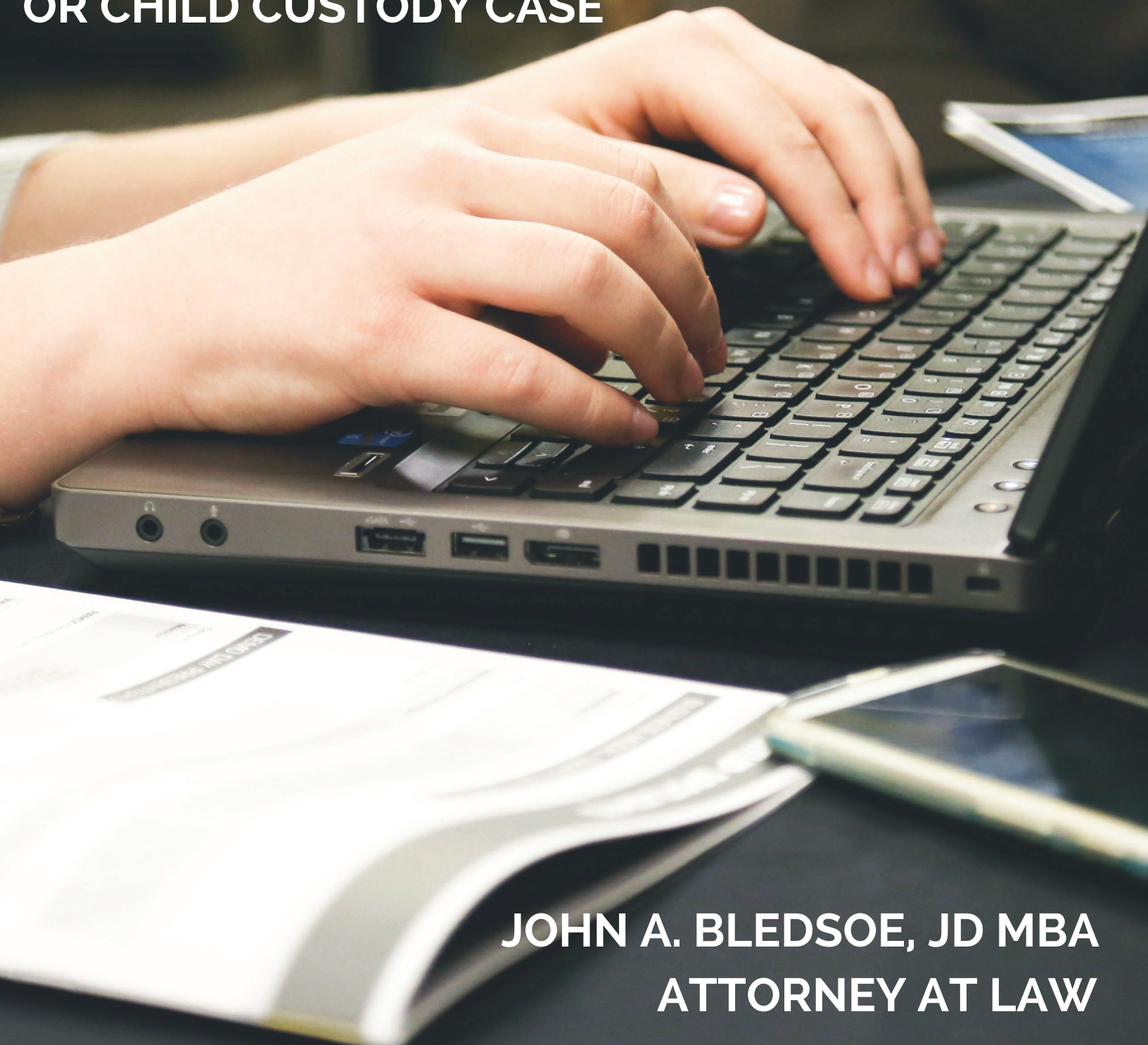


THE SEVEN DEADLY SOCIAL MEDIA SINS YOU MUST AVOID

DURING YOUR DIVORCE
OR CHILD CUSTODY CASE



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TABLE OF CONTENTS

Content Note & Disclaimer	2
Introduction	3
Social Media Sin Number One	7
Showing off your wild side	7
Social Media Sin Number Two	12
Facebook isn't your therapist	12
Social Media Sin Number Three	14
Don't talk about your case (or your ex) online	14
Social Media Sin Number Four	16
Don't ignore (or rely) on privacy settings	16
Social Media Sin Number Five	18
Don't ignore the peril of careless posts from others	18
Social Media Sin Number Six	20
Don't assume something will dissappear just because you delete it	20
Social Media Sin Number Seven	21
Don't delete your Facebook	21
Should I monitor my Ex-Spouse Online?	22
Conclusion	23
About the Author	24

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INTRODUCTION

Once the domain of college aged kids, Facebook, Twitter, Instagram, and other social networks are now used by nearly everyone.

We enjoy reading about what is going on in the lives of our social media contacts. Likewise, we want to share our own triumphs and even disappointments to our friends who are usually very supportive. We give and receive support, sympathy, and fellowship online. We celebrate our lives and the lives of people in our network.

Unfortunately, there are also negative consequences of social media sharing. College admissions have been revoked, jobs have been lost,

families have been torn apart—all because of things people have unwisely shared on social media. If you anticipate being or have previously been involved in a family law case, especially a battle for child custody, you need to be extremely careful about how you use social media.

You may be involved in a divorce or paternity case that is an open case (it has not yet been resolved by a judgment). Alternately, your case may have already been resolved by the entry of a judgment by a court. If you have children under the age of 18, the court who issued the judgment in your case maintains the jurisdiction (or the ability to make rulings) over the custody and support of those children.

As long as children are under 18 years of age, the existing parenting schedule is subject to being changed or modified by the Court if such a modification is deemed to be in the children's best interests.

For all practical purposes, until your youngest child is a legal adult, as a parent you are still "under the microscope."

This is particularly true if the other parent of your children was or is dissatisfied with the amount of access they have to the children. Mistakes or missteps by parents can result in the other parent seeking a change in the existing custody order. *Your conduct and lifestyle will likely be carefully scrutinized by the*

Court. You will need to mind your online presence accordingly. As a wise man once said, "prevention is better than redemption."

To the extent that you post on social media, your life is an open book. People who you consider your friends may also be friends with your ex. They may decide to report to your ex on anything you post that they deem questionable.

Let's discuss seven social media mistakes parents can make that can irreparably harm their child custody and divorce cases.

SOCIAL MEDIA SIN NUMBER ONE

SHOWING OFF YOUR WILD SIDE

The first careless mistake people make is letting their wild side show too much.

It is natural to want to share a photo of an elegant restaurant meal where alcohol may have been served or upload a snap of your fancy cocktail to Instagram. That shouldn't be a problem, right?

Wrong.

Seemingly innocuous photographs of a parent just having a good time can be blown way out of proportion. **What you enjoy in a completely legal adult environment away from your children who are then being well cared for can easily be**

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misconstrued or completely blown out of proportion by the other parent or a court expert in a custody battle. What seems fine on a Friday night does not often play well on a weekday in the sterile environment of a courtroom or medical expert's office.

The fact of the matter is that the courts take drinking (even social drinking) very seriously. *Litigants who have never put their children in danger in any way but who show themselves having a good time with alcohol can still easily be seen in a negative light by judges and experts.*

If anything goes wrong, or the other parent complains, courts can order you to be a teetotaler

(unable to have any alcohol whatsoever) during your custodial parenting time. Basically, if you are a parent who has custody every weekend, you could never drink during the weekend even if you had hired a babysitter or the kids were asleep upstairs without violating a court order.

Even if you drink responsibly, sharing photos of your alcohol use may cause the court to put such a restriction on you.

Family court isn't like criminal court where the court has to prove you are in the wrong or are a problematic parent "beyond a reasonable doubt." Instead, family courts worry

about the safety of children who they deem helpless.

The courts often act out of an abundance of caution.

If you drink, keep it off your profile. **Don't be caught holding a wine glass or beer bottle in your profile photo or any other photo on social media. This includes photographs on the social media posts of friends and acquaintances.** Don't upload photos of tables or living spaces dotted or strewn with bottles of beer, wine, or booze.

Similarly, it doesn't matter that marijuana laws have changed or even if you just use it for medicinal purposes - you don't need to showcase your marijuana usage or "check in" when you visit the dispensary.

Of course, we all know that just because someone occasionally enjoys a glass of wine or other legally permitted substance, it doesn't mean they are an addict or a bad parent. But common sense doesn't always prevail in custody cases. *What benefits do you get from showcasing your drug or alcohol usage online? None.* But you will hand your ex and his or her attorney the tools they need to paint you as a wino or a pothead. Please do not ignore this advice.

SOCIAL MEDIA SIN NUMBER TWO

FACEBOOK ISN'T YOUR THERAPIST

Facebook or other social media sites are **NOT** your therapist. Twitter is not your confessional booth. Look at the profile and status updates you've been posting. **Have you been sharing depressing song lyrics, angry rants, or sad vague one-liners designed to get people to inquire after you or ask what's going on? If this is you, stop it.**

We get it—if you are involved in a divorce and/or custody battle, you may be going through a depressing part of life. But Facebook is not the place to work out your feelings.

A licensed therapist, clinical social worker, clergy member, or even coffee with a trusted friend are all much better places to vent your feelings.

It may not be fair, but choosing to work out negative emotions online can make you look needy and unstable. Choose more appropriate offline resources to get the support you need.

SOCIAL MEDIA SIN NUMBER THREE

DON'T TALK ABOUT YOUR CASE (OR YOUR EX) ONLINE

Don't talk about your case (or your ex) online!

Don't post status updates about what's going on in your case or blog about each hearing.

And for heaven's sake, don't criticize the judge on your blog or your Facebook wall! You may not believe someone would be foolish enough to do this, but my experience has proven otherwise.

Sometimes a participant in a family law case will go to a website where the local judges are reviewed and give the judge a poor review. This is unwise. Not infrequently, the person reviewing the judge online will bitterly complain with enough

specifics that the other party or the judge will recognize them. Judges are people with feelings. If the judge himself/herself does not notice the review, the opposing party will certainly bring it to the judge's attention. Never vent your frustration with a court where the opposing side can see it and exploit it.

In most counties in California, your case will be assigned to a single judge who may well preside over it for many years. These judges are overworked and underpaid. Judges do not forget when somebody has insulted them or been critical of their performance. Nothing good can result from attempting to tarnish their image online.

SOCIAL MEDIA SIN NUMBER FOUR

DON'T IGNORE (OR RELY) ON PRIVACY SETTINGS

People who *ignore the privacy settings* do it at their own peril.

Use the privacy checkup feature on Facebook and limit the audience on your past posts to those on your friends list. Next, go through your friend list and delete anyone who should not be there.

On the other hand, people who *rely on the privacy settings* to hide their problematic posts do it at their own peril!

If it's online, you must assume it is public even if your privacy settings are locked down.

Yes, you should use privacy settings to manage who sees your posts, but don't assume that this means you can ignore the rules about what is and isn't appropriate to post.

SOCIAL MEDIA SIN NUMBER FIVE

DON'T IGNORE THE PERILS OF CARELESS POSTS BY OTHERS

It's not just about what you post! Things posted by your friends, family, new partner, or even just a fellow partygoer can come back to get you.

Make sure those close to you know that you are in the middle of a case and not to post or tag anything about you that could paint an unfair or ill-advised portrait of your life. This applies to anything we have discussed up to this point.

Change your privacy settings to control who tags you and stop tagged posts from automatically appearing on your profile. You can set your privacy

settings so posts from friends to your wall are disabled or limited in visibility.

If you are dating someone new or have a new committed partner, every rule in this report applies to them as well. Don't let them post anything you wouldn't.

SOCIAL MEDIA SIN NUMBER SIX

DON'T ASSUME SOMETHING WILL DISSAPEAR JUST BECAUSE YOU DELETE IT

Don't assume you can post and delete. "Deleting" something on Facebook, doesn't delete it in real life.

We live in the era of screenshots, and Facebook itself keeps records of everything you've ever supposedly "deleted."

If in doubt, leave it out of your profile and off the internet.

SOCIAL MEDIA SIN NUMBER SEVEN

DON'T DELETE YOUR FACEBOOK

Some will read this list and assume it's better to delete Facebook entirely. This isn't typically necessary. Social media is a valuable tool to connect with our friends and family. If you use common sense and follow the above guidelines, you don't need to delete your Facebook.

In the context of a custody case, a well-curated social media profile can offer a record of your exemplary parenting.

Talk to your lawyer if you are concerned or for advice about your specific situation.

SHOULD I MONITOR MY EX-SPOUSE ONLINE?

As a strategy, to the extent you are able to do so, monitor the social media postings of your ex or co-parent. You may need to do this through another friend or acquaintance who is not blocked from their social media pages. Anything that will help your case should immediately be printed out and dated. You can also save electronic copies in screenshot form. Talk to your attorney, who may decide that it should be brought to the attention of the court.

CONCLUSION

In summary, your social media presence should be upbeat, uplifting, and rated G!

Use social media to showcase positive moments with your children and from your own life. Don't overshare, and don't use social media to work out your feelings.

Following these guidelines will help prevent your social media presence from hurting your family law or child custody case (past or ongoing).

ABOUT THE AUTHOR

John A. Bledsoe began practicing family law in 1991. Since then, he has practiced throughout the state of California, been sworn in before the Supreme Court of the United States of America, and become an expert in divorce and family law matters.

His expertise has been recognized formally by the State Bar of California, who named him as a certified family law specialist (an elite sector of family law attorneys designated by the State Bar).

Mr. Bledsoe also has a Master's of Business Administration degree in finance. He brings a special expertise to the complex financial matters found in many family law cases. He has tried several hundred family law matters and settled hundreds more. Mr. Bledsoe is the father of five

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