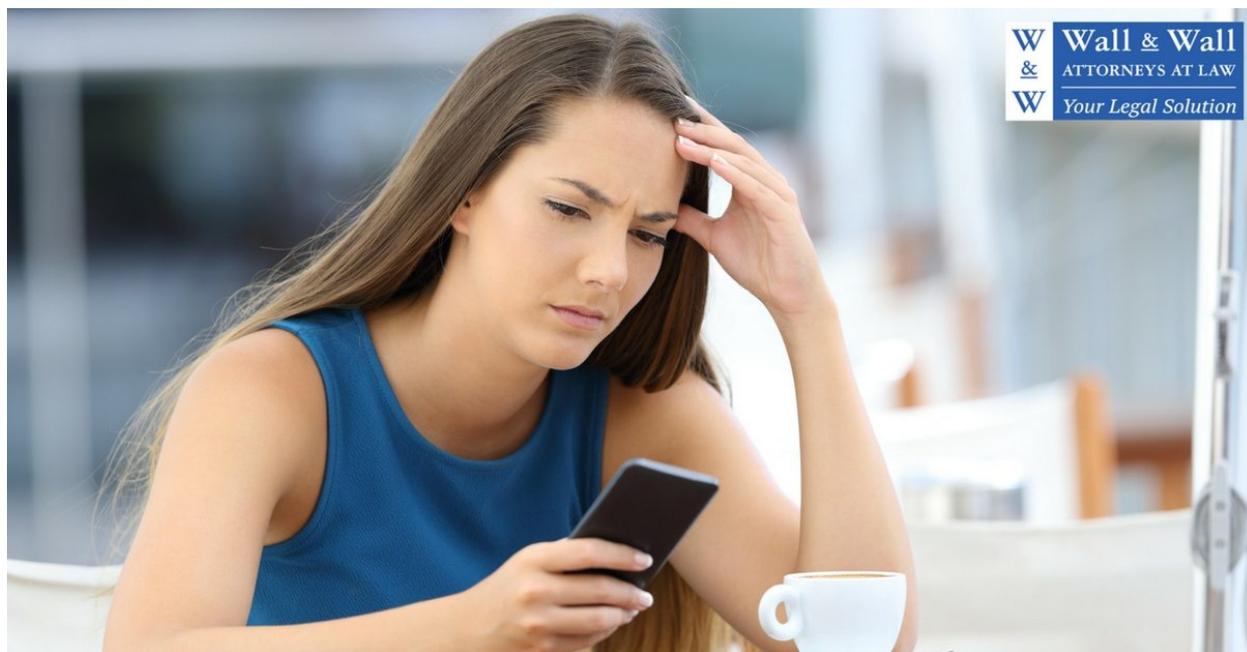


# How Social Media is Killing Your Divorce Case

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## inShare

Social media plays huge role in our society, from Twitter to Facebook to a plethora of other platforms and apps. Increasingly, social media is also having a big impact on the practice of law. **Lawyers have discovered that social media provides a gold mine of evidence that can be used in court.** In contested divorce cases, evidence about a party's character, physical or mental condition, relationships, and even whereabouts at any given time can all be found on their social media accounts and used **against them** by the other party.

***Anyone going through a divorce should be extremely cautious about putting their personal information online.***

## How Your Social Media Information Can Be Used Against You

It isn't fair, but if you are going through a divorce, expect your ex's attorney to comb through your social media profiles and accounts looking for useful evidence. Here are just a few ways that your social media information could be used against you:

- **Social media can be used to attack your character.** In divorce cases, the character or "moral fitness" of the parties is often an important issue. This is especially true when child custody is an issue. Social media information depicting alcohol or drug use can devastate a claim for child custody. Even if you think your social media shows nothing but innocent fun, remember that it can be taken out of context and presented to the court in a way that is misleading.
- **Social media can be used to contradict your testimony.** Information from social media can be used to rebut your testimony or contradict your factual assertions. In some cases, a person is telling the truth, but a post, comment, picture, or video on social media makes it seem like they may be lying.

- **The other side could be getting confidential information about your case.** All of your thoughts, feelings, and especially plans for the divorce should be kept confidential. Anything your attorney tells you about your case is between you and them and nobody else. If the opposing party is able to get details about your arguments or plans from your social media it can hurt your case significantly.

Also remember that information about you posted on **other people's** social media could be used against you as well. While you can't always stop other people from tagging or depicting you in their social media, you should remember this risk and do what you can to avoid anything incriminating about you from finding its way online

## Beware: Ask Your Lawyer Before Deleting Any Social Media Information

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After learning how damaging social media information could be to their divorce case, the first impulse many have is to delete all incriminating posts and pictures. **However, it is important for parties to avoid destroy evidence that is relevant to an ongoing, pending, or prospective divorce case.** Doing so is considered a type of misconduct known as spoliation. In at least one recent the case, the Virginia Supreme Court sanctioned a party and his lawyer for committing spoliation by "cleaning up" the party's Facebook page before complying with a discovery request. This outcome is obviously something anyone going through a divorce wants to avoid.

## Social Media Best Practices When Going Through a Divorce

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**The best practice is to abstain from social media use as much as possible** If you choose to continue to use social media, do so carefully, and make sure you discuss your social media activity with your divorce attorney to ensure you aren't doing anything that could come back to harm you.

## Receive Experienced Representation from SLC, UT Divorce Attorneys at Wall & Wall Attorneys at Law

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For more information about this issue, or if you would like to schedule a consultation to discuss your case, contact our experienced Salt Lake City, Utah divorce attorneys at Wall & Wall Attorneys at Law today. Give us a call at **801-948-2188** for a **free consultation**.

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