



A magical solution to a wicked problem? Problem representations and the techno-solutionist framing of post-separation apps

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Abstract

Magical thinking in the form of technological solutionism (Morozov, *To save everything, click here: Technology, solutionism, and the urge to fix problems that don't exist*, Penguin Books Limited, London, 2013) and enchanted determinism (Campolo and Crawford, *Engaging Sci Technol Soc* 6:1–19, 2020) is implicated in the rise of AI-powered solutions to seemingly intractable human problems in domains including law, mental and physical health, and education. These solutions aim to control the complexity, messiness, and unpredictability of human behaviors, but in the process may misrepresent the wicked problems and highly contextualized behaviors they are seeking to manage. As a result, they risk directing attention and investment away from addressing their causes. In this paper, we examine a new class of AI-powered technology, the post-separation app, which is proposed as an intervention to manage and reduce personal and legal conflict between separated parents with shared custody of children. We argue that the design and marketing of post-separation apps misrepresent the complex communication patterns arising in the context of post-separation litigation as mutual ‘high conflict’ (OurFamilyWizard (2025b) High conflict co-parenting. OurFamilyWizard. <https://www.ourfamilywizard.com.au/knowledge-centre/solutions/high-conflict-co-parenting>) suggesting that this can be reduced or resolved through app-based moderation of co-parent communications. Evidence from the Australian context shows that in fact, up to 80% of post-separation cases involve family violence and coercive control, with the same issue forming a key part of post-separation litigation reported in research undertaken in other Anglophone contexts. Given this context, the apps’ unsubstantiated representation of the post-separation interactional problem as mutual communicative conflict has the effect of masking family violence. In so doing, they further risk re-consolidating perspectives that mutualize responsibility for abuse and practices that have only recently begun to shift in response to evidence-based policy changes relating to family violence in the Australian legal context (Federal Circuit and Family Court of Australia (FCFCOA) (2021a) Family Violence Information Sheet. <https://www.fcfcqa.gov.au/fl/pubs/fv-info-sheet>). We propose that an explicit theory of problem representations is needed to detect and critique such misrepresentations in technological solutions, and we adapt Carol Bacchi’s (Bacchi, *Women, policy and politics: The construction of policy problems*, SAGE Publications Limited, London, 1999; Bacchi, *Analysing policy: what’s the problem represented to be?*, Pearson Education, Frenchs Forest, 2009;) influential framework ‘What is the Problem Represented to be?’ (WPR) to this end. Finally, we propose to extend the existing dimensions of ethical evaluation of AI technologies to include potential impacts on the privacy and safety of at-risk users; the distorting effects of commercial incentive structures; and impacts on the highly regulated professional contexts in which some apps are intervening as extra-regulatory artificial agents. As a case study, we refer throughout to OurFamilyWizard® (OFW), a high-profile international post-separation app whose name explicitly evokes the imaginary dimension of techno-solutionism.

Keywords Technological solutionism · Post-separation apps · Problem representation · Wicked problems · Family violence · Family law

1 Introduction

Writing in 1973, design theorists Horst Rittel and Melvin Webber analyzed the challenges that system analysts and planners had encountered in diagnosing, locating, and

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solving complex societal problems. They coined the term ‘wicked problems’ to describe issues for which “there are no ‘solutions’ in the sense of definitive and objective answers” (Rittel and Webber 1973) and observed that oversimplified solutions often lead to “problems of greater severity,” noting that “[w]e are now sensitized to the waves of repercussions generated by a problem-solving action directed to any one node in the network, and we are no longer surprised to find it generating problems of greater severity at some other node” (ibid). They attribute an explicit moral and ethical dimension to the issue of oversimplified solutions, observing that “it becomes morally objectionable... to treat a wicked problem as though it were a tame one... or to refuse to recognize the inherent wickedness of social problems” (ibid).

The phrase ‘technological solutionism’ (Morozov 2013; contracted here to techno-solutionism) describes the application of analytics-based, technological responses to the complexity, messiness, and unpredictability of human behaviors. Not every AI app and service is a techno-solution; an observable set of characteristics define this class of apps and services. Techno-solutions aim to reduce or eliminate behaviors that are considered costly, unproductive, or require substantial human capacity to manage, through the targeted development and deployment of highly customized software, apps, and devices. Examining Dutch contact tracing apps, Siffels and Sharon (2024) make the case that “technosolutionism works by redefining or reconstructing complex problems in such a way that it seems that they can be solved by a given technological solution.” In the process, techno-solutionist goals define what counts as the ‘problem’ behaviors to be ‘solved’ (Sharon 2025). More recently, the term ‘enchanted determinism’ (Campolo and Crawford 2020), defined as the pairing of purportedly better-than-human insights with black box technology, has been used to describe the use of ‘magical’ AI solutions to address wicked problems in domains including law, mental and physical health, and education, while avoiding the ethical and legal liabilities incurred by regulated practitioners and organizations.

In this paper, we address a specific type of techno-solution, the post-separation app, which has been little discussed in the AI literature to date. Post-separation apps¹ are marketed as a communications tool for ex-partners who share parenting responsibilities. They have features such as shared calendars, shared budgets, messaging, and data extraction for legal purposes, such as the provision of evidence for litigation (Smyth et al. 2023). The apps aim to improve communication between co-parents by creating accountability

through their record-keeping of interactions and by limiting communication channels to a single, monitored space, occasionally with limits on the number of characters or messages (Heard et al. 2023). A significant design feature of some post-separation apps, and a focus of this paper, are AI-powered personal tone monitoring modules (Smyth et al. 2023; Irving et al. 2023). Tone monitoring is a sub-type of sentiment analysis and text-based emotion recognition technologies. These modules are intended to moderate communicative conflict between separated parents by flagging ‘negative’ content in user messages and suggesting alternative phrasing (OurFamilyWizard 2025c). Some apps provide users with feedback about the tone of their message drafts. Other apps substitute offensive words with a symbol, block swear words, or suggest revisions (Irving et al. 2023).

One of the most widely adopted post-separation apps globally is OurFamilyWizard® (OFW). OFW is headquartered in Minneapolis, Minnesota. It is “the leading provider of co-parenting communication technology worldwide,” with over a million subscribers, including both families and practitioners, since 2001. The app is currently available and promoted in several English-speaking jurisdictions, including all US states, Canada, the UK, New Zealand, and Australia (OurFamilyWizard 2025a). OurFamilyWizard® uses the imaginary of the wizard and his magic wand to brand its ability to “eliminate co-parenting conflict” (OurFamilyWizard 2025b) and to sell its solution to litigating co-parents and family courts. The authors of this paper reside in Australia and OFW was chosen as a case study because of its strong presence in the Australian family law system (Heard et al. 2023). Other well-known post-separation apps, including BestInterest®, utilize similar problem representations. A substantial selection of these apps is listed in Smyth et al. (2023), with tables detailing the functionality of each.

One of the key contributions we make in this paper is to propose that an explicit theory of problem representation is needed to detect and critique misrepresentations of urgent social challenges by techno-solutions. We apply selected questions from Bacchi’s ‘What is the Problem Represented to be?’ (WPR) framework (Bacchi 1999, 2007, 2009, 2012, 2018) to this end. A theory of problem representation has been absent in previous critiques of techno-solution design, even as prior work has noted that “[t]hese dynamics, a redefinition of core concepts and of real problems to fit what technologies can actually do, are key characteristics of technosolutionism.” (Sharon 2025).

Using the WPR as a critical lens, we argue in Sect. 2.1.1 that post-separation apps misrepresent the problem of complex communicative patterns arising in situations of family violence and coercive control as mutual communicative conflict, covering up the asymmetry of abuse (Coates and Wade 2007) and reinforcing the masking of women’s and children’s experiences of family violence through the use of the

¹ These apps are also referred to as “co-parenting apps.” However, the term “co-parenting apps” participates in the mutualization of responsibility for family conflict (including family violence), which we reject. Hence, we prefer to use the term “post-separation apps.”

mutualizing ‘high conflict’ frame in marketing and design. This frame, which mutualizes responsibility for conflict, is now contested and shifting, with evidence-based policy changes in the Australian legal context highlighting family violence in post-separation cases which reach family courts (Rhoades et al. 2010; Jeffries et al. 2016; Rathus 2024).

Post-separation apps may, we argue, further consolidate coercive control through promoting cooperative attunement (Sect. 2.1.2); they may serve the communicative interests of perpetrators (Sect. 2.1.3); decontextualize abusive language (Sect. 2.1.4); and obscure systemic, structural, and abuse-related causes of caseload congestion in family courts (Sect. 2.2.1).

In Sect. 3, we propose an expanded approach to evaluating AI-powered apps that are designed and marketed as techno-solutions. We address the potential impacts of apps’ commercial marketing and incentive structures; the extra-regulatory agency of apps designed to intervene in highly regulated professional sectors, such as family law; and we return to the issue of at-risk users with reference to the inadequate data privacy practices of apps dealing with highly sensitive data from vulnerable populations, including the victims of family violence and abuse and their children. We conclude by underscoring the ethical conflicts that may arise when under-regulated consumer apps driven by commercial incentives are proposed as technological solutions to wicked social challenges.

2 Problem representations in post-separation apps

In this section, we describe how an adapted version of Bacchi’s ‘What’s the Problem Represented to be?’ (WPR) framework (Bacchi 1999, 2007, 2009, 2012, 2018) can contribute to analyzing apps’ representation of wicked problems. In its most elaborated form, Bacchi’s approach poses six key questions (Bacchi 2012):

1. What is the ‘problem’ represented to be in a specific policy or policy proposal? (For example, ‘problem gamblers,’ ‘drug use/abuse,’ ‘gender inequality,’ etc.)
2. What presuppositions or assumptions underpin this representation of the ‘problem’?
3. How has this representation of the ‘problem’ come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?
5. What effects are produced by this representation of the ‘problem’?

6. How/where has this representation of the ‘problem’ been produced, disseminated, and defended? How has it been (or could it be) questioned, disrupted, and replaced?

Here, we focus on questions 1 and 5: the problem representation and its real-world effects. With these two questions, Bacchi’s framework allows analysts to illuminate otherwise invisible aspects of the complex and sensitive social, systemic, and professional contexts into which post-separation apps are deployed. Bacchi argues that problem representations “have a range of ethical implications for targeted groups and individuals and for the general population,” including “people’s sense of self-worth” (2007). Problem representations, she observes, are not abstract in their impacts. For better or worse, they have substantial lived effects:

The concept of lived effects directs attention to the material impact of problem representations. How ‘problems’ are represented directly affects people’s lives. If access to resources depends upon one’s location within welfare categories, for example, the premises underpinning the grounds for categorisation can mean lack of food and/or inadequate housing. (Bacchi 2009)

Problem representations may further influence the attentional and financial resources directed toward addressing a wicked problem. Poor or misguided problem representations have the potential to “channel and hence limit awareness of and sensitivity to the full range of troubling conditions that make up our existence. Because this is the case, it becomes crucially important to scrutinize the ways in which ‘problems’ are represented....” (Bacchi 2009; Sharon 2025; Siffels and Sharon 2024).

Post-separation apps were introduced this decade into an existing professional and regulated context of litigating co-parents, family court lawyers, and mediators. The functionality of these apps is now increasingly boosted by the processing power of integrated AI components, especially sentiment analysis and text-based emotion recognition (tone monitoring) and other modes of voice and text processing. By default, apps are more ubiquitous in their geographical reach and their temporal availability throughout the day and week than professional workers. These aspects make their adoption more attractive, and consequently, increase the importance of understanding what the problems are that they seek to resolve, and how they aim to achieve this.

2.1 Problem representation: communicative conflict

Promotional material associated with post-separation apps claims that they lower the risk and intensity of conflict by

improving communication (CoParenting Institute 2024; OurFamilyWizard 2025b). OurFamilyWizard invites co-parents to ‘Eliminate co-parenting conflict with the help of OurFamilyWizard’ and to ‘Overcome conflict with the right tools’ (OurFamilyWizard 2025b). On a webpage for judges, the company claims, without substantiation, that

Miscommunication and conflict are outsized factors in litigants returning to court. Rather than work together to resolve simple co-parenting disputes, parents without the tools to prevent conflict end up in a cycle of discord that eventually grows so contentious that legal intervention becomes unavoidable. (OurFamilyWizard 2025i)

In line with Bacchi’s question 1 (‘What is the ‘problem’ represented to be’), post-separation apps represent mutual communicative conflict that leads to litigation as the primary locus of the problem they are solving (Irving et al. 2023). They offer a platform to manage communication between co-parents, who are positioned as unskilled communicators, at risk of responding in reactive and highly emotional ways (OurFamilyWizard 2025c). The OFW app includes a tone monitoring function, branded ToneMeter™ and referred to as ToneMeter AI, which is implemented by a set of large language models. OFW’s website characterizes ToneMeter as being “like an emotional spellcheck that encourages co-parents to speak to each other politely” by “detect[ing] wording that’s likely to spark a negative response” and by helping the app user to “understand what impression it will make.” When activated, the AI function “helps you rewrite messages in a way that reduces conflict, stress and emotional exhaustion” (OurFamilyWizard 2025c, 2025d). Beyond tone monitoring, in line with other post-separation apps, OFW seeks to moderate the volume of communications and ‘negative’ content (OurFamilyWizard 2025c) by creating an unerasable record of messages which can easily be exported for legal use.

This functionality seems unproblematic in cases where there is situational verbal aggression and post-separation anger, but not family violence or coercive control. Communications coaching and a buffer against abusive language may be helpful in the former cases, as the parent testimonials selected by OFW for publication on its website suggest (OurFamilyWizard 2025e). While the claim that apps’ minimization of the linguistic signs of conflict between co-parents also moderates co-parents’ negative emotions and outside-app behavior toward each other remains unsubstantiated by research evidence (Smyth et al. 2023), reducing the negative tone may be enough to justify app use for consumers whose conflict does not include asymmetrical power issues.

However, by positioning post-separation apps as a solution to reducing or even ‘eliminating’ conflict between co-parents in litigation, app developers such as OFW and

BestInterest risk reinforcing the well-evidenced and serious clash between ‘family violence’ and ‘mutual conflict’ framings of the problem, and the locus of responsibility that each framing implies (Rhoades et al. 2010; Jeffries 2016; Rathus 2024). From a discourse analysis perspective,

mutualising responsibility is a common discursive practice that misrepresents the unilateral choice made by the perpetrator to use violence and control against their partner. This misrepresentation leads to mitigating the perpetrator’s responsibility for violence and blaming and pathologising the victim for it. (De Simone and Heward-Belle 2020, citing Coates and Wade (2007))

Family violence is defined by the Australian family court system as “violent, threatening or other behaviour that coerces or controls a member of the person’s family (the family member), or causes them to be fearful (Sect. 4AB *Family Law Act 1975*).” (FCFCOA 2021b). In Australia, the framing of family violence as mutual conflict had its origins in family counseling practices from the 1970s. Rhoades et al. (2010) describe the early “rise of a mutuality explanation of marital conflict” as a key factor in the “‘silencing’ of family violence” in the Australian family courts.

The Australian Family Court has been working for many years to incorporate family violence in a more appropriate way, moving away from the mutualizing ‘conflict’ model. Distilling “themes about how domestic violence is dealt with in family law systems... from Australian and international research,” Jeffries (2016) observes that an underlying dynamic of coercive control often goes unrecognized by US, UK, and Australian courts, and that this tends to “reduce the perception of the seriousness of domestic violence by casting it as mutual, not that serious, or reframing it as ‘just parental conflict’.” In a study of the language used by judges to describe family violence, Morton et al. (2021) report that

judges’ gender neutral and vague framing of IPV [intimate partner violence] [refers] to male perpetrated IPV against female partners as a communication problem. That is, [judges assess] the couples as having ‘poor communication’ rather than identifying violence against the woman in the relationship as a gendered social and political issue of male power and control.

In their analysis of the judges’ language, Morton et al. (2021) found that “instead of referring to IPV [intimate partner violence] as violence, judges used more generic terms like ‘conflict’ (63%; $n = 29$), ‘abuse’ (59%; $n = 27$), ‘high conflict’ (52%; $n = 24$), and ‘control’ (41%; $n = 19$),” thereby masking the severity of the situation for victims of violence. A model which assumes mutual contributions to ‘parental conflict’ and hence, equal responsibility for resolving the conflict, puts “women survivors of abuse and their children

at risk” (ibid). Indeed, Australian government statistics indicate that 79% of family violence perpetrators in the period 2023–2024 were male (AIHW 2025), refuting assumptions of symmetric and mutual conflict. Simmonds’ (2018) analysis of an Australian family violence case, the murder of Luke Batty by his father, offers a case study for the risks involved when victims of family violence and coercive control are required to maintain contact and communication with a perpetrator, in order to manage a conflict for which both parties are assumed by the courts to be mutually responsible. Despite the evidence pointing to the prevalence of family violence in such cases, Mandel (2024) reports that the ‘high conflict’ framing continues to be apparent in the discourse on separating couples.

OFW is an example of a post-separation app which implements the mutualizing ‘communicative (verbal) conflict’ frame described above. The two competing framings of the problem of post-separation conflict are mapped out in Fig. 1. The (a) *communicative conflict* framing reified by OFW and other post-separation apps, such as BestInterest, and the (b) *family violence* framing of the problem are misaligned. Post-separation apps focus on the reduction of *visible communicative conflict* as their primary end-goal. The OFW website frames the goal of conflict reduction in this way: “Conflict can have many sources, but one primary cause is miscommunication. [...] OurFamilyWizard, as a secure and central platform for co-parenting communication, combats this source of conflict from the onset” (OurFamilyWizard 2025b). A secondary goal is the *reduction in family court caseloads*, which is purported to result from

diminished conflict between co-parents. Apps such as OFW are marketed to legal professionals and mediators as a means of reducing caseload congestion in courts. As a result, “[h]undreds of judges in 6 Canadian provinces, all 50 states, and across Australia are ordering families in contested cases to use OurFamilyWizard®” (OurFamilyWizard 2025f).

Although the verbal communication problems and associated goals represented by OFW are not, *prima facie*, unimportant, as noted above, they fail to address the importance of family violence and coercive control in entrenched post-separation conflict that leads to litigation in Australian family courts (Kaspiew et al. 2015; FCFCOA 2021a, 2021b; Rathus 2024; Rhoades et al. 2010). Family violence is present in up to 80% of Australian post-separation cases (DSS 2022). Emotional abuse, concerns for safety, and concerns about mental health and/or substance abuse are other important factors (Kaspiew et al. 2015; FCFCOA 2021a). Yet, apps continue to represent the issue as mutual communicative conflict.

Research indicates that the situation in other English-speaking countries is similar. Here, too, there is a clash between the problem representations of post-separation litigation as ‘conflict’ and ‘family violence.’ Canadian researcher Archer-Kuhn (2018) “illuminate[s] the importance of differentiating parent experience (high conflict, domestic violence) as distinct groups” and finds that for study participants, “experiences of domestic violence and high conflict are not the same. This is true despite decades of studies that combine these very different parent experiences as though they are one.” Archer-Kuhn (2018) cites a 2008

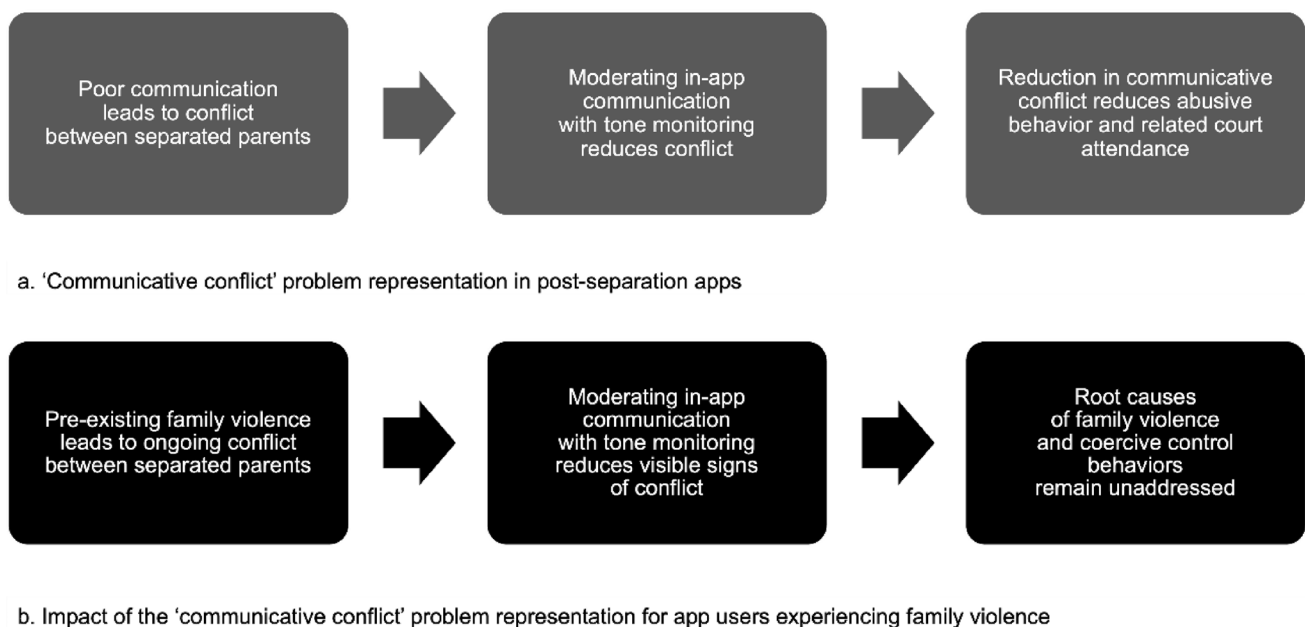


Fig. 1 Misaligned problem representations

study indicating that “in high conflict situations, the balance of power is roughly equal and parents do not have to make safety-based decisions, whereas in situations of domestic violence, power is unequal and safety-based decisions are required.”

For victims of family violence, the primary goal is safety for themselves and their children. The requirement to perform cooperative communication with an abusive co-parent may undermine safety, even if communication is mediated by an app. Rhoades et al. (2010) observe that “shaping a family law system around a cooperative parenting agenda does not always sit comfortably with protecting women and children from family violence.” The expectation of cooperative attunement recasts victims’ resistance to family violence as damaging and irrational (see, for example, Smyth and Moloney 2017). Neutralizing the tone may reduce the escalation of overt verbal aggression, but it masks the nonverbal forms of violence that it cannot address. As Coates and Wade (2007) observe, “the notion that crimes of violence can be prevented or reduced simply by changes in language use, without addressing the structural inequalities that afford one group privileged access to social power, discursive space and other social benefits, is to say the least, naïve.”

Post-separation apps that focus on the reduction of ‘communicative conflict’ as the key problem to be solved further reframe the systemic and societal responsibility for supporting women and families experiencing violence as an individual responsibility for smoothing communications. This reframing adds to the burden already carried by victims of family violence and abuse. The Terms & Conditions of OurFamilyWizard absolve the app developer of any responsibility for content transmitted through their system and associated harms, stating that while the company “cannot assure that User Content will not be harmful, inaccurate, deceptive, offensive, threatening, defamatory, unlawful, or otherwise objectionable,” it “may, in Our sole discretion, review, alter, edit, and remove User Content.” (OurFamilyWizard 2025g). The individualization of responsibility for abuse that is enacted by post-separation apps aligns with Morozov’s observation that techno-solutions and their advocates “often turn public problems into more bite-sized private ones. Instead of addressing obesity by regulating the content of food, for example, they offer apps that will ‘nudge’ people into better personal choices.” In this example, the social justice issue of ensuring equitable access to healthy food becomes an issue of personal choice, which apps can seek to influence (Morozov and Winograd 2013). In the case of post-separation apps, both parents are equally nudged toward the same ideal of toned-down communication.

2.1.1 The problem representation of communicative conflict reinforces an outdated legal framing

As we have noted above, the tension between these two framings, (individual) *communicative conflict* vs. (systemic) *family violence*, is complex and historical, with deep roots in the Australian family law and family counseling systems. The ‘poor communication’ narrative and the related ‘mutual responsibility’ narrative, which attributes equal responsibility to victims and perpetrators for unresolved conflict, have been prevalent in the Australian family law system and in relevant public policies since the advent of no-fault divorce in 1975 (Kaspiew et al. 2015; Laing 2017; Rhoades et al. 2010).

The failure to appropriately recognize family violence and its impact on women and children in family court decisions has begun to be corrected in public policy and within the legal system in Australia, most recently in the Family Law Amendment Act 2023 enacted on May 6, 2024 (FCF-COA 2023). While the evidence base for this policy change is substantial, it has not yet had time to be fully embedded in the legal system. Post-separation apps which emphasize individual responsibility over societal and systemic responsibilities reinforce an outdated legal framework at the very moment when it is undergoing reform.

Research evidence shows that family law practitioners often recommend post-separation apps based on what they claim be able to do, without personal experience or testing of the apps, and without apparent recognition of their reinforcement of the ‘conflict’ framing. Many of the family law practitioners interviewed by Heard et al. (2023) “reported little knowledge and experience” of or with the apps, despite recommending them to clients. Some interviewees, apparently echoing apps’ promotional perspectives, “implied that post-separation apps can not only alter language or tone but also parents’ conduct more broadly through the use of ‘filters to manage bad behaviour’, and even ‘filters... to prevent escalation of potential domestic violence.’” (ibid) As a broader survey of post-separation apps by Irving et al. (2023) has suggested, there is a lack of scientific validation for such claims. Post-separation apps in general do not “have [an] evidence base to underpin the hope that they offer” (Irving et al. 2023). As a result of their experience with apps in the study, practitioners notably “resolved to be far more cautious with app recommendations for high-conflict clients” (ibid).

2.1.2 Tone monitoring may reinforce coercive control through cooperative attunement

A growing body of evidence indicates that coercive control is a key risk factor for the escalation of domestic violence, leading over time to sexual and physical abuse and homicide (Elsenpeter 2025). In a rare direct observational study

of the communicative features of coercive control, Pomerantz et al. (2021) observed that victims of coercive control are especially adept at “cooperative attunement.” Victims who are so attuned are highly skilled at predicting their ex-partners’ behavior (Weisz et al. 2000), a fact widely used by domestic violence services as part of risk assessment. To the extent that court-mandated post-separation apps may require such users to perform cooperative communication, they risk reinforcing the dynamics of coercive control. The communicative direction in which the app nudges its users may problematize victims’ need to resist violence, coercion, and compliance through one of the few means available: language. In such contexts, post-separation apps’ simplified representation of entrenched post-separation conflict as a problem that can be reduced or resolved through verbal tone moderation and smoothed communications may lead to unintended and unforeseen harms.

Psychological abuse conducted through language is common in cases of coercive control, including strategies such as gaslighting and dog-whistling. In these forms of abuse, the relationship history and context are essential to understanding the intended impact of these kinds of communications, because their content may appear neutral and unproblematic to an AI-powered tone detection module. These kinds of abuse can be extremely difficult to detect without contextual information, as “each relationship is unique in its profile of abusive tactics.” (Pomerantz et al. 2021) Abusive tactics such as dog-whistling use a painful message or reference, arising from the relationship history, that is coded so that only a select group understands it. Such abuse relies on “the sensitive privileged knowledge that the abuser has of the victim and her vulnerabilities” (ibid). Once control has been established in a relationship, the “need for explicit degradation, threats and violence gives way to more subtle, less confrontational and energy consuming verbal cues that can now yield the same level of compliance” (ibid). A couple that has had children, broken up, and are now using a post-separation app has an extensive and complex history which an app cannot know.

In a key study, Irving (2024) brought the evaluation of several post-separation apps, including OFW, together with a family violence perspective, interviewing mothers who reported experiencing family violence via parenting apps. She found that those who endorsed the benefits of app use on balance had been separated for less time and had fewer experiences of app misuse by the other parent. In contrast, the net-detriment group had been separated for longer and reported more app misuse and fear. Irving observed that “many mothers reported a reduction in abusive language and harassment as a result of either the language moderation feature (i.e. filtering out abusive language) or the record-keeping feature (as a deterrent)” (ibid). However, even in the net-benefit group, it was clear that although the app appeared

to reduce abusive behavior, it was still present. Irving concluded “that while post-separation parenting apps may be useful harm minimization tools for many victim/survivors of post-separation family violence, they are not a panacea for parenting communication in all such contexts—particularly where there is entrenched coercive control” (ibid). Commenting on tone monitoring features in post-separation apps specifically, Irving et al. (2023) conclude that “even when detection, filtering and moderation are successful, they do not solve the problems driving these behaviours.”

2.1.3 Tone monitoring may serve the communicative interests of perpetrators

Tone monitoring within post-separation apps also potentially educates perpetrators to mask coercive behaviors, while directing victims to use more compliant modes of communication or reinforcing victims’ existing use of compliant language. The apps’ tone monitoring advice may further serve the communicative interests of perpetrators by aiding their performance of emotionally neutral communication for the courts. OFW not only claims that its tone monitoring tool “helps you write calmly so that the message doesn’t stir up conflict” but goes so far as to add “(or look unflattering when your family law pros see it)” (OurFamilyWizard 2025h). Post-separation apps may thereby support abusers’ efforts to produce a positive impression on the courts through their moderation of overt aggressive language, while continuing the abuse by other means, including repeated engagement with expensive family law services (Kaspiew et al. 2017; McCormack 2025; Spearman et al. 2023).

2.1.4 Post-separation apps decontextualize the interpretation of abusive language

While technology such as OFW’s ToneMeter can detect some forms of overt abusive language, often, the understanding of what is or is not abuse depends heavily on the relational history, context which is not available to the app. An app working with such decontextualized communications cannot make the necessary inferences about the intentions behind the communicative behavior. Tone monitoring software may detect explicit verbal abuse, such as capitalization (shouting), excessive punctuation (such as ????? or !!!!!), swearing, and other key words or phrases that are predicted to drive communicative conflict, based on explicit linguistic cues to sentiment, emotion, and intensity. Consider the phrase “you abused me” used in a post-separation app. This assertion can represent diametrically opposed speech acts depending on the context. An abuser who says “you abused me” to a victim is gaslighting, and this use could be construed as a linguistic manifestation of coercive control. A victim who writes “you abused me” to an abuser could be

holding the abuser accountable for his actions or stating a fact. Without access to the relationship history and dynamics, there is insufficient context for an app to infer what such a phrase might mean.

The language analysis features of tone monitors may also identify topics which are likely to be upsetting for separated co-parents. However, these features cannot reliably distinguish between content, intention, and effect. For example, urgent factual communications (such as reporting a distressing health-related incident about a child) may be deemed by the app to be potentially upsetting, while intentional provocation and dog-whistling couched in deliberately neutral language, may not. In the context of coercive control, victims' communications can be distorted in such a way as to appear superficially more harmonious, but the verbal cues to compliance have in fact become more subtle as the coercive control deepens (Pomerantz et al. 2021).

Relationship history and dynamics, key contextual elements of meaning, are missing from the analysis of emotional tone offered by OFW's ToneMeter. No public domain documentation (e.g., a patent application) exists for the functionality of ToneMeter AI. Based on the tone labels produced by the app, however, we can infer that emotion recognition functionality in the app engages only with each message and its immediate context. The app does not appear to infer the relational dynamics between communicators, nor is it aware of the relational history and the communication history between the co-parents prior to using the app. A deeper understanding of the relational history and dynamics remains the domain of skilled legal and mediation professionals. Viewed through a design lens, the app has no *user representation* with which to differentiate meanings in the language of distinct types of users, such as an abuser and a victim. So long as decontextualized emotion recognition is used, anything more complex than surface level verbal abuse is thus unlikely to be evaluated appropriately by an AI-powered app.

2.2 Problem representation: caseload congestion

OurFamilyWizard represents the problem of escalating conflict between separated parents as a causal factor in a second wicked problem: caseload congestion in family courts. High caseloads mean that proceedings are often protracted, leaving parents and children in uncertainty for extended periods. The economic costs for separating parents as well as the community are substantial. In cases where family violence is a factor, engagement with family court may prolong contact between perpetrators and victims and increase the risk of the ongoing abuse of children by perpetrators: "Many of the women whose children maintained contact with their fathers, either by agreement or as a result of court orders, reported

that their children continued to be exposed to these [abusive] behaviours after separation..." (Kaspiew et al. 2017).

OFW represents caseload congestion in family courts as a direct result of problematic communication between separated couples. The volume and intensity of 'interparental conflict' are represented as creating an unsustainable burden on the family law system, for which a time- and cost-sensitive solution is required (OurFamilyWizard 2025b, 2025f). The OurFamilyWizard website observes that "[r]ather than interact directly, co-parents in high-conflict relationships often resort to communicating through lawyers and other family law practitioners" (OurFamilyWizard 2025b). In marketing copy aimed at legal practitioners ('Judges' and 'Courts'), the website asserts that "not only does OurFamilyWizard protect children from post-separation conflict, it also reduces docket sizes by preventing litigants from returning to court to resolve disputes" (OurFamilyWizard 2025i). Further, "[f]amilies who use OurFamilyWizard do not return to court nearly as often and in some cases ever" and "[p]reventing this cycle is often as simple as providing parents with a solid framework for approaching co-parenting discussions post-divorce" (OurFamilyWizard 2025f). Despite these assertions, no research evidence is cited for the simplified and causal relationship that this statement implies between use of the app and reduction of the family court backlog.

2.2.1 Misalignment with systemic, structural, and abuse-related causes

Available evidence suggests that systemic, structural, and abuse-related factors, such as issues with the organization and funding of the family courts, and manipulative use of the legal system by abusive ex-partners (Kaspiew et al. 2017; McCormack 2025), are among the complex substantive causes contributing to the high caseloads under management in the family courts. This suggests a further misalignment between the nature of the caseload problem as represented by apps including OFW, and the available evidence for its root causes.

The 2019 merger of the Australian Family Court and Federal Circuit Court (FCFCOA 2019) "aim[ed] to address issues associated with the significant family law caseload—and increasing backlog—of the Family Court and Federal Circuit Court," including "a 34 per cent increase in the Family Court's backlog between 2012 and 13." Funding levels for the courts over the same period did not keep up with increased demand, contributing to caseload congestion in the Family Court: "there had been an increase of just 2.73 percent, or \$6.724 million, in the operating appropriation provided to the Federal Court, Federal Circuit Court and the Family Court together from 2013–14 to 2017–18."

Kaspiew et al. (2017) highlight perpetrators' frequent use of the courts to place financial and emotional pressure on ex-partners, prolonging legal processes and producing repeated bouts of litigation. They interviewed 50 women and observed that

disjointed service delivery and an emphasis on shared parenting after separation... meant that ongoing relationships with fathers were sometimes emphasised at the expense of protection from harm, exposure to family violence, and child abuse. [...] For 29 out of 47 women who were separated from their partner, perpetrators' tactics of systems abuse included... manipulative engagement with family law services... (ibid).

McCormack (2025) draws on evidence from jurisdictions "including the UK, Ireland, Australia and the United States" to demonstrate "how abusive fathers may exploit family court systems post-separation to maintain coercive control over former partners and children." They conclude that

[b]y equipping practitioners to recognise how legal and institutional processes may be weaponised, family courts can better distinguish coercive control from mutual conflict and respond accordingly. This approach aligns with the principles of the Domestic Abuse Act 2021, promoting safer outcomes and ensuring that child welfare and survivor protection are prioritised in post-separation proceedings.

Given the high proportion of cases that involve family violence, as observed by The Federal Circuit and Family Court of Australia (FCFCOA 2021a, citing Kaspiew et al. (2015)), an effective, long-term reduction in caseload congestion will necessitate addressing the root causes of family violence. These root causes notably include adverse childhood experiences (ACEs) of violence. Research studies on adverse childhood experiences indicate that the childhood experience of violence is a risk factor for violent offending, including family violence, in youth and later in life (Ogilvie et al. 2022; Stith et al. 2000). Ogilvie et al. (2022) write that

The pathway to perpetrating sexual harm and/or violence, although not predetermined, is heightened for those who have more ACEs. [...] These findings emphasise early intervention as the best strategy for halting this cycle.

They conclude that "Policy is therefore needed to prioritise early intervention that promotes protective factors." These are complex social and economic issues that cannot be resolved in the longer term through the intervention of an app with the simplified goal of reducing legal caseloads by "preventing litigants from returning to court to resolve disputes" (OurFamilyWizard 2025i).

3 An expanded approach to evaluating AI-powered techno-solutions

Post-separation app research that focuses on app usability, functionality, and user reception contributes to the visibility of harms as well as benefits arising from the core functionality of this emerging class of app (e.g., Heard et al. 2023; Irving 2024; Irving and Smyth 2023). These studies have highlighted technology vendors' responsibility to rigorously assess apps for product efficacy and safety. The responsibility is significant for apps that are designed to intervene in complex individual and societal problems such as entrenched post-separation conflict. Concerningly, to date, there is no evidence of controlled, rigorous, and independent evaluations undertaken by technology vendors to ensure that apps are 1) effective in the ways that they are claimed to be, and 2) safe for the often physically, emotionally, and financially vulnerable users they are marketed toward. The Australian Competition and Consumer Commission observes in its business guide on consumer vulnerability that "life events or challenges that increase the likelihood of consumer vulnerability" include changes in family financial circumstances and family violence (ACCC 2021). Courts' prescription of subscription-based apps risk mandating vulnerable consumers to use products over the course of many years that they might otherwise decide against using.

Beyond usability, functionality, and reception, contextual factors affecting the *design*, *deployment*, and *marketing* of apps have further ethical impacts. This is particularly true of apps that propose to solve simplified versions of wicked social problems, such as post-separation conflict leading to litigation, especially the majority of cases involving family violence. For these apps, we argue that it is important to establish (1) whether the problems that are represented by the apps' design are aligned with the evidence base for the root causes of these social and systemic problems (discussed in Sect. 2 above); (2) whether apps are marketed toward, or professionally prescribed to, vulnerable populations, and if so, what safeguards exist to protect these populations from app-related harms, and what responsibility is attributed to individual users in the case of any harms arising from app use; (3) what incentive structures exist for app recommendations made by professionals; and (4) whether apps are being deployed as extra-regulatory agents within otherwise highly regulated professions, and how associated user risks are managed. These dimensions are laid out in relation to the more localized concerns of function and reception in Fig. 2.

Computational linguist and AI critic Emily Bender (2024) argues for the need to critically analyze "simplified tasks" associated with "claims of 'AI' capabilities." Bender recommends asking developers proposing techno-solutions to simplified framings of wicked problems, "why is this a safe

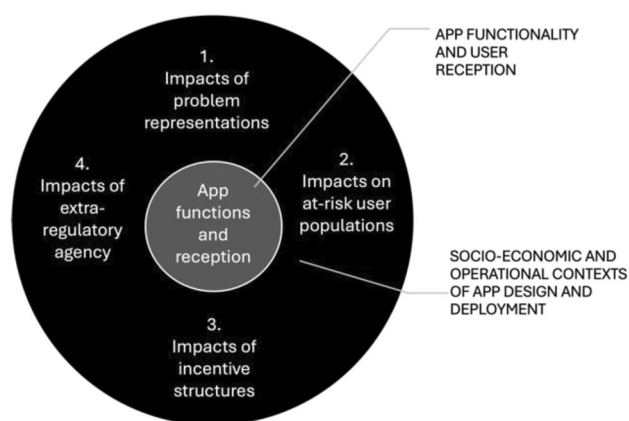


Fig. 2 Expanded dimensions of ethical critique. Dimensions 1–4 are proposed as relevant dimensions in the *post-separation app domain*

thing to do, why did you frame the task this way, and whose interests does it serve?” (ibid). The question of app safety, noted above, speaks to the need for rigorous evaluation of the efficacy and safety of AI solutions intended to address the needs of vulnerable populations, including victims of family violence. The questions of task framing and the associated problem representation(s) (manifested in design) and interests served (as evident in deployment and marketing) have not, to the best of our awareness, previously been addressed in research on post-separation apps.

3.1 Incentive structures, marketing, and the use and recommendation of post-separation apps

Incentive structures and marketing form an important part of the context of use for post-separation apps. This context is ethically significant, given the often severely at-risk population involved. Apps are recommended by legal advisors to clients (Payne et al. 2022), and they are often written into court orders (Heard et al. 2023).² Consequently, parents are bound to use them until their children turn 18. The apps are actively promoted to lawyers and mediators specializing in family law through activities such as the sponsorship of conferences and workshops.

Post-separation apps such as OFW are, as noted, accessed by subscription. The incentives for users to subscribe to post-separation apps are unusual for a commercial product,

² OFW actively facilitates the ordering of app use by providing a local template for the court order in which it is specified that both litigating parties must subscribe to the app within seven (7) days of the order; use the core features of the apps, including an InfoBank feature which captures information, including sensitive data, relating to the children; “equally share the subscription fee”; and refrain from using communication methods other than the app “except regarding matters of an emergency nature regarding a child” (OurFamilyWizard 2025j).

given that some consumers of the product are in fact required by court order to purchase, retain, and engage in regular use of the app. The apps are privately owned, commercial products that are being heavily promoted to, and increasingly mandated for, a user population that is emotionally and financially vulnerable. There has been little attention paid to the vulnerability of app consumers who are victims and the forceful mechanism—the court order—by which a commercial product is often stipulated to be purchased and used by these consumers. From the app developers’ perspective, court mandates strengthen the ‘stickiness’ of the product and increase the likely return on their investment, since users under these conditions are bound to use the app for extended periods of time, often years.

Some apps, such as OFW, claim to offer app subscriptions free of charge to customers who are required to use the app but whose circumstances, including family violence, would make purchasing the app a financial burden that may aggravate existing financial vulnerability (OurFamilyWizard 2025l). While this would appear to offset concerns about the negative impact of a required app subscription on financially vulnerable consumers, free offers are a known market strategy to expand the user base for a product, and with it, the diversity of the data available to the app developer about its user base. The data collected from app users by developers can carry significant value for the apps’ further development, and in the case of AI modules deployed in the app, the ongoing training of AI-powered applications. Notably, OFW’s 2025 Terms and Conditions (OurFamilyWizard 2025g) allow the company to use consumer “log data or analytics data” for system training, to “update, modify, or otherwise improve our Software.”

The free offer of the app to those experiencing family violence further ignores the unsuitability of this kind of communications app for these populations, including a heightened risk of app-mediated harms such as stalking (Smyth et al. 2023; Payne et al. 2022; Irving and Smyth 2023).

3.2 Post-separation apps act as extra-regulatory agents in service delivery contexts

Post-separation apps represent one of a range of service delivery solutions for which government agencies are turning to private commercial applications. In the case of post-separation apps, app vendors argue that use of the apps can reduce caseload congestion in family law courts by enabling separated parents to manage their conflict outside the court system. Some advocates within the legal system concur (Payne et al. 2022). They do so despite the lack of scientific evidence for the efficacy or safety of these apps, especially for survivors of family violence (Irving et al. 2023). The success of commercial app developers is being underwritten by the legal system and mediation services, whose

recommendations to clients and court orders lead directly to increased and ongoing app subscriptions. The close relationship between courts, lawyers, and mediation services and commercial entities whose claims for their products are unsubstantiated may put client trust at risk of damage.

The incentive structures of post-separation apps raise further issues. The mechanisms of promotion and influence, such as sponsorship arrangements, highlight regulatory gaps relating to the introduction of commercial products into the otherwise highly regulated legal system and mediation services industry, especially in relation to products that are intended to supplement and even replace the need for legal intervention and mediation. While the reduction in conflict that is purported to be an outcome of app use remains unsubstantiated by research evidence, there is a real risk of de-investment in other forms of in-person support for victims of family violence due to the perception that some burden of legal care and mediation can be taken over by apps. Formal family dispute resolution (FDR), “an out-of-court process in which parties to a dispute are assisted by professionals such as mediators or specialist dispute resolution practitioners to identify issues, share relevant information, explore and test possible solutions, and to put agreements in writing” and lawyer-led negotiation have been found to be positively associated with reduced physical harm in the Australian family court context, though causation has not been established:

Among parents who use courts to resolve their parenting issues, 85% report a history of emotional abuse and more than half (54%) report physical hurt from their former partner. These patterns are similar among parents who use lawyer led negotiation to resolve parenting arrangement but physical hurt is less common in this group (39%). Lower proportions of parents who use FDR to resolve parenting issues report emotional abuse (73.7%) and physical hurt (27%). (ALRC 2019)

Stronger regulation of the app sector is needed to ensure that applications designed for use by a population that includes vulnerable consumers are subject to rigorous testing and approval processes and ongoing licensing requirements, before and after release. External, independent evaluation hurdles should be passed before approval and to maintain licensed status. Post-separation apps undertake some kinds of communicative intervention tasks previously assigned to licensed and regulated human practitioners, including mediators and lawyers. As such, commercial app ‘practitioners’ ought to be subject to the same level of regulatory control as human practitioners practicing in these spaces as regulated entities. Sharon (2025) makes a related case for “consumer-facing ‘wellness’ chatbots that provide therapeutic advice [being] particularly problematic, insofar as their developers are not licensed healthcare practitioners.”

As we have observed, one of the consistent claims made by post-separation apps, including OFW, is that they can diminish conflict between separating parents by moderating the content of their communications. The tone monitoring and moderation function of the apps notably overlaps with the work of skilled mediators and with parenting orders programs intended to educate the so-called ‘high conflict couples’ to communicate better. Apps have a commercial advantage in this context because they do not operate under the same constraints of time and physical access as professional mediators, nor are they regulated by the Family Law Act as parenting orders programs are. Sectoral efficiency challenges, as Sharon (2025) observes in relation to chatbots, may result in “attention and resources [being] drawn away from the need to find structural solutions.”

The integration of a new and under-regulated technology into the legal and mediation processes that govern such intimate contexts—and in the case of separating parents, often contentious, damaging, and even dangerous dynamics—warrants close attention (for a related argument, see Smith and Hitchings (2023)). As it stands, post-separation apps that perform communication moderation functions, including tone monitoring, are acting as extra-regulatory conflict resolution agents, intervening in the highly regulated legal and mediation service delivery sector. The sensitive regulatory and interpersonal environment into which commercial post-separation apps have been introduced, combined with the lack of evidence for benefits to individual app consumers, raise questions about consumer protections against unsubstantiated claims of beneficial outcomes, particularly as many victims of family violence are likely to meet some of the criteria for vulnerable consumers (ACCC 2021).

3.3 Sensitive data collection by post-separation apps

Post-separation apps not only represent an important shift in the service delivery funding model, they also facilitate sensitive and intimate data collection from individuals who might otherwise be accessing more private and secure government- or self-funded legal and mediation services. The sensitive nature of the data derived from vulnerable consumers and their children requires more stringent data protections than are currently in place. As Peltz and Street (2020) note, “[t]he current paradigm of collecting data from those using online applications and services is reinforced by significant potential profits that the private sector stands to realize by delivering a broad range of services to users faster and more conveniently.” The kinds of private data disclosed by users through in-app communications would ordinarily be secured by highly regulated services, which are accountable for any data breach. With the use of post-separation apps, such data are made available to app developers and their

third-party data processors, which may reject responsibility for data leaks by positioning this as a risk that is assumed by individual consumers by dint of their use of the product. Despite the assurance offered in relation to OFW's use of AI of "**Zero data leakage**: Unlike tools using OpenAI's API or similar services, nothing leaves our environment" (OurFamilyWizard 2025k; emphasis in original), as of September 2025, consumers using OFW app features "such as voice and video communication and recordings" are invited to review external third-party service provider Twilio's "Privacy Policy and any applicable service terms" (OurFamilyWizard 2025g). These include the clause that the "Customer is responsible for ensuring that suitable safeguards are in place prior to transmitting or processing, or prior to permitting Customer's End Users to transmit or process, any Sensitive Data via [Twilio] Services." (Twilio 2025).

In products such as post-separation apps, private commercial organizations invite users to share, and thereby, obtain privileged access to, significant amounts of sensitive personal information. In such data-sharing situations, ethical principles establish the requirement for transparency in design (Felzmann et al. 2019), compelling evidence of effectiveness (Linardon et al. 2024; Irving et al. 2023; Gamble 2020; Wang et al. 2018), and adequate legal protections to ensure the current and ongoing protection of data privacy (Peltz and Street 2020; Bartlett 2021; see also Lenharo 2024; May 2024).³ As of the time of writing, these requirements are lacking in the design and deployment of post-separation apps, including OFW. Smyth et al. (2023) observe that

post-separation parenting apps can—and often do—access large amounts of highly personal and sensitive information (e.g., children's names, ages, health information). Because these data can potentially be sold off or misused, a detailed investigation into the security and privacy risks associated with popular post-separation apps is needed. An understanding of these issues is generally beyond the expertise of most users.

4 Limitations

The research presented in this paper has primarily focused on one post-separation app, OFW, and implications of its use in the Australian legal context. The landscape of AI-powered post-separation apps and services has rapidly expanded in recent years, with an increasingly differentiated range of

products and services becoming available for evaluation. In future work, we plan to extend our research to other post-separation and domestic violence support apps and online services that use AI-powered functionality, and to further test the application of Bacchi's WPR framework as a means of illuminating the problem representations underlying technological solutions.

5 Conclusion

AI-powered post-separation apps such as OFW are increasingly deployed in English-speaking countries. They now occupy a structural role in the relationship between litigating co-parents, supplementing the role of lawyers and mediators as agents whose work is to intervene in and moderate communication between litigating parties. In doing so, they risk reinforcing the longstanding conception, contested by research, that post-separation conflict is primarily mutual conflict, rather than taking into account the personal and relational power imbalances evident in family violence and coercive control. This is despite family violence being alleged in the eighty percent of post-separation cases that reach the family courts in Australia (FCFCOA 2021b; DSS 2022).

Because apps are driven by algorithms and not skilled professionals, there is not the same level of oversight, insight into the goals of the separating parties, and safety that is produced in interactions with skilled professionals, particularly in the context of potentially ongoing abuse and coercive control. Instead, the apps consolidate a misconception about the nature of the problem and make alternative conceptions of the problem harder to envisage.

The problem representations that inform technologies such as AI-powered apps can impact how, where, and why resources are directed toward ameliorating complex social issues such as family violence. If a wicked problem is discursively reduced to a simple one, which can be handled by a commercial app technology that places core responsibility for resolving the issue in the hands of individual users, this may lead to the reduction of public resources directed toward the issue, e.g., providing legal aid for victims of family violence, undertaking research and implementing policy on protective interventions, and educating children about the unacceptability of domestic violence. While purporting to efficiently and effectively treat the symptoms of a wicked problem, apps designed around a simplified problem representation may further distort public understandings of the nature of root causes, which will thereby persist.

The support of legal authorities, in Australia and globally, for digital solutions such as post-separation apps strengthens the hold of enchanted determinism (Campolo and Crawford 2020) and techno-solutionist approaches to complex human

³ In this context, it is relevant that amendments to Australia's Privacy Act (1988) are proposed to provide "additional clarification as to when an individual is experiencing vulnerability and if they would be at a higher risk of harm from interferences with privacy" (Read et al. 2023).

challenges more generally. In this context, it is no accident that OurFamilyWizard® uses the image of a magical man to sell its solution to struggling separated parents and overloaded family courts. But there is no magic solution to the wicked problems of family violence and coercive control, including gender-based violence, which underlie the majority of post-separation conflicts managed through the family law system. Reviewing post-separation apps, Smyth and Fehlberg (2019) conclude that “no magic digital wand was apparent” in outcomes for users of the apps.

Post-separation apps such as OFW represent the problem they address as twofold: 1) mutual communicative conflict and 2) caseload congestion in family courts. The first problem is represented to be a causal factor in the second. Interpersonal conflict, leading to litigation, is purported to have resulted in unmanageable caseloads in family courts. Apps thereby make a case for the indirect economic and systemic benefits of the app, arising from a reduction in legal caseloads. Yet, there is a significant ethical conflict between the promotion of under-regulated consumer apps driven by market incentives as an intervention to reduce caseload congestion, and the expectation that the legal system should itself be adequately funded to prioritize social and systemic justice and fairness, especially for victims of family violence.

Post-separation apps as an intervention in the context of family violence allocates equal responsibility for conflict to both co-parents, thereby mutualizing the problem. It identifies the problem as one of jointly dysregulated interpersonal communicative and emotional dynamics and proposes that the app can intervene to solve the problem by improving the communication skills of individual litigants. The misframing of family violence as verbal conflict which can be resolved at an individual level avoids the allocation of responsibility to systemic and societal causes of family violence, while the terms of use of post-separation apps deflect all risks associated with their use onto the individual user. The insertion of post-separation apps into family law disputes outsources solutions to a wicked social problem to an artificial agent that acts outside the regulatory processes of legal and mediation services. There are consequences for the responsibility and accountability of human agents and AI-powered agents, and for the privacy and safety of vulnerable consumers who are compelled to use the apps through court orders.

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Declarations

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