Can You Cheat With A Chatbot? Family Law Is About To Find Out

By **Michael Ashley**, Contributor
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When the other relationship is with AI, questions of fidelity, privacy and marital finances take on new complexity.
DEPOSIT PHOTOS

Imagine you pick up your spouse's tablet to check the weather and instead find a thread of romantic texts. You feel betrayed, your heart hammering in your chest. But then you notice something even more curious: this exchange occurred between your loved one and an AI companion, not a human.

It sounds like a plot from *Black Mirror*, but incidents like this are happening with greater frequency. "A man who goes by Mar online says he picked up his wife's phone one night after she fell asleep, opened what looked like a harmless app, and found weeks of intimate messages between her and an AI chatbot," according to AOL.com. "The conversations included sexual roleplay, declarations of love, and detailed fantasies about raising 'their' two children together. No other person was involved. The

other party was an algorithm."

Should we put ourselves in Mar's shoes, or those of anyone else in such a situation, it's natural to wonder: Is this really cheating? And if it is, how will it affect the future of family law? Perhaps the best place to look for these answers is Silicon Valley, the epicenter of the technology responsible for producing AI companions with such lifelike qualities.

To explore these questions, I spoke with Amy Laughlin, founder and managing partner of Laughlin Legal, a Silicon Valley family law firm operating at ground zero of the AI Age, where frontier models launched and now compete daily for dollars and the all-important superintelligence crown. "AI is moving into one of the most intimate parts of our lives: our relationships," Laughlin told me. "People are turning to AI not just for information or to make their lives easier, but for companionship and even romance."

When AI Romance Becomes A Legal Issue

Of course, Silicon Valley is part of California, which is itself a no-fault divorce state. This means a spouse like the one from our hypothetical story needn't prove wrongdoing to terminate a marriage, suggesting AI dalliances may have no legal effect on familial relations. Laughlin isn't so sure. "California courts generally don't care whether a marriage ends because of infidelity. But that doesn't mean an AI relationship will be completely irrelevant. If a spouse is spending significant marital resources on an AI relationship, or if the relationship affects parenting or the children's well-being, those facts could have legal consequences."

Already, we are seeing intimations of how this new reality could seep into the way courts view these matters. "Should a partner's AI obsession, for example, be justification for losing the kids? In custody battles, 'it is conceivable and likely' that judges would call a parent's judgment into question if 'they're having intimate discussions with a chatbot,' [divorce attorney Rebecca] Palmer told *Wired*, which also 'brings into question how they are spending time with their child,'" according to Futurism. The same publication points out that in some states, including Wisconsin and Oklahoma, cheating is illegal and can lead to a felony charge resulting in fines and/or prison. Whether relations with an AI companion will be deemed actual adultery remains to be seen.

Could Chatbot Conversations Become Evidence?

There's another aspect of AI that may affect future family law proceedings. It's no secret people are increasingly confiding in artificial intelligence, asking it personal questions and disclosing confidential information they might not even tell their spouses, which could affect discovery. "AI conversations will likely become a significant new battleground in divorce and custody cases," says Laughlin. "Unlike communications with an attorney, conversations with an AI chatbot are not ordinarily protected by attorney-client privilege; although the ability to discover these conversations may be limited by privacy rights and other legal protections. Perhaps most interesting, the evidentiary

rules governing what a human tells AI could be very different from those governing what AI tells a human."

Steamy chat logs between a person and an AI lover aren't the only trail such a newfangled relationship can leave behind. Money is another. Whether it's Grok, ChatGPT or even Replika, AI companion apps often charge subscription fees. Then there are premium tiers and even virtual gifts, the kind more common on sites like OnlyFans. In community property states such as California, these charges can affect divorce rulings.

According to another California attorney, Nicole Nuzzo, founding shareholder at Nuzzo Law, APC, whether the other party is an actual human may not shift the court's analysis. "While California affords both spouses equal rights to manage and control community property, spouses also owe one another fiduciary duties, including duties of loyalty and care, so that regardless of whether an affair involves a human or an AI bot, the use of community funds may support a claim for reimbursement to the community estate."

The Next Frontier Of AI Relationships

Then there's the matter of personhood. Presently, courts tend to treat AI as a tool, not a person. This may not always be the case. As Courthouse News Service reports, the Ninth Circuit acknowledged as much in a recent ruling: "The legal understanding of agentic AI will doubtless change as AI technology grows increasingly sophisticated." Laughlin also shares this expectation. "We already recognize corporations as legal persons for certain purposes, so legal personhood isn't limited to humans. And whether AI agents can be found liable is already being challenged in the courtrooms. As AI becomes increasingly autonomous, it will be difficult to deny AI some form of legal personhood, which will raise questions about its ability to own property, enter contracts or incur liability."

Complicating matters is physicality. As I have written for *Forbes*, the Robot Revolution is just getting started. In both our hypothetical story and Mar's, as reported by AOL.com, we viewed fraught family matters through the lens of digital interactions with AI companions. If flesh-and-blood people are willing to cheat on their spouses and partners with entities that are not even corporeal, how much more apt will they be to romantically engage with an AI when it's in a beautiful-looking, anatomically correct body?

Chinese robotics firm UBTech is already rolling out such lifelike humanoids. "Our bionic robots can accompany you for a lifetime," said Michael Tam, head of UBTech's UWorld brand, as quoted by AFP in The Star. Priced at 119,800 yuan (US$17,600) for the basic model and 990,000 yuan (US$145,700) for the "Ultra" version, the humanoids don't just look like you and me; they come with a specific promise. "It will never betray you, will always be loyal to you, and will love you unconditionally," at least according to the company.

Setting Boundaries Before A Problem Arises

For now, what should society do with so many unknowns affecting how we love, how we marry and how we part? It's reasonable to assume technology holds the answer. Laughlin suggests otherwise, recommending we go back to something more basic: talk to the person in your life. "Couples should consider having a conversation about AI that's like the conversations they have about fidelity, social media and emotional boundaries. What constitutes an inappropriate relationship with AI? Is romantic role-playing okay? What about sharing intimate details about your marriage with a chatbot?"

These conversations are likely to be difficult. They may produce more strife and division. But that's to be expected. Unlike algorithms possessing binary yes and no answers, human relationships are messy and complex. But they are also beautiful and worth fighting for.

Sometimes it takes a machine to remind us of this essential truth.

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