



Artificial Intelligence in Australian Family Law

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The use of artificial intelligence (AI) in everyday life has grown exponentially over the past few years. For better or for worse, generative AI tools such as ChatGPT and Google Gemini have become a feature of how a lot of people are going about their work, studies, and, in some cases, their family law matters. Used well, AI supports efficiency and access to information. However, recent cases show serious risks if parties or lawyers rely on AI without careful checking.

What does AI mean for family law in Australia?

AI can be best understood as any software that generates text, analyses documents, or predicts outcomes based on large datasets. Some examples of AI tools include ChatGPT, Google Gemini, Perplexity, and Claude. Estimates suggest around 30 percent of Australians use AI tools at least once a day, with around 10 percent using these tools throughout the working day.

In an Australian family law context, practitioners could use AI for tasks such as summarising documents, drafting templates, and managing large volumes of information. However, later in this blog we will discuss why it's important to understand when uploading family law documents into an unauthorised software may constitute a breach of family law privacy provisions.

Everyday Australians are also turning to AI directly for help in their family law matters. AI can provide some basic information about separation, parenting matters, and property settlement, especially in the early stages of a separation. Much of this information is pulled from intelligent searches of family law blogs, such as this one, and does not constitute legal advice. Importantly, AI cannot replicate the process of seeking sound legal advice from a family lawyer who can understand and advise on the specifics of your matter.

Why caution remains essential

Generative AI sometimes produces legal authorities or quotes that never existed or misstates real cases. This is a problem often

called “hallucination”.

The courts have already encountered submissions and lists of authorities that relied on AI and included fabricated or irrelevant cases, leading to wasted hearing time and costs orders. AI also lacks human judgment about risk, family violence, and the best interests of children.

How does AI affect privacy and confidentiality in family law?

Family law disputes involve highly sensitive personal information such as details about children, family violence, health, and finances. Uploading that material into open AI platforms creates a risk of privacy breaches, loss of confidentiality, and misuse of data outside Australia.

In Australia, it is an offence to publish an account of family law proceedings to the public, with some limited exceptions. Submitting detailed descriptions of current family law proceedings or draft court documents, for example, into open AI tools might amount to unlawful communication to a section of the public.

How are Australian courts and regulators responding to AI?

Courts across Australia now respond directly to AI use in litigation, including family law.

The Supreme Court of New South Wales restricts the use of generative AI in affidavits, witness statements, and character references unless the court gives approval and a clear disclaimer appears.

The Federal Circuit and Family Court of Australia has not yet issued a detailed practice note, but recent family law judgments highlight the risk when parties or lawyers rely on AI without verification.

Mertz & Mertz (2025): a warning about misusing AI in family law

The decision in [Mertz & Mertz \(No 3\) FedCFamC1A 222](#) stands as a key warning about AI misuse in family law appeals. In this matter, the Federal Circuit and Family Court of Australia referred a South Australian solicitor and two counsel to their professional regulators after they relied on material prepared with AI that contained serious errors. The Court found that AI-generated content had led to incorrect material being filed, which wasted time and resources and required adjournment.

Orders included a requirement for the solicitor to pay \$10,000 to the respondents for costs, as well as a separate fixed costs order that recognised extensive work on a transcript of 1234 pages and an appeal book of 1295 pages.

Mertz & Mertz confirms that courts treat unchecked reliance on AI as a professional issue, not a technology issue. The responsibility for checking every citation, every quote, and every summary still rests with the person who signs and files the material.

Other recent AI cases in family law

In [Helmold & Mariya \(No 2\) FedCFamC1A 163](#), a self-represented party used generative AI to draft court documents and

submissions, which included invented cases and misdescribed authorities. The Full Court dismissed the appeal and stressed that all litigants, represented or not, hold a duty not to mislead the court, and must check AI outputs before relying on them.

AI in family law: helpful uses versus key risks

The table below summarises common AI uses in family law and the main risks that sit beside those uses.

Task or context	How AI assists	Main risks to watch
Early information-gathering by clients	Provides plain-language explanations of legal concepts and common processes, which helps you arrive at legal appointments with focused questions.	Information might be out-of-date, incomplete, or wrong for Australian law, leading to unrealistic expectations or poor decisions.
Preparing financial documents	Helps structure asset and liability lists, summarise years of bank statements, and group transactions for a lawyer to review.	Wrong assumptions about values, tax, or treatment of assets might flow into settlement proposals if no lawyer checks the drafts.
Drafting letters and emails	Assists with tone, spelling, and structure so your communication reads clearly.	AI-drafted letters often become long and complex, which increases reading time for lawyers and can raise legal costs unnecessarily.
Drafting affidavits or submissions	Produces first drafts, suggests legal headings, and summarises evidence for review.	Risk of fabricated cases, misquoted passages, and breaches of confidentiality or section 114Q if you upload court documents into open systems.
Internal law firm tasks	Assists with document review, precedent management, and research summaries within secure practice tools.	Over-reliance without human checking risks wrong advice, negligence claims, and professional discipline.

Practical tips for using AI during separation

You improve outcomes when you treat AI as support for legal advice, not a replacement for proper representation.

Keep the following points in mind when AI enters your family law matter.

Avoid pasting full affidavits, court orders, or confidential documents into open AI tools, especially where those documents identify parties or children.

Use AI for neutral tasks such as formatting timelines or summarising non-confidential material, then review the documents yourself or with your lawyer if you're represented.

Treat all legal information from AI as general only and ask your lawyer how the law applies to your specific circumstances.

Ask your lawyer whether their firm has an AI policy, including how staff verify AI-assisted work and how client confidentiality stays protected.

If you represent yourself, check every case citation and quote from AI against an official source such as AustLII or Jade before including material in court documents.

How Meillon & Bright approaches AI in family law

Our experience with complex family property and parenting matters shows that strong outcomes still depend on careful legal analysis, sound judgment, and clear communication.

Meillon & Bright focuses on practical, outcome-focused advice tailored to your family's circumstances, including guidance on safe and sensible ways to use AI during your matter. It's important to seek personalised advice early to help you weigh up the efficiency benefits of AI against privacy, accuracy and any other ethical risks.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.