



Social media during separation and divorce – tips and traps

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Using social media during a [separation or divorce](#) is totally fine - unless of course, you are posting about your ex-partner. It is important to understand that in Australia, using social media can have an impact on the outcomes of your separation and divorce. It can also create unnecessary tension in your life, especially when children are involved.

5 key traps of social media during family law proceedings

By being aware of some of the potential traps, you can use social media in a way that protects your privacy and supports your overall well-being during this challenging time.

Here are some traps to avoid on social media:

1. Avoid posting negative comments about your ex-partner on social media. Not only can this damage your relationship with your ex-partner and/or your children, it can also be used against you as evidence of your character or behaviour.
2. Do not use social media to communicate with your ex-partner if there is conflict between you. This can make tensions worse and lead to further legal complications.
3. Do not post pictures of you engaging in questionable behaviour, such as excessive drinking or partying. You may feel the need to let your hair down during a stressful time, however, this can also be used against you and may affect your ability to gain custody of your children.
4. Be aware that social media activity can be tracked and monitored. Even if you delete posts or comments, it is still possible they can be retrieved (or screenshots taken at the time they were published) and used as evidence.

5. Be careful with new relationships. If you start dating or enter into a new relationship during your divorce, be cautious about posting pictures or comments about it on social media. This can create tension and potentially affect the outcome of your case, generally by derailing settlement negotiations.

4 key tips when using social media during family law proceedings

If you do decide to post on social media during your family law proceedings, it's best to avoid sharing any details of your separation or divorce proceedings. By following these tips, you can use social media in a way that protects your privacy and supports your overall well-being during this challenging time.

These are our tips for using social media during a separation or divorce:

1. Be mindful of your privacy settings on social media. Ensure that your posts and photos are only visible to those people you trust. This will help prevent any unwanted access to your personal information or posts.
2. When posting, focus on positive aspects of your life and share parts of your life that are not related to your separation or divorce.
3. If you do receive negative or hurtful comments on social media from your ex-partner or others, try to stay calm and ignore any arguments or conflicts online. Instead, seek support from friends and family members or speak to a legal professional. It may also help to take a screenshot of the comment in case you need to refer to it in future.
4. You could consider taking a break from social media altogether. Separation and divorce can be a stressful time, and taking a break from social media may help you to focus on yourself and your wellbeing.

What the law says about social media in family law proceedings

In addition to what would be considered reasonable social media use during your family law proceedings, there are also laws which prohibit certain activity on social media.

Section 121 of the *Family Law Act 1975* makes it illegal to publish information that may identify parties connected with family law proceedings. This includes information like the following:

- Names;
- Photos or physical descriptions of people;
- Home addresses;
- Workplaces, occupations and work addresses or phone numbers;
- Specific interests or beliefs (including religious beliefs);
- Relationships between persons involved in proceedings; and
- Details of property owned by parties to proceedings.

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Overall, your behaviour on social media can have real-life consequences, both for your case and you personally, so it's best to be cautious and think twice before posting anything on social media during your separation or divorce. If you're concerned that someone's behaviour on social media (including your own) may be in breach of the law or may be inappropriate, you should speak with a family lawyer.

Or, if you have any questions or other concerns about social media use during separation or divorce, don't hesitate to contact us for advice.

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.