

Electronic Surveillance Abuse in Family Law Cases

September 11, 2026

By Cheryl L. Hepfer



Technology has made it easier than ever to communicate, share information, and stay connected. Unfortunately, it has also created new opportunities for a spouse or partner to improperly monitor the other. In family law cases, electronic surveillance can raise serious concerns involving privacy, safety, credibility, and the well-being of children.

Electronic surveillance may take many forms. Allegations can involve unauthorized access to emails or social media accounts, monitoring text messages, tracking a person's location through a device or vehicle, or the use of technology to monitor communications. In some cases, a party may not realize that their activity is being monitored until evidence of the surveillance emerges during a divorce or custody proceeding.

These allegations can have significant legal consequences. Depending on the circumstances and applicable law, information obtained through unauthorized surveillance may raise questions about how the evidence was obtained and whether it may be used in court. Surveillance allegations may also become relevant to broader issues in a custody case, particularly when the conduct suggests an effort to intimidate, control, or interfere with the other parent's privacy or safety.

Electronic surveillance can also create discovery issues. A party may seek records concerning devices, accounts, applications, location data, or other electronically stored information. At the same time, attorneys must carefully consider the privacy implications and the legal limits concerning the collection and use of that information.

The important lesson is that technology is an inherent part of family law, not a separate consideration. As electronic devices and digital accounts become increasingly integrated into everyday life, disputes over monitoring and surveillance are likely to become more common. Anyone who believes they are being electronically monitored, or who is accused of engaging in surveillance, should seek legal advice before accessing, copying, deleting, or distributing potentially relevant digital information.