



# Navigating Co-Parenting and Social Media Privacy

Navigating co-parenting and social media becomes a significant challenge when a couple separates, often making it difficult to agree on what is in the best interests of the child. Parents may have different and conflicting wishes for their child, including views on the child's presence on social media and concerns about child protection online.

It is helpful for parents to agree to a set of ground rules that they are both happy to adhere to, including how much, if at all, they will post pictures of their children on social media. If one parent does not agree or adhere to this arrangement, the first step is to consider whether this can be discussed and an agreement reached in mediation, where a mediator will aim to facilitate an agreement.

If mediation is not an appropriate route, or if no agreement is reached, an application can be made to the court for a prohibited steps order, which can restrict the other parent from posting the child on social media. When the court is considering issuing a prohibited steps order, they will look at the safety and welfare of the child, as well as the purpose of the application. In these circumstances, this would include the online safety of the child.

Any prohibited steps order will be legally binding. It is worth bearing in mind that you are unlikely to be able to enforce a prohibited steps order when the child is aged 16 or 17. Here, a prohibited steps order would only be agreed upon and remain enforceable in exceptional circumstances.

A child also has the right to privacy under [Article 8 of the European Convention of Human Rights](#), and the court has confirmed that the child's right to privacy is distinct from each parent. This can include the child's privacy on the internet. The test for determining whether information is private is "whether in respect of the disclosed facts the person in question had a reasonable expectation of privacy". The relevant factors will include the place it is happening, the absence of consent, and the nature and effect of the activity.

If you have any concerns about your ex-partner posting your child on social media, contact our experienced [legal team](#) for guidance, call us at [01202 786105](tel:01202786105), or email directly to [Joanna.Kay@la-law.com](mailto:Joanna.Kay@la-law.com).