

How To Avoid The Hazardous Effects Of Social Media On Divorce

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Social media has become a major part of our daily routines. Recent research estimates that 76% of Americans have at least one personal social media profile, and evidence suggests that this number will continue to grow for the foreseeable future. Social media affords us the ability to stay connected with friends and family, especially those who you may not see as often as you would like.

So when it comes to family law and divorce it should come as no surprise that social media has become an entirely new challenge in the process. Evidence from social and digital platforms is increasingly being introduced in divorce, custody and child support cases. An increasing number of judges are allowing screenshots of social media posts, email messages or photos to be admitted as exhibits. A recent survey conducted by the American Academy of Matrimonial Lawyers reveals that 81% of its members have used or encountered evidence coming from social media in the course of their practice.

How can you avoid the hazards of social media when it comes to your own divorce?

The ideal scenario would be to totally avoid or drastically limit the use of social media for the life of your case. There is a risk that even the most benign posts could be misconstrued and be used against you. More often than not, the potential benefit of the post is outweighed by the harm that could come from it.

If total avoidance is not realistic, then it is crucial to let common sense dictate your social media actions. Assume that anything you post is public and permanent—even something you put up and quickly delete can be screenshot, saved or shared without your knowledge. Consider the long-term ramifications of what you are putting out to the world BEFORE you post or hit send. If you wouldn't

want the judge in your case to see it and read it to a full courtroom, don't do it.

More specifically, keep the following things in mind when it comes to your social media activity:

- Check your security and privacy settings. Make sure you have the highest level of privacy locked in on all social media platforms and make it a habit to check your settings regularly. Also be mindful of the fact that just because you have the highest privacy settings on your social media profile does not mean that a post may not reach an unintended audience.
- Keep a low profile. As tempting as it may be, social media is not the place for you to boast right now. When child support or other financial decisions are pending, sharing photos of your new car or bragging about a new promotion at work would be ill-advised. Snapshots of a recent vacation may belie your claimed income level or need for financial maintenance or child support.
- Similarly, avoid detailing every move you make on social media. As innocent as it may seem, checking in at the nightclub you visited last night or posting pictures of alcohol consumption while your children are in your care could call into question your lifestyle choices and/or your suitability as a custodial parent.
- Resist the urge to reach out. Again, although you may be tempted, social media is not the place to vent about or berate your soon-to-be ex, regardless of how you feel or what he or she has done. Remember that even if your ex is blocked from your social media accounts, mutual 'friends' or family may be sharing or capturing anything you post. And by all means, do not engage in a public argument or exchange with your ex on any social platform. Further, avoid sending excessive texts, emails or messages to your soon-to-be ex, and stay away from any language that could be construed as harassing and/or threatening.

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The bottom line is this: when it comes to navigating the world of social media when going through a divorce or custody case, less is more and let common sense rule everything you do. The best case scenario is to avoid posting to social media during the pendency of your case. To the extent you want or need to post something, assume every picture, post, snap, story, tweet or text message is public –regardless of your privacy filter settings– and that your soon to be ex-spouse, their family and friends, and, ultimately the Judge deciding your case will see each and every one of your social media posts.