



What 2025's California Family Law Appellate Decisions Reveal About Reversal Risk in 2026



Family law attorneys are used to hearing the same threat at the end of a tough hearing: “We’ll appeal.” While that threat can feel serious, it’s often just that — a threat. Clients will likely still worry that an appeal would unravel months of preparation and hard-won discretionary rulings, but in practice, most family law appeals never meaningfully threaten the underlying order. Against this backdrop, appellate courts focus closely on the record and apply deferential standards of review — leaving most judgments intact.

“The standard of review determines the outcome of many family law appeals,” said Garrett Dailey, author of [Attorney’s BriefCase](#) and Family Law Editor Emeritus at CEB. “When the standard is Abuse of Discretion, it’s very difficult in practice to convince the reviewing court that the trial court’s decision was arbitrary, capricious or exceeded the bounds of reason. Even imperfect trial court decisions often survive if they’re legally permissible. To win, an appellant will generally have to demonstrate that the lower court applied the wrong legal standard. The exception to this is contempt, a quasi-criminal proceeding where the court will strictly construe the underlying court order and require substantial evidence of a willful violation.”

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Recent family law appellate decisions offer important insight into how reviewing courts assess discretionary rulings, evidentiary decisions and procedural safeguards. A closer look at five key opinions from last year illustrates where appellate courts are drawing lines — and what family law practitioners should be mindful of at trial to preserve issues, protect support judgments and advocate effectively on appeal.



Five Lessons from Family Law Appellate Decisions in 2025

In 2025, appellate courts largely applied familiar principles: deference to trial courts, record-based review and preservation rules. These are the top five most common reasons behind family law appellate decisions last year.

1. Relying on unverified AI-generated authority

Case: [Noland v. Land of the Free, L.P. \(2025\)](#)

Few opinions landed with as much force as Noland, where the Court of Appeal sanctioned counsel for filing appellate briefs riddled with fabricated legal authority generated by artificial intelligence (AI) tools.

In Noland, the plaintiff appealed a trial court's grant of summary judgment on multiple employment-related claims. The Court of Appeal affirmed the judgment on the merits, finding no triable issues of fact. But the appeal took a turn when the court discovered the plaintiff's briefing relied almost entirely on fabricated legal authority created by generative AI tools such as ChatGPT, Gemini and Claude.

The plaintiff's opening brief contained 23 case quotations, 21 of which were false, and several cited cases either did not exist or did not address the topics for which they were cited. The court concluded counsel had used generative AI tools to draft the briefs and failed to independently verify the cited authority. After issuing an order to show cause, the court sanctioned plaintiff's counsel \$10,000, referred the matter to the California State Bar and held that reliance on fabricated legal authority renders an appeal frivolous.

The court was unambiguous in its opinion that while attorneys may use AI as a research or drafting aid, they must personally verify every authority cited. Using fake or unverified authority renders an appeal frivolous and warrants sanctions. Ignorance of AI hallucinations was not a defense.



Practice takeaway:

Do not shy away from using AI in your research or the preparation of your arguments. However, confirm every citation exists, the quotations from the case exist and the authority says what you claim and actually supports your argument. Courts will not excuse shortcuts.

2. Enforcing vague custody and scheduling orders

Case: [Houser v. Superior Court \(2025\)](#)



In *Houser*, the Court of Appeal annulled a contempt judgment against a parent accused of violating joint legal custody and scheduling orders by enrolling the child in sports and obtaining orthodontic treatment that occasionally occurred during the other parent's custodial time. The court ruled the findings could not stand because the parent did not personally schedule the dates or times of the activities — schools and coaches did. It also cited [Family Code section 3083](#) in finding the custody order failed to specify when joint parental consent was required. Without the clarity, the court ruled the orders lacked the specificity required to support sanctions.

This decision emphasizes that vague custody and scheduling orders invite enforcement errors. To avoid reversals, trial courts must draft orders with specificity and family lawyers should make sure custody terms clearly define decision-making authority to avoid contempt findings that cannot withstand appellate review.

Practice takeaway:

When a custody order is not crystal clear, contempt is a tough sell and increases the risk of appeal. CEB provides [form resources](#) to lay out clear, customized parenting plans that reduce the chance of future objections.

3. Misunderstanding valuation timing and record preservation

Case: [In re Marriage of Freeman \(2025\)](#)



Freeman is a reminder that many appeals fail not because the law is unclear, but because the trial court built a solid record. The appeal touched on several familiar pressure points in family law, including spousal support, property division and trial procedure, and the Court of Appeal found no reversible error.

The parties were domestic partners who later married and remained together for more than 15 years. Before the relationship, the husband purchased a Los Angeles rental property. During the marriage, community funds were used to pay down the mortgage, creating a partial community interest.

On the property issue, the Court of Appeal clarified how the [Moore/Marsden](#) rule works. The community's percentage interest is fixed at separation, but the property's value is generally determined as close to trial as practicable. Once that percentage is set, it is applied to the later valuation. The husband's appeal blurred that distinction, and the trial court's methodology was affirmed.

The appellate court also upheld the permanent spousal support award. The supporting spouse argued that the court relied too heavily on Xspouse software and the temporary support order. The statement of decision showed the court carefully applied the [Family Code section 4320](#) factors, using Xspouse and the temporary order only for context. That distinction mattered.

Finally, the court rejected a due process challenge based on the limited time to question witnesses. The parties had agreed to split trial time and were instructed to track it themselves. When one side ran long, the other never objected or asked for more time. On appeal, that silence proved fatal to the claim.

Practice takeaway:

Appeals often turn on the record, not the rhetoric. Clear findings, a detailed statement of decision and timely objections remain the strongest defenses against reversal.

4. Treating statutory ambiguity as a shield

Case: [In re Marriage of Nelson \(2025\)](#)

Nelson clarifies an issue that often unsettles practitioners and clients alike: When spousal support is meant to last for the life of the recipient, can a court require meaningful security to ensure it actually does?

After dissolving a long-term marriage in which the wife spent her prime earning years as a stay-at-home parent, the trial court ordered the husband to establish a \$3 million trust under [Family Code section 4360](#) to secure lifetime spousal support. The court relied on the parties' starkly different financial realities – the husband's net worth exceeded \$24 million, while the wife's assets were comparatively minimal.

The Court of Appeal rejected the husband's argument that the order conflicted with [Family Code section 4337](#), which provides that spousal support terminates on death. The court said section 4360 does not extend support beyond death or create an obligation for the estate. Instead, it allows courts, while the supporting spouse is still alive, to require reasonable security to ensure existing support orders can be fulfilled. The court also rejected the argument that section 4360 is considered a "drastic remedy" simply because few cases addressed it.



Practice takeaway:

Ambiguity does not protect an order. When long-term support is contemplated, lawyers must address – early and explicitly – if and how that support will be secured. Otherwise, it will terminate on the death of the payor.

5. Raising arguments too late

Case: [In re Marriage of DeBenedetti & Ensburg \(2025\)](#)

DeBenedetti affirmed that Qualified Domestic Relations Orders (QDROs) can be used not only to divide retirement assets, but also enforce reimbursement awards arising from breaches of fiduciary duty.

After finding that the husband concealed and squandered community assets, the trial court ordered more than \$2 million in reimbursement and attorney fees. The court enforced the award through QDROs against the husband's ERISA-governed retirement accounts.

On appeal, the husband argued that QDROs could not be used to collect damages and the retirement accounts had not been properly valued. The Court of Appeal rejected both arguments, noting that valuation challenges raised for the first time on appeal are forfeited.



Practice takeaway:

If a theory matters, raise it early, preferably during trial. Appellate courts will not rescue issues that were never squarely presented below.

Practical Safeguards

Family lawyers can meaningfully reduce appellate exposure by focusing on a few core practices:

- ✓ Identify the issues, marshal the evidence and present it clearly
- ✓ Flag unsettled authority early and address it directly
- ✓ Build findings into the record, not assumptions
- ✓ Preserve objections and arguments – even under time pressure
- ✓ Verify every citation personally
- ✓ Request Findings or Statement of Decision and ensure it supports the orders
- ✓ Draft orders with enforcement in mind

These safeguards are especially critical as family law authority continues to evolve.



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