

AI is Coming to Divorce Court

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Divorce litigation has always been a search for the truth. For decades, divorce attorneys have asked the same fundamental questions: Who owns what property? How should assets be valued and divided? What income is available for support? And when children are involved, what arrangements truly serve their best interests?

Throughout the years, those questions have not changed. What has changed is the technological landscape in which they are being asked.

Artificial intelligence (“AI”) is now entering nearly every profession, and the practice of matrimonial law is no exception. While AI cannot replace the judgment, discretion, and ethical responsibilities of experienced attorneys and judges, it is beginning to influence how divorce cases are investigated, prepared, and litigated.

Three developments, in particular, suggest that divorce law is entering a new technological era: the use of AI to uncover financial information, the emerging risk of fabricated digital evidence, and the increasing tendency of litigants themselves to turn to AI for guidance.

The Search for Hidden Assets

One of the oldest battles in divorce litigation is the search for undisclosed assets.

For as long as equitable distribution and community property regimes have existed, spouses have attempted to conceal income, transfer funds into undisclosed accounts, or minimize the apparent value of businesses and investments. In complex cases, uncovering the true financial picture can require months of discovery and painstaking review of bank records, tax returns, and corporate documents.

AI is beginning to assist in this process.

AI-driven financial analysis tools can review vast quantities of financial data and identify unusual patterns that might otherwise escape detection. These systems can flag repeated transfers to unfamiliar accounts, discrepancies between reported income and actual spending, or unexplained fluctuations in business revenues. In cases involving closely held businesses or high volumes of transactions, AI can help identify areas that warrant closer scrutiny far more quickly than traditional manual review.

For example, recently a case concerning a professional practice with thousands of annual transactions, used AI-assisted analysis which detected a recurring pattern of transfers to an entity, newly formed shortly before the commencement of divorce proceedings — an anomaly that justified targeted discovery and expert evaluation.

Still, technology alone cannot resolve these issues. AI can identify anomalies, but determining whether those anomalies reflect legitimate business activity or intentional concealment requires professional judgment. Forensic accountants, financial experts, and experienced matrimonial attorneys remain indispensable in interpreting results and presenting them persuasively to the court.

AI has become — and with constant innovation will continue to be — a powerful investigative tool. Yet it can never substitute for the human capacity to perceive and interpret the subtle factual nuances of a case, apply the law accordingly, and ultimately serve as the finder of fact.

The Emerging Threat of Artificial Evidence

If AI can help uncover the truth, it can also be used to manufacture it.

Courts across the country are beginning to confront the growing phenomenon of AI-generated content, often referred to as “deepfakes.” With increasingly sophisticated software, it is now possible to create highly realistic audio recordings, text messages, photographs, and even video footage depicting events that never occurred.

In the emotionally charged context of divorce litigation, the risk of misuse is significant.

A fabricated text message purporting to show financial misconduct, or a manipulated audio recording suggesting threats or coercion, could be introduced as evidence. Even if ultimately disproven, such materials may complicate litigation, increase costs, and prolong disputes, particularly at early stages when courts are making interim decisions about custody, support, or exclusive occupancy of the marital residence.

Family law practitioners have always confronted questions of authenticity, but AI raises the stakes considerably. As digital evidence becomes easier to fabricate, courts will likely require more rigorous methods of authentication. Judges, attorneys, and forensic experts will increasingly need to assess not only what evidence appears to show, but how it was created, preserved, and verified.

The law of evidence has always evolved alongside technological change. AI is likely to accelerate that evolution.

When Litigants Turn to Artificial Intelligence

Another development is already underway, though often less visible.

Individuals contemplating divorce increasingly turn to AI tools to educate themselves about the legal process before consulting an attorney. AI systems can explain general legal concepts, summarize procedures, and even generate draft settlement proposals. I experienced this first-hand when moments after sending a proposed settlement offer to my client, she ran it through ChatGPT and was advised that the proposed offer was suitable.

In some respects, this trend may be beneficial. Divorce is often intimidating and confusing, and access to basic information may help individuals better understand their rights and obligations.

At the same time, divorce law is highly nuanced and intensely fact specific. Outcomes often depend on subtle distinctions in financial circumstances, statutory interpretation, and judicial discretion, factors that cannot be reduced to generalized responses.

While AI can provide information, it cannot provide strategy, advocacy, or judgment. Those functions remain the province of experienced legal professionals who understand not only the law, but how courts apply it in practice.

New Technology, Old Questions, and the Future of Matrimonial Litigation

AI will almost certainly change the manner in which divorce cases are prepared and litigated. Financial investigations may

become faster and more data-driven. Evidentiary standards may tighten in response to synthetic digital content. Clients may arrive at initial consultations better informed, and sometimes misinformed, by AI-generated advice.

Yet the essential work of divorce law will remain stubbornly human. Lawyers must still exercise judgment, advise clients through emotionally charged decisions, and advocate for fair outcomes. Judges must still evaluate credibility, weigh evidence, and craft equitable resolutions for families navigating a profound personal change.

In Closing

As AI becomes more embedded in the divorce process, courts and practitioners will need to adapt thoughtfully, embracing technology where it enhances accuracy and efficiency, while remaining vigilant against its misuse. The future of matrimonial litigation will be shaped not by machines alone, but by the wisdom with which legal professionals choose to use them.