

My Soon-To-Be Ex Is Bashing Me On Facebook. What Do I Do?

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Dear Ask the Attorney:

My wife and I have decided to get a divorce. It was a mutual decision. We have two young children. I thought it was going amicably but recently found out that she has been saying the most horrible things on her Facebook page about me, my parenting skills, and how my children do not want to be with me any more (which isn't true). I do not have access to her Facebook posts because she has blocked me, but mutual friends have told me about it. What should I do?

H.W.

Our guest blogger is Jennifer Fortunato, Esq., a member of Einhorn, Barbarito, Frost & Botwinick, PC's matrimonial department and counsel to the firm. She devotes her practice exclusively to family law matters.

Dear H.W.:

It is not unusual for people to post personal information on the Internet these days. However, personal information posted on social media sites can be used by you (or your spouse) during your divorce proceedings and even after you are divorced.

In response to your above question, first, ask one of your friends to print out your wife's Facebook posts so that you have proof what she has been posting about you. Then, if you want to be aggressive, you should have your attorney file an application with the court asking the court to stop your wife from making such statements to third parties, your children and from posting such statements on her Facebook account and anywhere else on the Internet. You should also ask that your wife be required to retract her statements on her Facebook page. You should attach a copy of your wife's Facebook posts to your application to prove to the court that this is occurring.

If you want to take a less aggressive approach, have your attorney send her attorney a letter (if you do not have an attorney at this time, then you can do so directly) requesting this relief and see what she does. If she follows through with what you request, then you do not have to file an application. However, if she ignores your requests, then you should file an application to the Court for the relief set forth above.

Divorce is hard enough without social media outlets allowing people to vent all of their personal information; you should seek the help of a competent family law and divorce attorney to help you in this situation and going forward—even if the divorce is, as you had thought, amicable.