Social media advice from a Separation Lawyer – The Do's and the Don'ts

Date : July 27, 2018

It is not uncommon for today's generation to voice their opinions across various social media platforms such as Facebook, Twitter, Instagram and Snapchat. However, when it comes to family law matters a line needs to be drawn between posting harmless, entertaining posts and airing your ex-partners dirty laundry for all to see or badmouthing them so all your mutual friends know who the real "bad guy" is in the breakup. Although many perceive social media as a tool to catch up with friends, view the latest funny videos that everyone is talking about and to just spend some time out doing mindless scrolling, social media activities from the perspective of a separation lawyer are quite different.

Separation lawyers see social media as an avenue for evidence to be gathered and presented in a family law matter. Social media posts often lack privacy, and thus are accessible to people who could use posts to support their case.

They are permanent, once something is on the internet it is not hard for it to be retrieved as even deleted posts are not completely gone and could make a re-appearance in your ex-partner's affidavit.

Social media posts have been used as evidence for numerous reasons. A separation lawyer may use such evidence as a way to illustrate:

- The character of a person
- A parties fitness to parent
- Intentions of a party
- Evidence of a relationship
- Family violence
- Alcohol or drug use
- Inappropriate language
- Ability of parents to communicate and co-parent effectively
- Threats

Tips from a separation lawyer for using social media during a separation

1. **Don't mention anything about the Court proceedings under any circumstance –** Some posts that disclose evidence in Court proceedings can result in a prosecution (Section 121 of the Family Law Act).
2. **Think before you post –** Before you post anything consider if what you are about to post could be considered as inappropriate or offensive and how the Judge might view it. Take into account any possible consequences of the post, particularly those made in the heat of the moment. You can't control the other parties online actions, however you are able to control your reactions and not retaliate.

3. **Practice good netiquette –** Netiquette is defined as rules for acceptable online behaviour. This means ensuring that anything you post or send over social media or through text message uses appropriate language and emoticons/emojis.
4. **Do not post any defamatory or offensive comments or photos**
5. **Do not overshare –** Parents need to be careful about what they share in relation to their child/children, such as photos, particularly where the other parent is against posts about the child/children.
6. **Supervise your children –** Be aware of what social media platforms your children may be using and what they are viewing and posting online**.**
7. **Manage privacy settings –** Regularly review your privacy settings to make sure your accounts are private. Change any social media passwords that your ex-partner may know.

Social media and electronic communication methods can present both advantages and disadvantages. If the other party engages in inappropriate social media use, make a record of it but do not retaliate. It is vital to keep the above tips in mind especially when involved in Court proceedings as things said or posted online may have real life ramifications.

Speak to a separation lawyer from our family law team for further information.

Contact us on 1800 300 170 or email us at familylaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.