

AI Affairs and 'Real' Cheating Raise New Questions in California Divorce and Custody Cases

California divorces increasingly cite “affairs” with courts weighing financial harm, secrecy, and parenting impact from virtual relationships and chatbot use.

LOS ANGELES, CA, UNITED STATES, July 21, 2026 /EINPresswire.com/ -- Across the United States, a

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Virtual infidelity can cause real harm to families—and courts are already addressing it case by case.”

Hossein Berenji

new category of marital breakdown is emerging: divorces triggered not by a human affair, but by a spouse’s emotional or sexual attachment to an AI chatbot. An investigation by Futurism found [more than a dozen U.S. couples whose marriages collapsed after one partner](#) became fixated on AI companions like ChatGPT-style bots, with many of those cases now entering divorce or custody proceedings.

These are not isolated incidents. [61% of singles consider falling in love with or sexting with an AI chatbot](#) to be cheating. Additionally, 1 in 7 adults report regularly interacting with an AI romantic companion, with many concealing that behavior from real-life partners.

Hidden Charges, Secret Confessions, Lost Parenting Time

The impact typically appears in three areas: finances, emotional trust, and parenting. In one widely discussed case, a [husband’s hidden subscription to an AI companion](#) surfaced only during financial scrutiny, revealing hundreds of dollars spent monthly on premium and explicit interactions.

Spouses are increasingly discovering recurring charges for “AI girlfriend” apps during divorce proceedings. At the same time, emotional withdrawal is becoming common, with individuals confiding in chatbots instead of partners or family members. Online forums document spouses reporting that their partners spend hours engaging with AI companions late at night, leading to feelings of replacement and relationship breakdown.

Research indicates that 28% of adults report having had at least one intimate or romantic interaction with an AI system, raising concerns among therapists about reduced real-world connection. These interactions are also no longer private. Federal court rulings have confirmed

that AI chat logs are admissible in divorce, custody, and criminal proceedings, meaning such conversations can be subpoenaed like texts or emails.

The Policy Backdrop: California's SB 243

California has taken early steps to regulate AI companion platforms. Senate Bill 243, effective January 1, 2026, mandates safeguards including age verification, clear AI disclosure, crisis-response protocols, and penalties of up to \$250,000 per violation for certain harms. The law also requires reminders to minors that they are interacting with AI and prohibits chatbots from posing as licensed professionals.

However, SB 243 does not address how virtual relationships should be treated in family law. As AI relationships grow more common, courts are confronting how to evaluate behavior that exists entirely in digital spaces within a no-fault divorce system.

How California Family Law Sees Virtual Infidelity?

Hossein Berenji, founder of Berenji Divorce & Family Law Group in Los Angeles, says virtual infidelity is already influencing separation strategies in complex cases. "California judges aren't in the business of policing fantasies," Berenji said. "What they look at is whether the virtual relationship caused real-world harm — drained marital accounts, hidden subscriptions, or reduced parental presence."

Under California's community property laws, assets and debts are typically split equally. However, undisclosed spending on AI subscriptions or explicit content may be argued as dissipation of marital assets under Family Code section 1101, potentially supporting reimbursement claims or unequal division.

Custody introduces another layer. Courts must consider the child's best interests, including parental involvement and environment. "If a parent consistently prioritizes AI interactions over their children, or exposes them to inappropriate content, that can become relevant in custody determinations," Berenji noted.

Emerging Issues for Courts and Families

The legal system is still adapting to behavior that has scaled rapidly in recent years. Research suggests that frequent use of AI romantic companions is associated with lower relationship stability and weaker communication, indicating a potential rise in related disputes.

"Virtual infidelity forces us to ask whether a purely digital relationship can cause real harm," Berenji said. "For some families, the answer is already yes — and the law will continue to adapt case by case."

About Hossein

Hossein Berenji is the award-winning founder and lead attorney at Berenji Divorce and Family Law Group (formerly Berenji & Associates), specializing in complex and high-net-worth divorce

cases in Los Angeles County. For more details, please visit <https://www.berenjifamilylaw.com/>.

Ali Kamel
The PR Kings
ali@theprkings.com

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