligations concerning client confidentiality and the processing of personal data under the BSB Handbook and UK GDPR. The guidance also specifically warns about the risks associated with general purpose and free generative AI systems. Such systems may, depending on their terms and configuration, retain prompts and input data, use information for model training or product development, or permit sensitive information to be accessed or inferred by others. The BSB considers that such tools will generally be too high-risk for legal work or client specific tasks unless appropriate safeguards are in place.

This is particularly significant in family law. A prompt entered into an AI system may contain details about a child's welfare, parent's financial circumstances, medical history, allegations of abuse or other information protected by legal professional confidentiality. Once such information is uploaded to an external or 'open' AI system, the practitioner may have limited control over how that information is stored, processed or subsequently used. The fact that an AI system is easily accessible does not necessarily mean that it is appropriate for confidential legal work.

The Bar Council's updated guidance on generative AI similarly emphasises the importance of respecting legal professional privilege and confidentiality, complying with data protection requirements and recognising the cybersecurity vulnerabilities associated with large language models.

The BSB guidance therefore encourages a risk based approach to the adoption and use of AI. Practitioners should consider not only the benefits of a particular system, but also its terms of use, data storage arrangements, security measures, access controls and whether data is processed outside the United Kingdom.

Accordingly, the convenience of being able to upload a document or describe a problem to an AI system must be balanced against the potentially serious consequences of disclosing confidential information. Practitioners should not assume that information entered into an AI system remains private simply because the system is being used for a legal purpose. Appropriate safeguards, anonymisation and the use of secure, properly governed systems are therefore essential. Ultimately, AI does not displace the lawyer's existing duties of confidentiality and data protection; those duties remain fully engaged whenever AI is used.

Bias and Fairness

AI systems learn from historical data. There is therefore the concern that if that data reflects existing social inequalities or unconscious bias, AI may unintentionally reinforce those patterns.

In family law where decisions can profoundly affect children's lives and family relationships, fairness and transparency is paramount.

Accuracy and Reliability

One of the most controversial recent developments in legal technology is the emergence of so-called 'AI hallucinations' in court proceedings – instances where artificial intelligence systems generate entirely fictitious legal authorities that are then mistakenly relied upon by lawyers and litigants. Far from being isolated incidents, these occurrences have been reported across multiple jurisdictions and are beginning to influence professional standards in legal practice.

'AI hallucinations' refer to outputs that appear authoritative but are in fact incorrect. In the legal context, this most often takes the form of fabricated case citations, invented judicial quotations, or mischaracterised precedents. The risk arises from the very design of generative AI tools, which are built to produce plausible and coherent language rather than to verify factual accuracy. In doing so, they may 'fill in gaps' by creating legal authorities that appear convincing but do not exist.

Courts have responded firmly to this issue. Judges have made clear that citing non-existent authorities is not a minor technical oversight, but a serious breach of professional duty.

The rise of AI-generated false authorities represents a pivotal moment in the evolution of legal practice. While AI offers clear advantages in terms of efficiency and accessibility, it also introduces risks that strike at the core of the justice system – particularly the need for accuracy, reliability and trust.

Conclusion

Ultimately the role of AI in family law is neither wholly beneficial nor entirely problematic. It represents a profound shift that must be approached with caution and transparency. As the legal landscape continues to evolve, practitioners must strike a careful balance between embracing innovation and safeguarding the fundamental principles of justice.

The future of family law should not be framed as a choice between humans and AI but rather it should focus on developing a collaborative model in which AI enhances legal practice while experienced lawyers and Judges continue to provide the empathy, ethical judgment and professional expertise that technology cannot replace.

Family law, perhaps more than any other area, serves as a reminder that behind every case lies a deeply personal story – one that no algorithm can fully understand.

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References:
BSB Guidance on the Use of Artificial Intelligence and Other Technologies (May 2026)
Bar Council – Updated guidance on generative AI for the Bar

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