# Nuffield Family Justice Observatory

# AI in the family justice system

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This briefing is intended to prompt discussion about how the use of artificial intelligence could improve the experiences of families and professionals in the family justice system. It also outlines the challenges and risks involved, and the governance required for safe usage.

### Disclaimer

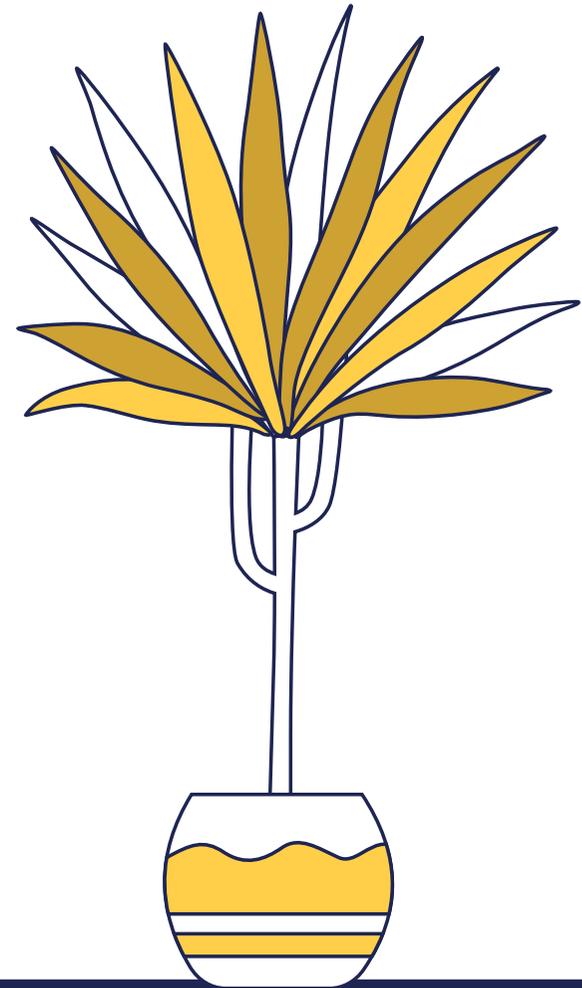This briefing paper was originally published in 2024 and has been updated to reflect recent developments.

# What's in this briefing?

Briefing: AI in the family justice system

# Background notes

## What is the issue?

Discussions on the reach and scope of artificial intelligence are now commonplace. But how well prepared are we to understand its potential or to deal with its challenges and risks in relation to the family justice system? And could we be doing more to think about how it could improve families' experiences?

We know that some AI technologies are available, accessible and already in use – commercial law firms are increasingly using AI to perform tasks such as contract analysis, automatic routine tasks and legal research for example. Could families in public and private law proceedings, as well as professionals in the family justice system, benefit from the safe and fair use of newer technologies such as generative AI?

## What does this briefing paper do?

This briefing paper – updated since the first edition in 2024 – aims to prompt reflection and discussion. It highlights some examples of use relating to:

- improving families' experiences
- enabling administrative efficiencies
- supporting decision making.

It also raises some of the important questions about challenges and risks – such as bias, privacy, transparency and accuracy – and outlines the current governance framework relating to AI.

Chat GPT was used for some initial ideas generation and to refine the drafting of some sections of this report.

The authors would like to thank Laura Carter, Cliff Manning and Kayliegh Richardson for reviewing an earlier draft.

## How to get in touch

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# Key terminology

## Artificial intelligence

There is no single accepted definition of 'artificial intelligence' (AI). It is often used as an umbrella term for a range of algorithm-based technologies that carry out tasks usually considered to require human intervention or oversight.

## General-purpose AI

AI can also be general purpose, that is, trained on vast quantities of data to undertake a range of general tasks such as generating new content, images or audio for example. General-purpose AI (GPAI) can work across many complex tasks and domains and can exhibit unpredictable and contradictory behaviour when prompted by human users.

## Generative AI

Generative AI (genAI) is a subset of general-purpose AI. It is used to generate new content – such as text, video, audio or code – based on inputs or prompts given by the user.

## Hallucination

Hallucination is a 'feature' of general-purpose AI. It is a term used to describe false, misleading or inaccurate responses generated by AI which are presented as fact.

## Large language models

Large language models (LLMs) are an example of generative AI. LLMs are trained on significant amounts of text data, enabling them to generate natural language responses to a wide range of inputs. LLMs are used to perform a wide range of text-based tasks, such as answering questions, autocompleting, translating and summarising text, in response to a wide range of inputs and prompts. ChatGPT, Co-pilot, Gemini, Claude and other AI chatbots are examples of LLMs.

## Machine learning

Machine learning is also a subset of AI. Machine learning uses algorithms to analyse large amounts of data and learn from the insights and make decisions informed by that learning. While analysts building models to identify patterns and/or predict events is not new, the aim of machine learning is to enable computers to learn on their own, without being programmed by a human. A subset of the tools that are currently being described and marketed as AI are machine learning rather than general purpose AI tools.

## Narrow AI

AI can be narrow, that is, trained on specific data to complete a very specific task such as using biometrics to recognise a face or assessing eligibility and risks (e.g. the Home Office visa-screening tool used between 2015 and 2020).[1]

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[1] Modhvadia, R., Colom, A., Strait, A., Field, O. R., Peppin, A., Margetts, H., Enock, F. and Cross, M. (2023). *How do people feel about AI? A nationally representative survey of public attitudes to artificial intelligence in Britain.* The Alan Turing Institute and Ada Lovelace Institute. https://www.adalovelaceinstitute.org/wp-content/uploads/2023/06/Ada-Lovelace-Institute-The-Alan-Turing-Institute-How-do-people-feel-about-AI.pdf

# How might AI be used in the family justice system?

In this section we present some examples of how AI is being used in the family justice system as well as some potential uses. They fall into the following categories:

- improving family experiences (e.g. virtual agents, language translation and legal advice)

- efficiencies from processing/administrative tasks (e.g. document review, transcription, case management and drafting)

- supporting decision making (e.g. predictive analysis and risk assessment).

# Improving family experiences

## Virtual agents

Some courts incorporate virtual agents or 'chatbots' on their websites to help users find information, complete forms and navigate the legal process.

Cafcass has started to use AI to support users visiting its website and looking for guidance.

The tool is not a generative AI chatbot but it uses algorithms and natural language processing to answer questions about Cafcass. The tool has been trained on specific and relevant data to enable answers to be given to many frequently asked questions. When an answer is unknown, the user is connected to a human advisor. It does not provide advice, nor does it make any decisions or carry out any actions.[2]

According to data from December 2024, Cafcass responded to approximately 2,500 queries per month. Details about the Cafcass agent are available on the UK Government's Algorithmic Transparency Recording Standard Hub, ensuring transparency of the tool and its development and use.[3]

## Language 'translation'

There is the potential for large language models (LLMs) to help improve understanding of family court proceedings by rewriting text containing legal jargon in plain English (or other languages), making court documents more accessible to all involved – including children.

While there are examples of private companies offering these services in the US, such as Legalese Decoder, the use of LLMs to support UK family justice is nascent. Scribe, a Cafcass tool for using case notes and other details to create letters or audio, is an early example.[4]

## Legal advice

While it is technically feasible for LLMs to generate legal advice – for example supporting litigants in legal processes such as drafting submissions or citing relevant cases – it is not recommended. Easily available generic LLMs such as ChatGPT, Gemini and others are not trained specifically on legal data, let alone UK case law. There is therefore a persistent risk of a generic AI generating inaccurate, error-prone or completely made-up legal advice.

In *D (A Child) (Recusal)* [2025], generative AI was used by a mother representing herself in a family court case. The AI-generated documents and skeleton argument were littered with inaccuracies and citations that did not exist. The mother was absolved of the intention to mislead, but others relying on AI for legal advice may not be so lucky.[5]

[2] Cabinet Office, Department for Science, Innovation and Technology and Government Digital Service. (2024). *Cafcass: Genesys ChatBot*. GOV.UK. https://www.gov.uk/algorithmic-transparency-records/cafcass-genesys-chatbot

[3] Government Digital Service. (2023). *Algorithmic Transparency Recording Standard Hub.*. https://www.gov.uk/government/collections/algorithmic-transparency-recording-standard-hub

[3] See: https://legalesedecoder.com

[4] Version 1. (n.d.). *Transforming communication for better child and family support with Cafcass.* https://www.version1.com/customer-success/transforming-communication-for-better-child-and-family-support-with-cafcass/

[5] See: https://caselaw.nationalarchives.gov.uk/ewca/civ/2025/1570?utm_source=chatgpt.com

# Efficiencies from processing or administrative tasks

**Applied example of supporting case management**

"AI-empowered software is classifying and docketing e-filed documents at courts in Florida. The court started with three low risk/high volume case types, progressively expanding the variety and complexity of cases as they developed expertise with the robotic process automation (RPA) technology. The bots – each with its own name and user login – classify incoming e-filings, extract info from tagged fields, and docket them in the court's case management system. In 2020, 68 case types representing nearly a third of all Palm Beach County's e-filed documents are being docketed automatically. When the court first launched the system, humans double-checked 100% of the bots' work to verify accuracy (human in the loop). Today [2020], humans review 15% of all filings, whether docketed by a human or a bot."

**– Joint Technology Committee 2024, United States**[6]

## Document review

AI tools could be used to scan and classify large volumes of documents for relevance to a case, reducing the time/cost associated with manual document review.

## Transcription

AI can be used to transcribe and summarise meetings or court proceedings, reducing the need to take notes or minutes and making the summarising and reporting of meetings or proceedings more efficient. Transcription tools are a feature of many generic LLMs or are specialist AI products that offer transcription amongst other AI functions.

## Case management

Case management systems can use AI tools to classify and route cases to appropriate teams.

## Drafting

LLMs generate text based on specific user prompts or inputs. They can be prompted to generate text in a specific tone or style, or provide a nuanced or specific framing, including turning complex or jargon-heavy text into more informal, user-friendly or age-appropriate text.

Guidance for the judiciary notes that AI could potentially assist in drafting summaries of large volumes of text (stressing the importance of checking accuracy), writing presentations (including suggesting topics to cover), and drafting documents such as letters and judgments.[7] However, care would need to be taken not to share any personal information or specific elements of the case into the generic AI model. Any data shared has the potential to be used to train the model further, meaning personal information could appear in AI outputs generated for other users. The guidance also sets out how to 'uphold confidentiality and privacy' when using AI.[8]

6   Joint Technology Committee. (2024). *Introduction to AI for courts.* National Center for State Courts. https://ncsc.contentdm.oclc.org/digital/collection/tech/id/1191/rec/2

7   Judiciary of England and Wales. (2025). *Artificial intelligence (AI): Guidance for judicial office holders.* https://www.judiciary.uk/wp-content/uploads/2025/10/Artificial-Intelligence-AI-Guidance-for-Judicial-Office-Holders-2.pdf

8   Ibid.

# Supporting decision making

## Online dispute resolution

Some platforms use AI tools on online dispute resolution (ODR) platforms designed to facilitate the resolution of family disputes. AI can assist in mediation and settlement negotiations by suggesting potential compromises based on historic case data and legal precedents.
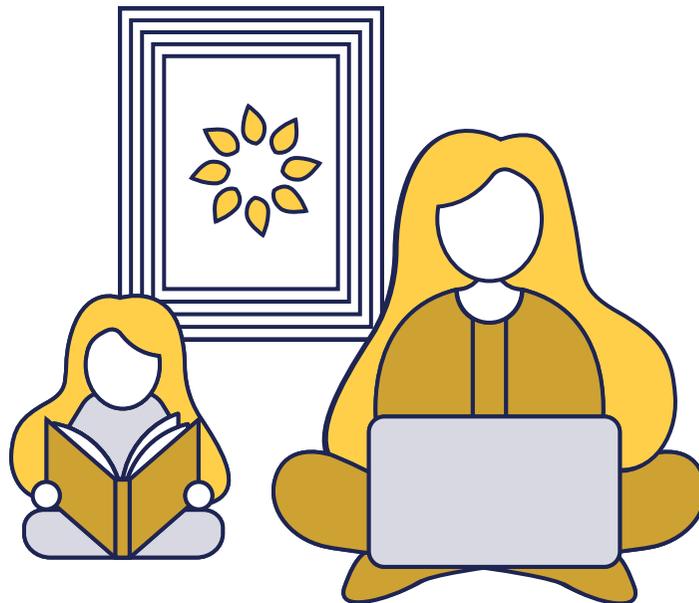
### Applied example of online dispute resolution

Modria is an ODR system used by paying clients to give alternatives to litigation. It provides dispute resolution in a number of areas including divorce and separation, landlord-tenant disputes and employment disputes. The platform starts with a 'diagnosis module' that gathers relevant information. Next, a 'negotiation module' summarises areas of agreement/disagreement and makes suggestions for solving the issue. If these do not result in settlement, there is a 'mediation module', which takes place with a neutral third party. The final step is arbitration. Modria claims the 'vast majority' of claims are settled in the first two days without a human ever becoming involved.[9]

There are examples of the Modria platform having been used in Holland by the Dutch Legal Aid Board, though we could find no independent research about the results of the Modria platform, or information about it currently being used. In 2017, the Hague Institute for Innovation of Law discussed reasons why ODR is difficult to implement despite positive outcomes including resistance to public-private partnerships and a lack of resources from legal aid boards.[10]

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[9] Alexander, N. (2019). *Ten trends in international mediation*. Singapore Academy of Law Journal, 31. https://journalsonline.academypublishing.org.sg/Journals/Singapore-Academy-of-Law-Journal-Special-Issue/Current-Issue/ctl/eFirstSALPDFJournalView/mid/503/ArticleId/1466/Citation/JournalsOnlinePDF

[10] Barendrecht, M. (2017, 21 June). *Rechtwijzer: Why online supported dispute resolution is hard to implement*. HiiL. https://www.hiil.org/news/rechtwijzer-why-online-supported-dispute-resolution-is-hard-to-implement/

## Predictive analysis

Some courts and children's social care departments use predictive analytics to assess the likelihood of various events – for example, predicting the likelihood of a child requiring social care interventions, or a young person's vulnerability to gang exploitation. This type of predictive analysis is well established when done without using AI tools (e.g. statistical analysis).

More recently, machine learning approaches have been adopted to analyse historical case data to predict various outcomes. Professionals can use these predictions to aid their decision making.

There is anecdotal evidence of local authority staff finding predictive analysis useful, though research published by What Works for Children's Social Care (WWCSC) in 2020 found that the machine learning models they built to identify children at risk using local authority social care data did not perform well in the sense that their measure of success was not met by any of the 24 models they tested.[11] The authors note that is it difficult to build models that predict outcomes well for children's social care.

## Risk assessment

A subset of predictive analysis, AI can analyse historical data to make risk assessments, for example assessing the risk of a child being a victim of domestic violence or child abuse. There are examples of specific machine learning risk assessments performing better than existing approaches – for example, academics found a machine learning approach to domestic abuse risk assessment performed better than the Domestic Abuse, Stalking and Honour Based Violence Risk Identification (DASH) standard police protocol.[12] However, there are also examples of automated decision making errors, including inaccurate results and being overly punitive towards marginalised communities – for example, the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) system was designed to predict risks of recidivism and predicted higher risk values for black defendants and lower risk values for white defendants compared to actual risk.[13]

[11] Leslie, D., Holmes, L., Hitrova, C. and Ott, E. (2020). *Ethics review of machine learning in children's social care.* What Works for Children's Social Care. https://foundations.org.uk/wp-content/uploads/2024/08/WWCSC_Ethics_of_Machine_Learning_in_CSC_Jan2020_Accessible-v2-Feb-2024.pdf

[12] Grogger, J., Ivandic, R. and Kirchmaier, T. (2020). *Comparing conventional and machine-learning approaches to risk assessment in domestic abuse cases.* Discussion paper No. 1676. Centre for Economic Performance, London School of Economics and Political Science. https://cep.lse.ac.uk/pubs/download/dp1676.pdf

[13] Ntoutsi, E., Fafalios, P., Gadiraju, U., Iosifidis, V., Nejdl, W., Vidal, M. E., Ruggieri, S., Turini, F., Papadopoulos, S., Krasanakis, E., Kompatsiaris, I., Kinder Kurlanda, K., Wagner, C., Karimi, F., Fernández, M., Alani, H., Berendt, B., Krügel, T., Heinze, C., Broelemann, K.,Kasneci, et al. (2020). Bias in data driven artificial intelligence systems—An introductory survey. *WIREs. Wiley Interdisciplinary Reviews: Data Mining and Knowledge Discovery,* 10(3), e1356. https://doi.org/10.1002/widm.1356

# Examples of AI technology use in the family justice system

AI use within the family justice system in England and Wales is still relatively nascent but some products are being developed for specific uses. Here are some examples.

### Research, drafting, summarisation and analysis

Lexis+AI and Westlaw Edge UK are examples of purpose-built generative AI models trained specifically on legal content.[14]

The models are subscription-only and closed loop, which makes them more secure than generic LLMs.

Despite being trained on legal content, they are still susceptible to hallucination and inaccurate outputs.

### Chatbots and AI advisors

LawConnect AI is trained on publicly available UK family law statutes, case law and legal precedents.[15]

Users can get free AI-generated information about all aspects of family law by typing in questions to the 'AI legal assistant'. The assistant responds with further follow-up questions or information explaining legal options. The assistant can also connect people to qualified legal professionals.

Some legal firms are beginning to offer guidance to family law questions using AI chatbots on their websites. The source data used to train these models is unclear, and the reliability and accuracy of the models is unknown.

### AI transcription and translation

AI transcription tools were introduced to civil and family courts in August 2025 with the intention of speeding up manual transcription and improving public access to proceedings.

Scribe is an AI translation tool created by Cafcass.[16] AI is used to integrate case notes and details from the child's profile to create letters or audio communication that is tailored to be more accessible and appropriate, for example by writing in a tone and style that is age-appropriate.

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[14] See: https://www.lexisnexis.co.uk/products/lexis-plus-ai?msclkid=76f6ba4dd0d8177def74d3dec8ce9d03
[15] See: https://lawconnect.com/en-gb
[16] Kimbell, J. (2025, 28 July). *AI for good: Transforming communication for better child and family support.* GovNet. https://blog.govnet.co.uk/justice/ai-for-good-transforming-communication-for-children-in-family-court

# Challenges and risks

There are risks to using AI in any field, for example the effects of bias, inequities in access to new technology and the challenges of transparency, accuracy and privacy. These issues are not specific to the family justice system. However, due to the nature of decisions made in family courts, the tolerance for error may be lower.

# Bias

Bias in using AI can come from two sources – the data and how the AI tools are used.

General-purpose AI is trained on vast quantities of data, including the entirety of the internet. Training data is human, real-world, and non-human. For example in some circumstances, AI learns from AI-generated data. Training data is not representative of society. Western, English-speaking viewpoints are predominant, while lived experience and informal knowledge are often absent or unrecognised. Furthermore, the systems are structurally biased towards the US legal system over the UK system.

AI systems can inherit biases present in training data, potentially leading to discriminatory outcomes. Machine learning algorithms use data generated by humans, which can cause them to reproduce or exacerbate existing biases such a racial bias (e.g. the COMPAS system predicted higher risk of reoffending for black defendants) or gender bias (e.g. Google Ads showing fewer adverts for high paying jobs to women).[17]

In any generic and easily available LLM, bias is likely to appear in the generated outputs. Generalisations, assumptions and oversimplification of complex legal issues are commonplace. The tendency towards sycophantic or overly agreeable responses can also be disruptive. A supportive or positive response to a prompt can lead to a user experiencing confirmation bias, or a sense of confidence that the output is correct, interrupting the need for critical thinking.

Addressing and mitigating algorithmic bias in AI systems is a complex challenge that requires ongoing monitoring, auditing and adjustment, and these tasks are not straightforward. For example, there are over 20 definitions of fairness used in the computer science literature, with little consensus about the pros and cons of different definitions.[18]

There are also issues with bias around how algorithms are used. Okidegbe describes a three-pronged problem where organisations using machine learning algorithms are not transparent about their usage and adopt them without consulting marginalised communities. The same communities are often underrepresented – or not represented – in the process of creating those algorithms. Thirdly, even in areas where the public can share opinions about the use of algorithms, their views rarely lead to changes.[19]

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[17]  Ntoutsi et al. (2020).

[18]  Ofcom. (2025). *Exploring Digital Disadvantage. Ofcom response to digital disadvantage research.* https://www.ofcom.org.uk/siteassets/resources/documents/internet-based-services/technology/research-digital-disadvantage/ofcom-response-to-digital-disadvantage-research.pdf?v=393694

[19]  Okidegbe, N. (2022). *The democratizing potential of algorithms.* Connecticut Law Review, 53, 739. https://scholarship.law.bu.edu/faculty_scholarship/3138

# Access

The adoption of AI technologies may not be uniform across all family justice institutions and may not be equally accessible across the population.

According to data from Ofcom in 2025, 2.8m people in the UK (5% of the population) do not have access to the internet.[20] Of those that do, 8% say they lack confidence online. These disparities in access to the internet and technology will similarly affect access to AI-assisted services and support.

Even with access to the internet, devices and AI, people with insufficient means to fund quality human alternatives such as engagement with a solicitor or barrister may turn to AI tools such as generic LLMs or chatbots on law firm or legal support websites to provide them with advice, guidance or AI-generated letters and documents.

One example is people using unregulated AI tools that predict their likely financial settlements following family breakdown as an affordable alternative to professional legal advice. Another example is potentially unreliable AI translation in place of a human interpreter. This tilts the level-playing field away from those with fewer financial resources.

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[20] Ofcom. (2025). *Exploring digital disadvantage. Ofcom response to research findings.* https://www.ofcom.org.uk/siteassets/resources/documents/internet-based-services/technology/research-digital-disadvantage/ofcom-response-to-digital-disadvantage-research.pdf?v=393694

# Accountability

Accountability is a challenge when using AI. The Bar Council's guidance for using generic LLMs such as ChatGPT, or any bespoke legal-specific LLM, states that it is good to understand the underlying model and acknowledge its limitations before using the technologies. Barristers are advised to weigh the potential risks and challenges and understand that LLMs are not infallible.[21]

In addition, understanding that AI systems are not responsible for the decisions they produce is also critical. If AI systems are to be used to support decision making – for example by courts and social care departments – the need to be clear on how the decision was made, by whom, based on what data, takes on even greater weight.

Understanding how the AI system came to a decision is important, not just to ensure accountability for the outcome but to support transparency and embed trust. The technical complexity of how AI or deep learning systems work – known as the 'black box' problem –

poses a real challenge to understanding and explainability and ultimately to accountability.[22] AI systems are not responsible for the decisions they can produce. If they are not responsible, then who is? And if it is human users, how can they be accountable if they do not understand or cannot explain the process? These are critical challenges worthy of consideration before adopting AI.

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[21] The Bar Council. (2025). *Considerations when using ChatGPT and generative artificial intelligence software based on large language models.* https://www.barcouncilethics.co.uk/wp-content/uploads/2024/01/Considerations-when-using-ChatGPT-and-generative-artificial-intelligence-Nov-2025.pdf

[22] GeeksforGeeks. (2025, 23 July). *Black box problem in AI.* https://www.geeksforgeeks.org/artificial-intelligence/black-box-problem-in-ai/

# Transparency and trust

Being transparent about when AI has been used is likely to be critical across a number of domains in order to secure public trust and allow for effective regulation (for example when drafting reports, transcribing meetings, or using algorithms to support with decision making). In order to understand the impact of AI technologies, it is necessary to record when and how they are being used. Regarding the family justice system, researchers can only examine how cases vary if litigants in person are using AI if the system collects information about when they are doing so.

Ensuring that the public and legal professionals have trust in AI systems used in the family justice system is paramount. Negative experiences or perceptions of AI may erode this trust.

We know little about how children and families who come into contact with the family justice system feel about the various ways AI could be used. A survey of 4,100 people in the UK and the US found that, while almost half the participants expressed comfort using AI to support with writing a will or reviewing a rental agreement, when it came to using AI for emotionally complex legal issues such as divorce, only 17% would be comfortable using AI to assist.[23] Alongside trust, transparency, exposure to harm and lack of governance are all areas of concern expressed by the public in relation to AI.

The Ada Lovelace Institute and The Alan Turing Institute undertake annual research on public attitudes to AI in Britain.[24] In 2024/25, their survey found that, while speed and efficiency were seen as benefits of AI, concerns centred on the overreliance on: technology over professional judgement; errors; and lack of transparency in decision making. Of those surveyed, 67% said they had experienced harm from AI, including false information (61%), financial fraud (58%) and deepfakes (58%). The research highlighted that 72% of the public want to see laws and regulations governing AI – an increase of 10% from the 2022/23 survey.[25]

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23    Johnson, K. (2025, 1 May). *Few trust AI to handle divorces, survey reveals.* Today's Family Lawyer. https://todaysfamilylawyer.co.uk/few-trust-ai-to-handle-ai-to-handle-divorces-survey-reveals/

24    Modhvadia, R., Sippy, T., Field Reid, O. and Margetts, H. (2025). *How do people feel about AI?* Attitudes to AI UK. https://attitudestoai.uk/

25    Modhvadia et al. (2023).

# Accuracy

> **"Research by a firm called Vectara found that the main LLMs hallucinate or invent information between 3–30% of the time."**
> **– Metz 2023**[26]

upon to be 100% accurate.[29] AI can struggle to understand accents and non-typical speech. The tone of a person's voice – which can indicate meaning or emphasis – can be missed or misinterpreted. Names can be spelled incorrectly, and relevant information can be missed or omitted.[30] Any AI-generated document or output needs to be checked for accuracy.

### Accurate information

Even when giving correct information, LLMs may provide advice that is not relevant. As the AI guidance for judiciary acknowledges, 'Information provided by AI tools may be inaccurate, incomplete, misleading or out of date. Even if it purports to represent English law, it may not do so.'[27]

People seeking legal support or advice from LLMs may not be aware of the accuracy and relevance of information from generative AI.

### Accurate transcription

Ensuring accuracy of outputs from AI goes beyond using AI to answer questions or undertake research. For example, using AI to transcribe meetings or court hearings also requires consideration of accuracy. Generic LLMs such as Microsoft Copilot, or specialist transcription tools such as Otter.ai or Magic Notes are increasingly being used to note take and summarise meetings – including within public services such as social care.[28] However, AI transcription tools cannot be relied

### Fake or manipulated outputs

Generative AI tools can be used to produce fake text, images, audio and videos. Examples of individuals using generative AI to create manipulated, fake or falsified evidence are beginning to appear.[31] Guidance for the judiciary notes that courts have always had to deal with forgeries and allegations of forgery, and advises judges to be aware of the new risks brought about by technology, which increases the ease of producing fake output.

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26  Metz, C. (2023, 6 November). *Chatbots learn to hallucinate.* The New York Times. https://www.nytimes.com/2023/11/06/technology/chatbots-hallucination-rates.html

27  Judiciary of England and Wales (2025).

28  Bruff, O. and Groves, L. (2026). *Scribe and prejudice? Exploring the use of AI transcription tools in social care.* Ada Lovelace Institute. https://www.adalovelaceinstitute.org/report/scribe-and-prejudice/

29  Errattahi, R., El Hannani, A. and Ouahmane, H. (2018). Automatic speech recognition errors detection and correction: A review. *Procedia Computer Science, 128,* 32–37. https://doi.org/10.1016/j.procs.2018.03.005

30  Koenecke, A., Choi, A. S. G., Mei, K. X., Schellmann, H. and Sloane, M. (2024). *Careless whisper: Speech to text hallucination harms.* https://doi.org/10.48550/arXiv.2402.08021

31  See, for example: https://cyfor.co.uk/deepfake-audio-evidence-used-in-uk-court-to-discredit-father/

# Data privacy

Handling confidential personal data in family law cases raises concerns about data privacy and security.

The Bar Council recommends that lawyers be extremely vigilant about sharing any legally privileged, confidential information or personal data with a generative LLM system as the input information may be used to generate future outputs and could therefore be publicly shared with other users.

Personal, sensitive and confidential data therefore should not be input into a generic system, or any system where the data processing is unknown or not secure and encrypted.

Lawyers wanting to benefit from document review, summarisation, transcription or translation using AI tools will have to ensure they are not using a generic AI. If the organisation they work for has a secure, paid for, bespoke or enterprise-grade system, the lawyer should ensure they have permission to feed information into the tool.[32]

[32] The Bar Council. (2025).

# Human involvement

When thinking about how AI tools are designed and implemented in systems, it is useful to consider the appropriate level of human involvement. This will depend on the specific application, safety considerations, ethical concerns, and level of trust that society and stakeholders place in the system.

In 'humans in the loop' (HITL) AI systems, humans are directly involved in the system's decision-making process. HITL is often used in situations where human judgement and expertise are crucial, and AI is used as a tool to assist human decision making. Examples include medical diagnosis systems where doctors review AI-generated recommendations or content moderation systems where human moderators review flagged content.

'Humans on/over the loop' (HOTL) refers to situations where the AI systems operate autonomously but there is a human oversight function. For example, anomaly detection systems in manufacturing that scan without a human but alert human operators when anomalies are detected.

Other human roles might include human as a validator, human as an auditor and human in control.

# What about governance?

Effective governance is required to ensure that any challenges in the use of AI are successfully addressed, allowing any gains to be realised in a way that does not undermine public trust, professional accountability or access to justice.

As technology and its use continues to evolve, so the governance framework will need to adapt.

The following section outlines the current governance landscape in England, Wales and the European Union.

# Existing regulations and laws that govern AI in the UK

At present there is no specific law governing the use of AI in the UK. There are, however, existing laws that apply to aspects of AI use, including those outlined in this document: privacy, accountability, fairness, bias, transparency and automated decision making. Being alert to these existing legal frameworks is necessary when adopting AI as they can help manage potential risks. Four of the most relevant laws are as follows.

## UK General Data Protection Regulation and Data Protection Act 2018

Any data-driven AI model or system that processes personal data must demonstrate compliance with both the UK General Data Protection Regulation (GDPR) and the Data Protection Act.

This means the processing of personal data must be lawful, fair and transparent, collected for specific and explicit purposes, accurate and kept up to date, kept for no longer than is necessary, and processed securely. Organisations must only collect data that is adequate, relevant and limited, and they must be accountable for all data processed. Consent is often cited as the only lawful process but legitimate interest is often used. Other processes include contract, legal obligation, vital interest and public tasks.

See: *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).* https://www.legislation.gov.uk/eur/2016/679/contents

And: https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted

## Data (Use and Access) Act 2025

The Data (Use and Access) Act 2025 updates aspects of the Data Protection Act 2018, it does not replace it. Some of the key changes include:

- automated decisions can now lawfully be made without human involvement so long as decisions are explained to the individual, can be challenged, or can enable human intervention on request

- a new, lawful basis for processing data has been introduced – it expands and amends what data can collected for the purpose of legitimate interest without the need for additional balancing tests that assess the impact of data processing on an individual's rights

- amendments have been made to the purpose limitation rule setting out how data collected for one purpose can lawfully be processed for a new purpose.

See: https://www.legislation.gov.uk/ukpga/2025/18/enacted

## Equality Act 2010 and the Public Sector Equality Duty

Compliance with the Equality Act and the Public Sector Equality Duty is necessary if you intend to develop, use or procure AI. This means identifying how you have considered equality or the impact on equality through the use of an AI system. As the Public Sector Equality Duty is an ongoing duty, monitoring of the AI system is necessary to ensure it is working as intended and is not causing any unlawful discrimination or unintended negative effects.

See: https://www.legislation.gov.uk/ukpga/2010/15/section/149

## Human Rights Act 1998

AI cannot be used in ways that breach people's human rights; compliance with the European Convention on Human Rights is a legal requirement.

See: https://www.legislation.gov.uk/ukpga/1998/42/contents

# The European Union Artificial Intelligence Act (2024) risk levels[33]

The European Union Artificial Intelligence Act 2024 (EU AI Act) is important as it is one of the few examples of governance around AI. Rather than focusing on principles or best practice, the EU AI Act has set enforceable rules on the development, deployment and use of AI. Though it is EU regulation and not directly enforceable in the UK (unless a UK-based AI product is used in the EU) the act is important as it provides a benchmark for any potential AI governance framework in the UK or across the globe.

## Unacceptable risk

Unacceptable risk AI systems are systems considered a threat to people and will be banned. They include:

- cognitive behavioural manipulation of people or specific vulnerable groups – e.g. voice-activated toys that encourage dangerous behaviour in children
- social scoring – classifying people based on behaviour, socioeconomic status or personal characteristics
- real-time and remote biometric identification systems, such as facial recognition – exceptions to this might include 'post' remote biometric identification systems where identification occurs after a significant delay to prosecute serious crimes, but only after court approval.

## High risk

AI systems that negatively affect safety or fundamental rights will be considered high risk and will be divided into two categories:

- those that are used in products falling under the EU's product safety legislation (e.g. toys, aviation, cars, medical devices and lifts)
- those falling into one of eight specific areas that will have to be registered in an EU database
  - biometric identification and categorisation of natural persons
  - management and operation of critical infrastructure
  - education and vocational training
  - employment, worker management and access to self-employment
  - access to and enjoyment of essential private services and public services and benefits
  - law enforcement
  - migration, asylum and border control management
  - assistance in legal interpretation and application of the law.

All high-risk AI systems will need to be assessed before being put on the market and also throughout their lifecycle. Assessment will need to be undertaken by the provider of the system and in certain high-risk systems (for example those used within public authorities) by third-party bodies.

33 See: https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence

## Generative AI

Generative AI, like ChatGPT, would have to comply with transparency requirements:

- disclosing that the content was generated by AI
- designing the model to prevent it from generating illegal content
- publishing sufficiently detailed summaries of any copyrighted data or content used for training the AI model.

## Limited risk

Limited risk AI systems should comply with minimal transparency requirements that would allow users to make informed decisions. After interacting with the applications, the user can then decide whether they want to continue using it. Users should be made aware when they are interacting with AI. This includes AI systems that generate or manipulate image, audio or video content, for example deepfakes.

# Responsible AI application

The Alan Turing Institute's 2019 guide for the responsible design and implementation of AI systems in the public sector sets out values to underpin responsible delivery of AI system (respect, care, connect and protect).[34] The Institute also worked with the Ministry of Justice to produce an AI and data science ethics framework, which details the SAFE-D principles for governing the ethical use of AI (fairness, accountability, sustainability and transparency).[35]

As the broad application of the principles and values above indicates, many aspects of AI regulation will apply across the public sector.

The Government Digital Service published an Artificial Intelligence Playbook in 2025.[36] The guidance for civil servants (including lawyers) using the various AI technologies currently available outlines 10 common principles to guide the safe, responsible and effective use of AI, including the need to think about security, human control, skills and expertise and an understanding of AI's limitations.

While there are no specific guidelines or ethical principles for the family justice system, for example around the circumstances in which lawyers can use models such as ChatGPT, guidance for the judiciary on AI provides a clear and comprehensive approach to responsible use of AI, assisting in highlighting the mitigation needed to address the risks and issues AI can bring.[37]

Similarly, the Bar Council's Considerations when Using ChatGPT and Generative Artificial Intelligence Software Based on Large Language Models, published in 2024 and updated in 2025 to reflect changes in AI's development and use, provides valuable guidance.[38] The document states that barristers who use LLMs should do so 'responsibly' and weigh up the potential risks and challenges given their professional responsibilities. The guidance advises barristers using LLMs to check and verify the models' outputs, respect legal privilege, confidential information and data protection compliance. The considerations end with a reminder to barristers to keep up to date with Civil Procedure Rules, which they note may be updated to include parties disclosing where they have used generative AI in preparation of materials. The findings from the 2025 consultation by the Online Procedure Rule Committee relating to the Digital Justice System are expected in early 2026. It is anticipated that transparency and accountability will be just two of the issues raised by respondents.

[34] Leslie, D. (2019, 11 June). *Understanding artificial intelligence ethics and safety: A guide for the responsible design and implementation of AI systems in the public sector.* The Alan Turing Institute. https://doi.org/10.5281/ zenodo.3240529

[35] Ministry of Justice. (2025). *Introduction to the MoJ AI and data science ethics framework.* GOV.UK. https://www.gov.uk/government/publications/ministry-of-justice-ai-and-data-science-ethics-framework/introduction-to-the-moj-ai-and-data-science-ethics-framework-text-only

[36] Government Digital Service. (2025). *Artificial Intelligence playbook for the UK government.* GOV.UK. https://www.gov.uk/government/publications/ai-playbook-for-the-uk-government/artificial-intelligence-playbook-for-the-uk-government-html

[37] Judiciary of England and Wales (2025).

[38] The Bar Council (2025).

# Points for reflection

- How and where could AI be used to improve the experience of families in the family justice system?

- What additional guidance and legislation are required for responsible, legal, ethical AI use?

- Should there be a central record of where, how and why AI is being used in the family justice system in England and Wales?

- Given the importance of public trust in the family justice system, how and when should the public be engaged in debate around its use?
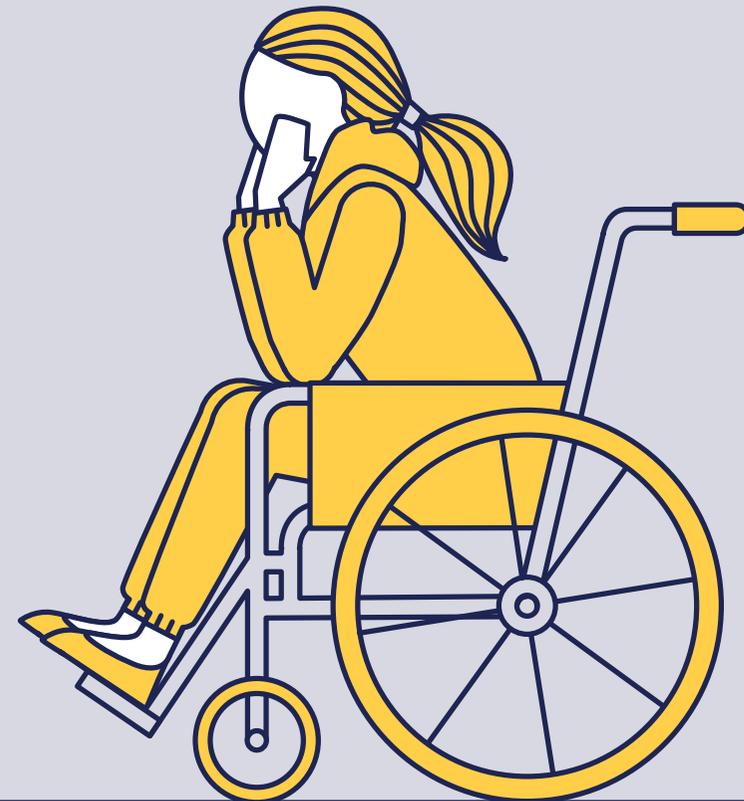
# Conclusion

AI is increasingly being adopted across all aspects of society. In the family justice system, AI technologies are already being used by parents looking for information and guidance and by professionals to help manage their workload.

There are opportunities to harness AI to bring real benefit to children and families. But there are also significant risks. There is currently a lack of evidence about the efficacy of the tools that are being used and concerns about bias, inaccuracy and privacy. These concerns are not specific to the family justice system but our tolerance of them is likely to be lower because of the nature of the decisions that are being made in the family court.

Government is keen for AI to make a difference across all areas of the public services. The AI Action Plan for Justice published in 2025 offers a three-year vision for the development and adoption of AI in the wider justice system.[39] How this vision plays out in terms of family justice, both for both families and professionals, will require close attention.

As the capabilities of general-purpose AI continue to evolve at a lightening pace, it is important to harness its use for the benefit of children and families, as well as recognising its limits. Critically this needs to be informed by what children and parents want, as well as professionals. Human-led AI has the potential to help build a future family justice system that is easier to navigate, easier to understand and more equitable. But only if we make AI work hard to achieve these goals.

39   Ministry of Justice and Lord Timpson OBE. (2025). *AI action plan for justice*. GOV.UK. https://www.gov.uk/government/publications/ai-action-plan-for-justice/ai-action-plan-for-justice

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# Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

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