



Divorce, courtesy Facebook. 5 Things You've Got to Know

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Four years ago, when I thought my husband was cheating on me, I inquired about hiring a man in a raincoat (too expensive), checked out computer spyware (illegal), and finally just left him, with only my suspicions in hand.

Now I'd hit up Facebook—just as most divorce attorneys are doing.

A recent survey by the American Academy of Matrimonial Lawyers found 81 percent of their members seeing a rise in divorce cases involving social networking evidence—mainly from Facebook. "It's huge," says AAML president Marlene Eskind Moses, an attorney in Nashville.



The same way casinos are designed without clocks and corners to make you forget how long you've been gambling, Facebook seems to incubate cyber-blindness as to how many people you're actually sharing info with. That would be... well, let's see: The average user has 130 friends, and those friends might share with their friends, and so on until you can't even do the math, except to say that there are now half a billion members on the site. The other problem is human nature. We love to show off, and often post to boast (a knee-wobbly date, the tenth margarita, the view from Hotel Fiji), all of which, depending where you stand, can ruin a divorce case—or give you ammo, girlfriend.

According to the dozen divorce lawyers who told me they now mine Facebook for a smoking gun, here's how the site helps de-friend spouses in court:

Lying: Richard Roane, a partner at Warner Norcross & Judd in Grand Rapids, repped the husband of a couple that had just split up in a custody case. The mother claimed she was home with the kids 24/7. But on her boyfriend's Facebook page there were photos of an evening featuring: 1) her partying at a bar, 2) she and the boyfriend kissing, 3) a swanky hotel, 4) the two wearing bathrobes. What nailed the case, however, was another shot of the boyfriend in the marital home with one of the three kids—evidence she'd violated a court order forbidding exactly that. "Halfway through the trial," Roane says, "they ended up settling."

Faking Broke: "When it comes to financial evidence, it's crazy what you can pick up from these sites," says Maggie Kaminer, a matrimonial lawyer in New York City. She represented the mother of two children. The father had no money, no job. But then, lo and behold, he turned up on MySpace under another name—as the owner and promoter of a huge, popular night club in the Bronx. "It was awesome," says Kaminer. "My client got a really good child support award."

Cheating: Fault or no-fault, whatever state you're in, evidence of adultery can affect alimony, distribution of assets, and custody. And Facebook might as well be an ever-expanding vacuum bag of digital dirt—just about everyone knows someone who has discovered a partner hooking up with someone else on the site.

This one story is so bad I have to repeat it even though wasn't via Facebook. It was a couple of years ago and Suzanne Baughan, a pretty, 32-year-old mom, married to a sheriff's deputy, had the whole white-picket fence thing going outside of DC. One day she's at her husband's computer, scrolling through his history (okay, she was a little suspicious) and she gets to a skeezy-sounding site. Click, click, click. She sees a photo. It's him. "He's sitting on a couch," Baughan told me, "—I don't know what couch—and has his shirt off. And a woman is on top of him, just in underwear, straddling him." It's true. I saw it. And the profile said they were married and looking for other women! She hit print, and took him to the cleaners.

The experts have a lot of advice, but these 5 tips seem particularly helpful if you're dealing with divorce:

- 1. *He can block, but he can't hide.*** In looking for evidence, even if you can't get on your husband's page, check out what his friends (including any woman he might be messing around with) are up to: You may find his photos or posts on someone else's wall, or through his business contacts. It's also worth seeing if you can get a mutual friend to go on his page for you.
- 2. *Don't discuss anything on Facebook that's going on in court*** or between you and your lawyer.
- 3. *Remember, the Wall has eyes:*** No matter what privacy settings you have, a friend may share your info. Also attorneys sometimes get permission to seize your computer and give it to a forensics specialist, who can find just about anything you have ever typed, scanned, posted, or deleted.

4. *Restrain from de-Facing the ex:* In the last couple of years, it's gotten trendy to go straight from divorce court to turning your spouse into blog-kill. On Facebook, it's even more tempting because you can trash the other person in front of all of your mutual friends. The thing is, you risk being slapped with a restraining order or, worse, being sued for slander or libel--especially if there are kids involved, and even more especially, if they're on Facebook.

5. *When it's over, close that "Book "* A lot of people can't stop visiting their ex on Facebook, according to Manhattan therapist, Jonathan Alpert (here's his own page.) "It's natural to want to know that the other person is miserable," he says. "And if there's a picture of the new girlfriend, it's good to know that she's fat and ugly." But what if she's gorgeous? And what if he looks happier than ever? Do you really need to see that? "Before you click on the page," Alpert says, "ask what you want it to do for you, because it can fuel terrible anxiety, and no matter how many times you check, at the end of the day, he's dating someone else."

Hey ladies, have you caught your husband cheating or hiding assets or behaving like a jerk on Facebook?