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Social Networking Sites: Careful What You Post, It Can and Will be Used Against You by Your Ex!

With the enormous technological advances and explosion of the internet during the past few decades, New Mexicans are able to exchange more information and communicate more effectively than ever before. Access to the internet can be an amazing tool, for instance, it can help you research a variety of legal topics, including family law blogs like this one. However, the posting of personal information on blogs and social networking sites like Facebook and MySpace can sometimes pose a problem in family law cases. This is particularly so in contested divorce and child custody cases.

Imagine two parents engaged in a fierce child custody battle wherein each parent alleges that the other is unfit to raise their children. If one parent, or their friends, posts pictures of a weekend party with that parent consuming alcohol, or engaging in other potentially dangerous or unsavory behavior, that post could easily find its way into the hands of the other parent. In fact, one is safe to assume that it will.

In turn, that post can be presented a custody evaluator or Guardian Ad Litem in charge of making a recommendation to the court with respect to custody. Likewise, the evidence will eventually be presented to the judge if the case makes its way to trial. This is also true of negative comments made about the other spouse on a blog or during a Facebook chat. The opposing party may even be able to find out the other party is misusing community funds or hiding assets based on what they say in internet postings. Just as the internet can be a great way to research legal topics or sports trivia, it can be an excellent way for opposing parties in court cases to investigate each other's habits, friends, associates and activities.

Any party to a family law proceeding, whether it is a divorce, a paternity action or a renewed dispute over child custody and/or child support, should consult an experienced divorce and family law attorney immediately. As part of that consult, parties should advise their attorney of any information about them that may be available on the internet. Some attorneys advise parties to completely discontinue use of blogs and social networking sites until a divorce action is completed, or at the very least make sure that privacy settings are set as high as possible.

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Remember that everything a party posts on the internet has the potential to be reviewed by the public and, in turn, is most likely admissible in family court proceedings, which can be very damaging. The best policy is to resist the urge to share on social networking sites. As good as it might feel to share your innermost thoughts, the internet is not an intimate conversation. Instead, it is a public forum and should be treated as such.

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