



## **Don't air your dirty laundry in public - social media and divorce**

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The vast majority of us now have a number of social media apps, including Facebook, Instagram and Twitter downloaded onto our smartphones. When going through a divorce it can be wise to think carefully about the use of such apps and about use of technology more generally.

### **Change your password**

It is common for spouses to know (or be able to easily guess!) one another's frequently used passwords and to have freely shared access to photos and accounts during a marriage. When a relationship breaks down it makes sense to change passwords to prevent your former partner from accessing your social media accounts. The same applies to e-mail passwords to ensure that these are kept secure.

Conversely, if you know your ex-spouse's password do not fall into the temptation to access their social media accounts illicitly. This may cause you to fall foul of privacy laws and could lead to civil proceedings being brought against you.

### **Make sure your privacy settings are high**

When going through a divorce it is a good idea to "unfriend" your spouse and set your privacy settings to high so that they cannot see your social media posts.

It may be an appropriate moment to consider your contact list generally on platforms such as Facebook. You may have had a wonderful relationship historically with your ex-partner's siblings or parents but post separation culling these ties may be appropriate. These individuals may find their loyalties lie with their blood relations and feed information back to your former spouse.

The same applies to the networking website LinkedIn where particular care must be exercised. It is possible via this app to view who has looked at your profile unless your browsing settings are set to anonymous. This can be embarrassing for the husband or wife who looks up her ex-spouse's new partner and gets caught out.

Also be aware of posts made by friends and family, particularly being tagged in a photograph. Being tagged in someone else's photograph can inadvertently reveal a new relationship for example. It is possible to disable the ability to tag within your settings.

### **Consider the appropriateness of your posts**

Even if you are able to stop your former partner from having direct access to your social media posts this does not mean that they may not hear about them from mutual friends. It is wise to avoid posting on social media anything inflammatory about the divorce and especially about children. A good rule of thumb is not to post anything that you would be embarrassed to have a judge read out in court. The same applies to e-mail communications which will frequently be admitted into evidence.

Also bear in mind that attention may be given to comments that you have made on posts made by others as well as those generated by you. In her divorce from Ant McPartlin Lisa Armstrong was widely perceived as the wronged party. She said little publicly herself but liked a number of tweets criticising her former spouse and his new relationship with their former PA thus making her feelings very clear.

### **A picture tells a thousand words.....**

Equally this applies to images. There is little merit in making arguments about struggling to make ends meet on inadequate maintenance if one is then photographed on social media engaging in shopping sprees. Or alleging that one cannot pay school fees when social media shows lavish expenditure on holidays for example. Equally individuals have been caught out arguing that they are unable to work due to disabilities and then have undermined their case by posting gym selfies on social media.

Most importantly, if you have children, make sure your social media posts align with the image you want the court to have of you. You may be enjoying post separation nights out but you don't want pictures to suggest that you are anything other than a good and stable parent.

### **Delink accounts**

Make sure that your e-mails and messages are not linked to a child's or family iPad that your former spouse has access to. You don't want a message to pop up on screen when your former partner is watching something on the iPad with a child during contact..... The same is true for photographs so remove yourself from the family cloud and deactivate the "Find My Friend" function which would enable your former spouse to find out where you are at any given moment.

### **Consider your language**

So much of our communication now takes place via informal channels such as WhatsApp and email. Great care must be taken to avoid informality where it is not appropriate or to send instinctive and emotive replies in the heat of the moment.

### **Think of the children**

Children are incredibly tech savvy these days and can manoeuvre their way around the internet and electronic devices adeptly. It is difficult to entirely eradicate evidence of a post (for example, it is possible to make a request to Instagram to retrieve material that has been deleted). If children encounter their parents engaging in online warfare via social media or via electronic messaging it could be incredibly damaging for them.

### **Conclusion**

It may be tempting to vent your frustrations at your former spouse on social media but it is likely to backfire. Instead maintain your privacy and conduct yourself with dignity by refraining from posting anything that could be used against you. Imagine that a judge is reading your posts or messages over your shoulder and do not to post anything that you would be embarrassed for them to read out in court. Or, in an ideal world, take a complete break from social media for the currency of the proceedings.

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Kelly is a specialist family lawyer and part of the firm's top ranked Family department that focuses on providing specialist advice on all areas of family law, including divorce, financial provision, cohabitation, children arrangements, civil partnerships, inheritance claims, surrogacy, adoption, fertility and modern family, and pre and post-nuptial agreements. The team works for a variety of high net worth and ultra high net worth clients on both contentious and non-contentious matters, including those with a complex international angle. Clients highly value its exceptional level of service, astute financial acumen and unparalleled levels of support and is recognised across the industry as one of the best family teams in the UK.