

eBook: Online divorce

## **Marriage On The Rocks - Divorce? Better Stay Off Facebook**

**by Bertus**

The perfect Valentine's Day story: If you're separated from or in the process of divorcing your spouse, steer clear of Facebook. According to a recent survey of U.S. divorce attorneys, Facebook is the "unrivaled leader" for online evidence of matrimonial naughtiness.

The survey by the American Academy of Matrimonial Lawyers (AAML) shows that 81 percent of the Academy's members in the past five years have seen an increase in the number of divorce cases using social networking evidence.

Among the most popular social nets, Facebook has the dubious honor of being the leader for online divorce dirt, with 66 percent of survey respondents citing it as the primary source.

MySpace was second with 14 percent, Twitter third at 5 percent. Other online sources totaled 14 percent, according to an AAML release.

### **You're Being Watched**

Many social networkers forget that their online behavior is easy enough to track.

"As everyone continues to share more and more aspects of their lives on social networking sites, they leave themselves open to much greater examinations of both their public and private lives in these sensitive situations," said Marlene Eskind Moses, president of the AAML, in a statement.

"Going through a divorce always results in heightened levels of personal scrutiny," Moses added. An estranged spouse will likely be one of the first people to spot online activities that indicate, say, an extramarital affair.

The AAML survey lends credence to earlier reports that spotlight Facebook as a hotbed of marital unrest. One report released in December says the site is cited in one of every five divorce petitions.

There's even a site devoted to the phenomenon: Facebook Cheating.

Compiled by eDivorce South Africa's Largest Online Divorce Service.

Read online at: <http://www.mydigitallife.co.za/>

## **Divorce in an online world - the influence of social networks in South Africa**

**By Bertus**

Poking someone other than your spouse, on Facebook, may be grounds for divorce.

That may be a bit of an exaggeration, but more and more evidence from the popular social networking site is being used in divorce cases.

In fact, 1 in 5 divorce cases now cite inappropriate actions on Facebook as grounds for separating, in the UK. Also at eDivorce, South Africa's largest Online Internet Divorce Service more and more people are mentioning some sort of conduct by their spouses on social networking sites like facebook and Mxit as reasons for separation.

Social networking has grown in popularity over the years and can be regarded as the new singles bar equivalent for relationship issues, instead of being used to network and reconnect with friends, family, and co-workers, it has become another avenue for extramarital affairs.

Platforms such as these, have been a great assistance to the legal community, it is another outlet to obtain probe-able, relevant evidence. On the international level, digital evidence has been brought forward in the ongoing Tiger Woods affair scandal, mainly in the form of phone conversations.

Some time ago the Supreme Court of the Australian Capital Territory ruled that Facebook is a valid means to serve court notices to defendants, this was reported by the Australian newspaper The Age.

Actions in cyberspace are having a substantially higher bearing on how people perceive others in social settings and in formal situations, like job interviews.

According to Professor of Sociology Richard Lachmann at the University at Albany people do not yet understand how easy it is to access these things online. According to him, college kids think nothing of putting updates on their sites about being drunk all of the time or sleeping with so many people. But then when they enter the 'real world,' they wonder why they can't find a job. Employers can easily go online and find this information. People's actions are much easier to trace.

A far cry from cheap motels and meeting in secluded parking lots, mischievous significant others are now carrying out affairs nearly completely online for all of the world to see.

Emails. Instant Messaging. Blogs. Internet History. Even when these things are deleted, there is usually someone out there smart enough to make them reappear again.

On top of this, there are not a lot of laws regulating internet use and privacy online.

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## **Divorce.....Is Facebook and Mxit to blame?**

**By Bertus**

Facebook, the social networking site, which connects old friends and allows users to make new ones online, is being blamed for an increasing number of divorces.

The explosion in the popularity of websites such as Facebook and mobile chat platforms such as Mxit is tempting to people to cheat on their partners.

Suspicious spouses have also used Facebook to find evidence of flirting and even affairs which ultimately have led to divorce.

A law firm, which specialises in divorce in the UK, claimed almost one in five petitions they processed cited Facebook.

Also at South Africa's largest online Divorce Service eDivorce staff reported that more and more clients report that the reasons for divorce are that they had found out things about their partners on Facebook and other social network sites. More and more Particulars of Claim's contain references to Facebook and other social networking sites.

One of the most common reasons seem to be people having inappropriate sexual chats with people they were not supposed to.

Also, flirty emails and other messages found on Facebook pages are increasingly being mentioned as evidence of unreasonable behaviour that leads to the breakdown of marriages.

Computer firms have also cashed in by developing software allowing suspicious spouses to electronically spy on someone's online activities.

One 35-year-old woman even discovered her husband was divorcing her via Facebook.

Conference organiser Emma Brady was distraught to read that her marriage was over when he updated his status on the site to read: "Neil Brady has ended his marriage to Emma Brady."

Last year a 28-year-old woman in the USA ended her marriage after discovering her husband had been having a virtual affair with someone in cyberspace he had never met.

Amy Taylor 28, split from David Pollard after discovering he was sleeping with an escort in the game Second Life, a virtual world where people reinvent themselves.

Around 2.4 million South Africans are believed to regularly use the social networking site Facebook and about 14 million use Mxit to communicate with old friends or make new ones.

About the author:



Bertus Preller is a director and co-founder of Divorce Attorney (DA). He was admitted as an Attorney of the High Court in 1989. Prior to co-founding DA, Bertus was Managing Director and co-founder of Van Wyk & Preller Attorneys in Bloemfontein, a director of Honey & Partners Attorneys in Cape Town and founder of technology companies SmartSurv Wireless, DigiWords, CellBook, eSplash and eLaw initiatives such as eDivorce, eWills and eTrust. Bertus was also a past Part Time Commissioner at the CCMA an Arbitrator and Mediator at various Bargaining Councils, an Appeals Authority for the South African Police Services and he acted in a number of high profile matters in all Courts in South Africa. Bertus also negotiated the contracts of rugby players on behalf of the SARFU Rugby unions and more recently advised a number of South African Book Publishers on the Google Book Settlement. Bertus matriculated at Grey College in Bloemfontein and graduated from the University of the Orange Free State in 1988 (cum laude - Criminal Procedure) he articulated at Symington & De Kok Attorneys in Bloemfontein. Bertus specializes in Family Law issues, such as, access, adoption, biological fathers' rights, grandparent's rights, divorce (uncontested & contested), divorce mediation, divorcing a missing spouse, same-sex and other non-marital life partnership agreements, parenting plans, maintenance and antenuptial agreements.

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