

# LAW OFFICES OF JASON I. FLYNN LLC

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## **SOCIAL MEDIA & DIVORCE**

81% of American Academy Matrimonial Lawyers have used or encountered evidence derived from social media websites. You do not want to give the other side any evidence from your social media accounts that he/she could use against you. When in doubt, delete and/or close down your account. You can always re-open them after your divorce is finalized. Do not use Social Media to vent or for therapy.

### **Tips for Social Media Users:**

Mind your Manners:

- Do not use social media to air grievances about your [soon-to-be] ex, lawyer, court, in-laws, etc.
- Do not use social media to ask legal questions. This includes not posting questions to Facebook groups. Example: a parent should not query of a Facebook group whether it is fair that the other parent was 10 minutes late to drop off the children after visitation; or whether a parent needs to continue to pay child support when the other parent recently inherited a large sum.
- Making untruthful comments may lead to a lawsuit against you for libel.
- Even when a post may not reach the threshold for damaging evidence or libel, it could compromise your settlement positioning and / or damage your image before the Court.

Lay Low:

- Avoid 'checking-in' to any locations, including work, recreational activities and vacation.
- Avoid posting pictures of yourself or your children at events and gatherings, such as a ball game, charity ball, or a birthday party at a bar.
- Do not post anything that can easily be misunderstood. Example: a picture of a child napping next to an empty beer bottle with the caption, 'Mother of the Year' or choose a Twitter handle that could be misunderstood.
- Choose your words carefully, and try to make sure they cannot be misinterpreted and would have no value as evidence in your divorce case.

Privacy Settings

- Check your settings to determine if your profile is open or more limited.

- You may want to unfriend your [soon-to-be] ex and his/her family, and even block them from seeing any of your posts, photographs, etc. If any of these people are not blocked, then they will be able to see any of your posts, whether on your own timeline or someone else's, including the post at 3:30 a.m., "Had 5 too many shots of tequila tonight with \_\_\_\_ (insert your name)".
- Consider how you want to handle any mutual friends, and whether you wish to unfriend them, block them, etc. – again, this can be temporary in nature until the proceedings and settlement are concluded
- Consider limiting those who can contact you and/or look you up to individuals who are 'friends of friends'.
- Review your privacy settings on all social media accounts, and make sure all of your posts are private, including any subsequent updates.

#### Checking-In

- If your timeline contains location/ check-ins, it allows your [soon-to-be] ex to create a narrative and timeline of your life. Do not provide allow him or her to collect this information; do not check in.
- Disable the function which allows others to check you in at a location.

#### Personal Information

Do not update your relationship status, including 'in a relationship', 'it's complicated', 'in an open relationship', etc. until the proceedings / settlement have been finalized. **SOCIAL MEDIA & DIVORCE**

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In addition to concerns regarding social media, we also recommend making numerous other changes. While the following may be inconveniences and/or time-consuming, these will keep you and your loved ones safe and protected:

- Change all passwords to your emails, social media accounts, online banking, and other sensitive data.
- Speak with your bank(s) about obtaining new account numbers, including checking, savings, credit cards, etc. (Please note that if you have any automatic payments set up, such as EZ Pass, cell phone, utilities, etc., you will need to update your payment information with the new account number.)

- If possible, set up an entirely new email address, especially for the purpose of communicating with your divorce lawyer, therapist or anyone else involved in the situation.

In conclusion, do not give the other side any evidence that could be used against you. Before pressing “Post” or “Send”, think to yourself, “Would I want the judge presiding over my divorce to see this?”

The lawyers at the Law Offices of Jason I. Flynn are here to assist you in resolving your matter, either through mediation, out of court settlement negotiations and / or in Court.

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