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Facebook Fights: When Divorces Spill Online

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There has been a considerable amount of interest in June 2011 in the somewhat bizarre Facebook interaction between Angela Voelkert and her ex-husband David.

Angela created a fake Facebook account in an attempt to get information out of David. Her plan seemed to be working perfectly, until David revealed his plot to kill Angela. After the police became involved, it was revealed that David had known it was Andrea all along and was punishing her for her deception, with no intent to harm her.

While this is an extreme case, it does draw attention to the growing importance of social media in the Family Law system.

Admissibility of Surreptitious Information

It is tempting for many people involved in a divorce, separation, or custody battle to try and gather information about their spouse. Hacking into a spouse's e-mail or Facebook account may seem like a good way to obtain valuable information, but this impulse should be resisted.

In the case of *Rosen v. Rosen*, a husband attempted to submit an e-mail to the court, given to him by the couple's daughter, that revealed his wife's infidelity. The court rejected the e-mail as irrelevant and made it clear that such actions were not appreciated by the court.

Tripping on Your Social Media Footprint

While information obtained surreptitiously is not usually admissible, there is a lot of information which individuals put online voluntarily. Social media has become a gold mine for biographical evidence, and has been brought up in countless family disputes.

In the case of *M. (J.) v. D. (A.)*, the court gave substantial weight to a father's angry Facebook posts disparaging his ex-wife. Since his child was one of his Facebook friends, the court used this as evidence indicating that he was exposing his child to parental conflict.



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Social Media can ruin an individual's credibility. For example, a business person might claim in court that his or her company is struggling and be found bragging about their success on Twitter, or an individual might claim to be unemployed while their LinkedIn profile states otherwise.

Although it's tempting for individuals to air their grievances during a divorce on their favourite chosen social media site, such communications are not private and could be used against them.

People should strive, as much as possible, to be consistent. If you try and deceive the court, it's likely that your own social media footprint will reveal your deception.

Some Things Never Change

Social media is an issue which the courts are still trying to grapple with.

However, the best thing to do to avoid any problems is simple and completely low-tech. Being honest, reasonable, and respectful during a family law issue will ensure that there are no dangerous contradictions or damning evidence online.

Instead of expending the effort to create fake Facebook profiles or internet sleuthing, individuals would be better served in attempting to reduce the hostility in their divorce, especially if children are involved.

One must wonder what might have happened had David stated that he felt bad about his divorce and had fond memories of Angela. Certainly, she would not have called the police and she may have had better feelings toward him, which may have resulted in a more favourable settlement for David.