'Cyberspying' increases among angry spouses

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Angry spouses are using technology to spy on each other, a divorce lawyer says. (Thinkstock)

WASHINGTON -- Dirty tricks are nothing new in divorce cases, but technology is prompting a growing trend in "cyberspying."

"Parents are using technology to spy on the other parent, and they're using their children as agents, to take this technology into the other parent's home," says Kathryn Dickerson, a principal at the SmolenPlevy firm in Vienna, Va.

Dickerson says she is seeing more and more angry spouses leverage smartphone technology as they seek to gain evidence and information to be used during divorce proceedings.

"It's really interesting how innovative malice can make someone," says Dickerson.

Checking on what the other parent is doing while they're with the children is made easier when the children have access to smartphones or computers with webcams.

With GPS and other location devices, intrusively monitoring behavior isn't difficult, says Dickerson.

"You have apps on your phone that when you're in certain stores, they will send you coupons. When the parents are shopping in the mall with the children, the other parent who has access to that app can tell every store the parent has gone into."

Even children who are too young to have cellphones can be unknowing participants in parental wars.

"They have those little tags they use in marathons," says Dickerson, referring to the radio frequency identification tags used to track runners' times during races.

"You can put that on the child's laces, so you know where your children are, and they can use that to trace where the children are going when they're with the other parent," says Dickerson.

While using webcam sites such as Skype or Facetime, a curious parent communicating with a child can observe what's happening in the estranged spouse's home.

"They ask the child to go from one room to the other, and that way they can see what the other parent's home looks like," says Dickerson.

'Cyberspying' evidence used in divorce cases

New technology often forces lawmakers and society to evaluate whether changes need to be made as the devices become more popular.

"It's a whole new brave world that's kind of scary, and the laws haven't quite caught up," says Dickerson.

She adds it remains to be seen whether evidence gathered this way can be admitted as evidence in a divorce proceeding.

"We have peeping-tom laws -- you can't go stand next to someone's house and stare into their windows," says Dickerson. "But this is devices that are being brought into the house, and the parent who is being spied upon doesn't necessarily know it's there."

When divorce attorneys began dealing with cyber technology, an early concern was keyloggers, in which a person attached a device to the back of the spouse's computer to track online behavior, and spyware, which can be sent to a spouse and is designed to forward copies of incoming and outgoing messages.

"That's stuff the parents could control," says Dickerson. "They could check their computers or have them checked for this spyware."

But the parameters regarding what is legal and proper haven't been set in cases where children are being used to help facilitate snooping with technology.

"The worst part of it all is, the children are put right in the middle of the debate," says Dickerson. "As the children get older and are aware of what's going on, that's really not healthy for the children."

Technology can be used for good during divorces, says Dickerson: "If you have an abusive situation where one parent is abusing alcohol or drugs, the cellphone helps children contact the other parent if the parent has passed out and the child has to be picked up or fed."

Dickerson says parents should avoid using their kids as pawns, despite anger and frustration with their spouse.

"Don't make the children feel like they're being punished," says Dickerson.

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