Essential Family Law Statistics You Should Know in 2026

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As a family lawyer, you likely hear the same questions daily: “How long will the divorce take?” “How much will this cost me?” “How will we divide the assets?” While experience is invaluable, exceptional lawyers also rely on reliable, data-driven insights to guide clients.

We’ve analyzed the latest family law statistics to uncover key trends in divorce outcomes, custody arrangements, and court decisions that impact your daily practice. These insights will help you set realistic client expectations while positioning yourself as a trusted advisor.

Here’s what the data reveals about today’s family law landscape—and how you can use these lawyer statistics to strengthen your practice.

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General family law statistics

Before we jump into litigation trends, let’s take a moment to look at how American family structures have changed. These shifts have a direct impact on who’s walking through your door and what kind of cases you’re handling:

- **Marriage is evolving.** While marriage remains common—with over 2 million marriages annually (6.1 per 1,000 population)—it has lost some dominance. Only 47% of US households were married-couple households in 2025. That’s a major shift from 50 years earlier, when 66% of households were married.
- **More Americans are staying single.** In 2024, 34% of adults age 15 and over had never been married. Nevertheless, 69% of unmarried Americans aged 18 to 34 still express a desire to marry someday.
- **Geographic variations influence marriage rates.** Marriage rates per 1,000 population vary significantly by location, with Nevada, Hawaii, and Utah among the highest, while states like Louisiana and Delaware have some of the lowest rates.
- **First marriages occur later in life.** The median age for first marriages has climbed to 30.8 years for men and 28.4 years for women in 2025—a significant increase from just 23.5 and 21.1, respectively, in 1975. When asked, on average, Americans say the best age to get married is 26.5.

- **Dual-income households are the new normal.** In nearly 50% of all married-couple families, both spouses were employed. In 29% of marriages, both spouses earn roughly the same amount. Husbands remain the primary or sole breadwinner in just over half (55%) of marriages—while in 16% of marriages, wives bring home the bigger paycheck.
- **Family courts are handling diverse caseloads.** Of the 66 million cases handled by state courts each year, nearly 3.8 million are family law cases. That breaks down to 1.09 million divorces, 880,000 child support matters, 380,000 paternity cases, 330,000 child abuse and neglect cases, 290,000 guardianship cases, and 100,000 adoptions.

These demographic shifts create complex challenges in navigating non-traditional family structures and intricate financial entanglements. Forward-thinking legal professionals must develop innovative approaches for handling everything from later-in-life marriages with separate assets to custody arrangements for parents who never formalized their relationship.

The state of separation and divorce in the US

Recent statistics offer a nuanced view of how Americans are ending their marriages—and what those trends mean for legal professionals.

- **Divorce rates are declining.** 672,502 divorces took place in the US in 2023, with a divorce rate of 2.4 per 1,000 people.
- **Geographic disparities persist.** Nevada, Idaho, and Wyoming have some of the highest divorce rates, while states like Louisiana and Illinois have the nation's lowest.
- **"Gray divorce" is surging.** The share of currently divorced adults aged 65 or older has tripled since 1990. Nearly 10% of all people divorcing in the U.S. are aged 65 or older.
- **Women are driving most divorce decisions.** Around 69% of divorces in heterosexual marriages are initiated by women. And when first marriages do end in divorce, they typically last about 8 years.
- **Divorce remains common.** Only 1.4% of married couples got divorced in 2023, yet approximately 40% of marriages in the US still end in divorce. Second marriages have an even higher failure rate—around 60%.
- **The financial impact is substantial.** The average cost of a divorce is $15,000 to $20,000. Disputes over issues like custody can extend proceedings for years and push costs well over $100,000.

These trends indicate that while divorce rates are falling overall, today's divorce cases are often more complex and financially significant. Many lawyers are building expertise in areas like retirement division and spousal healthcare planning, particularly for gray divorces, while streamlining tedious tasks associated with more straightforward cases

through technology.

Notably, our *Legal Trends Report* found that 79% of legal professionals are now incorporating AI tools into their daily work. Growing firms are also 2x more likely to leverage automation than stable firms—freeing up time for the high-value client work that complex family law cases demand.

What is the #1 divorce cause?

A lack of commitment is often cited as the most common major factor contributing to divorce.

Filing rates and frequency of child support claims

Child support enforcement remains one of the most critical—and often contentious—aspects of family law, with huge implications for children's financial security and parental relationships. Let's look at the trends that can help you better advise clients on these sensitive matters.

- **Single parenthood is common in the US.** In 2023, the US had approximately 7.3 million single mothers and 1.6 million single fathers.
- **The child support program collects billions.** The child support program collected $29.5 billion in FY 2024, with 97% of that money going directly to families and 3% reimbursing public assistance dollars. Yet, research has shown that less than 25% of single-mother families receive child support.
- **Millions of children depend on these payments.** About 12.2 million children were served by the child support program in 2024. Among these cases, 87% had established orders, 65% of current support due was successfully collected, and 63% of cases with arrears had collections. The program collected $4.24 for every $1 spent.
- **The financial strain on paying parents is significant.** More than 50% of parents obligated to pay support are pushed below the poverty line by unrealistic child support obligations.
- **Support comes in many forms and amounts.** The average monthly reported amount of child support payments received by parents was $441 in 2021. About 4.1 million parents received cash support payments, with roughly 85.6% having either legal or informal agreements with the child's other parent. Beyond cash payments, 2.7 million parents received valuable in-kind support from non-resident parents.

- **Program satisfaction shows room for improvement.** 65% of custodial parents said it was easy to work with the child support program. Of the 35% who found it difficult, 41% said it was because the services received were not helpful.
- **Demographic shifts are changing the landscape.** From 2004 to 2023, the percentage of custodial parents identifying as Hispanic increased dramatically from 14% to 25%, while those identifying as White fell from 56% to 45%. Those identifying as Black saw a slight decline from 25% to 23%.
- **Most custody disputes never see the inside of a courtroom.** A surprising 90% of custody cases are resolved without court trials, highlighting just how valuable strong negotiation skills are in family law practice.
- **Foster care and adoption continue to shape many families.** A total of 328,947 children were living in the US foster care system in 2024, with 46,935 children adopted from foster care. One out of 25 families with children have adopted.

These statistics reveal a system in transition. While billions are collected annually, many parents struggle with payment obligations that don't match their financial situation. This creates an opportunity for family lawyers to advocate for more sustainable support arrangements that balance a child's needs with a parent's ability to pay.

Which parent is most likely to get custody?

In the United States, mothers are statistically more likely to be awarded primary custody of children.

Self-representation in family law

One of the most significant challenges facing the family law system today is the prevalence of self-represented litigants. Here are recent statistics on self-representation:

- **Self-representation dominates in family law.** 72% of family law cases indicated that the petitioner and/or respondent was self-represented.
- **Filing parties are more likely to have counsel.** The person filing for divorce was more likely to have legal representation than the respondent (42% versus 23%, respectively), creating potential power imbalances in proceedings.
- **Most uncontested divorces lack legal representation.** 61.9% of uncontested divorces lacked legal representation for either party. By comparison, 46% of contested divorces had both parties with representation. Cases involving minor children were more likely to have both sides lacking legal representation.

For family law practitioners, these self-representation statistics have significant implications. Lawyers increasingly find themselves facing ex-spouses who don't have legal support. This dynamic places them in the position of guiding both their clients and unrepresented ex-spouses through complex procedures—a burden that extends proceedings and can frustrate judges managing similar procedural assistance.

Yet, this trend represents both a justice system challenge and a business opportunity for enterprising lawyers. With many self-represented litigants coming from demographics with lower median incomes and fewer years of formal education, innovative law firms that develop affordable service models can tap into this underserved market while improving access to justice.

The *Legal Trends Report* shows that more than half of consumers have used or would consider using AI to answer legal questions—which means potential clients may arrive more informed but still need professional guidance. Firms that offer accessible entry points, like flat-fee consultations, can convert these self-researching consumers into paying clients.

Market dynamics of family law firms

The family law marketplace continues to evolve rapidly in 2026, with nearly 56,970 family law and divorce lawyers competing across the US. This competitive landscape has transformed how successful practices operate in several ways.

Traditional referrals, while still valuable, now share the stage with digital marketing strategies. Search engine optimization and paid advertising drive many client inquiries. Content marketing—through blogs, podcasts, and social media—has also become essential for establishing expertise in specific practice areas like family law. Content addressing trending topics like gray divorce or resources for unmarried parents can attract otherwise untapped client segments.

Perhaps the most significant change is in client expectations. Today's family law clients approach legal services with the same consumer mindset they bring to other major purchases—researching extensively, reading reviews, and comparing options before reaching out to a firm. The*Legal Trends Report*found that a growing majority of consumers say they would look for their next lawyer online, increasing the importance of strong digital presence and client-facing technology.

Client perspectives have also changed fee structures. The traditional hourly billing model faces competition from more flexible arrangements, such as flat fees for specific services. Our *Legal Trends Report*revealed that 71% of clients would prefer to pay a flat fee for their

entire case, underscoring a demand for greater predictability and transparency in legal costs.

That's especially true during financially uncertain transitions like divorce. Legal technology solutions like Clio Payments enable these billing models by offering secure payment options that support diverse fee structures.

Technology and data-driven trends in family law firms

Technology is also transforming how family lawyers advocate for clients and build compelling arguments, especially with the rise of digital evidence.

Text messages, social media activity, emails, and other electronic communications now provide critical documentation in many cases. These digital breadcrumbs can prove behavior patterns in domestic violence cases, establish timelines in asset division matters, and support custody arguments. Lawyers who master digital evidence gain a significant advantage in both negotiation and litigation.

The data revolution extends beyond individual evidence to entire case strategies. Innovative firms now employ advanced analytics to predict outcomes and assess settlement options. By analyzing extensive data from historical cases, artificial intelligence tools can identify factors that influence decisions in specific jurisdictions.

This means that rather than making vague predictions, lawyers can now provide data-supported assessments of likely outcomes, timelines, and costs—transforming the client experience during an already stressful life transition.

For family law firms looking to stand out, technology adoption is increasingly a differentiator. AI-powered tools like Manage AI can handle routine tasks like calendar management and client updates, while Draft AI accelerates document production for divorce filings and custody agreements.

Final thoughts on family law statistics

The data paints a clear picture—family law is evolving rapidly in response to changing social norms and technological advancements. Staying informed about these trends is key for delivering exceptional client service.

From the growing prominence of gray divorce to the increasing role of technology, these patterns provide crucial context for your daily practice. By understanding the broader landscape, you can better anticipate challenges, set realistic expectations, and develop innovative approaches tailored to today's diverse family structures.

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Frequently asked questions

What percentage of families end in divorce?

Approximately 40% of marriages in the US still end in divorce, according to recent statistics. However, this represents a decline from previous decades, as people are marrying later and often cohabiting before marriage, which may lead to more stable marriages overall.

About Clio

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