

# Smart Sharing

Five ways that social media can impact your divorce.

BY SARAH DARNELL

Most people have some sort of social media account. In fact, many people have multiple accounts. We all know those people who post every moment of their day, from what they eat to where they go and who is with them. Your social media posts will more than likely be used as evidence, either for or against you, at a hearing or trial in your divorce case. Therefore, it is important to keep these five things in mind when posting on social media when contemplat-

ing a divorce or in the process of a divorce.

## Creating Evidence Against Yourself

Every time you post something on social media, you could be creating evidence against yourself. Often in divorce cases, the opposing party uses photographs, posts, or messages as evidence in the divorce. This evidence is frequently obtained directly from your social media account. For example, photographs of you on a night out drinking and partying when the children are in your care will most certainly be used against you in your divorce case. Before you post something on social media, you must consider how it could be used against you in your divorce. When in doubt, don't post.

## Creating Evidence That Benefits Your Case

Just as your social media posts can have a negative impact on your case, they can also benefit your case. If there are children involved in your case, it could be beneficial to post photographs of you with your kids. This evidence can be used in your case to show your level of involvement with the children. If there is a dispute regarding whether you attended an open house at school or an extracurricular activity, photographs or check-ins on your social media that can place you at these events could be helpful to your case.

## Impact on Court-Appointed Experts

In addition to your social media posts being evidence at a trial or hearing, they will also be provided to court-

appointed professionals involved in your case. If the court orders a child custody evaluation, a psychological evaluation, or a substance abuse evaluation, your social media account information will be provided to this expert to consider. For example, if you are ordered to submit to a substance abuse evaluation, the posts of you with alcohol will very likely be provided to the expert conducting the evaluation.

## Don't Repeat Because You Can't Delete

If you have photographs or posts on social media that contain negative information, you cannot delete the posts. Most counties have standing orders that prevent you from deleting any information from any of your social media accounts during your divorce. If you have potentially negative evidence, the best way to deal with it is to start posting photographs that are positive. You may want to post photographs of you with your children or of you in the community doing volunteer work.

## Be Smart About What You Post

When you are going through a divorce, everything you say and do is placed under a microscope. The opposing party is looking at your social media even if they are not a "friend" of yours on Facebook or if they do not follow you on other social networks. The opposing party knows how to gain access to your social media accounts and could ask you to produce your social media account content. Simply stated, be smart about what you post. **TBJ**



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