

'Technology can't solve all the problems of a broken relationship'

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By Noel da Silva

From someone who does not use social media, a caution about it should be viewed with suspicion. Despite that, here are some ordinary concerns, in the context of high conflict family law cases.

We all know that emails, texts and postings available to the public can come back to haunt you when they are reproduced and appear in an Affidavit. Yet to my surprise, even after an acrimonious separation, spouses continue to berate each other and in the next breath, complain about the other side's disrespect, when they have actively engaged in the nastiness. They draw in family and friends as allies and spokespersons, thereby increasing the conflict.

We need to realize that the spouse has met and formed relationships with the other family and friends. Sites intended to be private and purporting to limit public access can still leak out to the other side. Treat private sites with care.

Lawyers and family health professionals normally caution their clients about this, yet the practice is so ingrained that clients have a hard time stopping. Just look at people walking by you on the street. Gaze in wonder when the person with their head down crossing the street while texting survives another crisis at the corner of walk and don't walk. Worse, look at the drivers you pass doing the same thing at a higher speed. Yes it's a societal crisis that is serious enough to attract shock TV ads. My point is proven, so I probably did not need to make it.

Getting clients to not blame the other parent, after an agreed Skype or phone appointment is not honoured, is difficult. Life happens and all sorts of events intervene to derail the schedule. Even when it does occur as scheduled,

children with the attention span of an ant say hello, chat for 30 seconds and wander off to do what they really want to do. So having high expectations of social media to enhance a parent-child relationship can be unrealistic. While it can work well we need to be careful to not raise expectations. Technology cannot solve all the problems of a broken relationship.

What about the parent with a somewhat older tech savvy child, who uses the social media contact to undermine the other parent?

What about the non custodial parent who is concerned that their calls and contacts are being monitored or even scripted?

What about the child who routinely contacts the other parent to get a second, more favourable decision on what they want?

Yes, in a mobile society where the estranged spouse has to move away to find a job, "instant" contact can be a godsend.

Clearly clients and their helping professionals need to have a conversation about this whole area and the need for guidelines, scheduling, non confrontational language, sensitivity to the child's other needs and the need for flexibility. Even bloggers need to beware.

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At Simmons da Silva LLP we have a highly-skilled group of professionals who have the necessary expertise and are committed to offering solutions in separation and divorce cases. Our lawyers are committed to utilizing collaborative law where appropriate in order to reduce the emotional and financial costs that result from separation or divorce. Please contact Noel da Silva or Justin Clark at our office to discuss how we can assist you in resolving your family law matter.

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