

Facebook, Twitter, and Other Social Media a Party's Best Friend or Worst Nightmare in Family Law

Any matter pending in a family court is emotional and difficult for both parties. There are all types of cases that are heard by family courts: divorces, child custody and visitation, child support, paternity, and many more types of cases. Within these types of case, many issues are addressed, such as property division, the income and financial needs of a party, and the suitability of a party to parent and care for children.

Like in any other court of law, each party in any family court case has to prove his or her case with evidence. Increasingly, social media, such as Facebook, Twitter, Instagram, and other social media sites are being used as evidence in these cases. This evidence can be the best friend of the party offering the evidence, and the worse enemy of the other party. But how is these social media sites being used?

For cases involving child support and alimony, or any other aspect that includes the financial needs of a party, these sites can be used to show that a party is actually working, when that party claims to be unemployed. For example, a husband may post a picture of himself at work with some co-workers, when he is telling the court that he doesn't have a job. Or, a parent may post a status update that they have switched employment, when they are claiming to be unemployed. These posts can be used to contradict a claim that a party is unemployed or underemployed.

Similarly, if a party is saying that he or she needs additional support because they cannot meet their basic needs, or the children's basic needs, and then proceed to post a picture of their new Mercedes or their recent trip to the Caribbean, that can be used against that party to show they have sufficient income to meet their needs.

In child custody and visitation cases, photos posted by a parent while doing something inappropriate, such as using drugs, having the child pose and pretend to drink an empty can of beer, can be used against that parent to show they have bad judgment and inferior parenting skills. Or, if a parent posts disparaging comments about the other parent on Facebook or Twitter, those comments can be shown to the court to show that this parent doesn't truly intend to work cooperatively with the other parent.

Some people may ask how this information on social media gets back to the other party in these cases. It all comes down to privacy settings and who your friends are. If two spouses or parents have common friends on Facebook or Twitter, then a common friend may share this information. Or, if a parent or spouse has lax privacy settings, then the other parent or spouse can simply access this information on their own.

Ultimately, the rule of thumb is be careful what you post on social media if you have a case pending in family court. What you say and post can be used against you if you are not careful.