

TEXT, EMAIL & SOCIAL MEDIA TIPS

IN FAMILY LAW CASES



Texts, Emails and Social Media posts are important evidence in family law cases. A single text message or Instagram post can change the outcome of your custody or divorce case. If you are in the middle of a custody dispute, your life is under a microscope. Assume that someone is watching your online and offline actions. Don't sabotage your case by posting an inappropriate photo or sending a nasty message to your spouse. In the alternative, texts, emails, and social media posts can be an arrow in your quiver. You must take great care to ensure you preserve the message or image for use at trial. Image is everything in custody and divorce cases. The following are some tips to ...

1. Assume that your social media posts, texts and emails are going to appear in your custody or divorce case. Do Not post anything you would not want a Judge (or your mother) to read.
2. Do Not post pictures of you doing illegal activities or things that suggest illegal activities. For example, Do Not post a picture of you wearing a t-shirt with the image of a marijuana leaf.
3. Do Not stalk your ex online. This serves no productive purpose and will only amplify your emotions.
4. Do Not send ranting emails to your ex. Additionally, Do Not curse or call your ex inappropriate names in a text, email or social media post.
5. Do Not post pictures of new purchases or vacations. These can be used against you in support or property division cases.
6. Do Not post pictures of your new girlfriend or boyfriend. While you may have happily moved on, your new lover will almost always be used against you by your ex.
7. Do Not vent about the court proceedings. There is no faster way to upset the judge or show a lack of maturity than to vent about the judge on the internet.
8. Be careful who you "friends" are. Many may be in your ex's corner. More than one case has been won by a friend who was a mole for your spouse.
9. Change your privacy settings to limit the number of people who can view your social media posts.
10. Back up any text messages, emails or social media posts. If possible save the posts in native format and back up using a cloud based service like Google Drive or iCloud.
11. Don't try to "fake" it. Obsessively posting photos of you and your children once papers have been filed is not going help your case.
12. Along with faking it, don't lie or misrepresent yourself online. This could result in impeachment evidence that will undermine your credibility and your case.
13. If in doubt don't post it or send the message.
14. Don't assume you know how to make yourself "look good" online. Consult an attorney to discuss your social media presence.

If you or someone you know needs assistance with a custody or divorce case, please schedule a consultation at (804) 668-5327 to discuss the details of your case.

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