

Finding proof they cheated: Cheaters leave tracks on computers, cells and more

By MICHELE KIMBALL - divorce360.com

Think your spouse is cheating? Wondering how you can find out? Experts give suggestions about what to do to find out - for sure - if your partner isn't as faithful as he or she promised.

1. Speak with an attorney. States' laws guide surveillance issues, and an attorney in your area can help you understand what is legal or illegal.
2. Check the e-mail. Look in your spouse's e-mail on the computer, said Kamilah Clark, attorney with Belli, Weil, Grozbean and Davis, LLP, in Atlanta. Many of her clients find information in e-mail stored on home computers. Try to see if your spouse has any kind of dating entry on websites like www.match.com, www.true.com, or even www.classmates.com. Clark said she is often surprised at the number of married people with listings on those sites.
3. Check any paperwork. For the less computer savvy, Clark said, bank statements, hotel receipts or even saved greetings cards can shed light on a spouse's infidelity.
4. Hire a private investigator. The investigator will understand the surveillance laws in the area. "No one wants to get in trouble," said Jeffrey P. Wasserman, the head of the Shapiro, Blasi, Wasserman & Gora P.A. Family Law Practice Group in Florida.
5. Have the home computer's hard drive copied in its entirety.

"You never know the tremendous treasures that can be found on the computer," Wasserman said. "For instance, I have found extensive pornography on a computer which I have utilized in relation to a custody

battle. I have also found e-mail to other women and other men showing relationships that have been denied under oath."

6. Search the garbage.

"Believe it or not, garbage is not a protected commodity," Wasserman said.

If the parties are living separately, going through the other spouse's garbage can sometimes turn up unexpected resources. Take advantage of living in the same house.

7. Check the bills. Bills that come in the mail to the home can be a wealth of information, said Lynne Z. Gold-Bikin, a divorce attorney and managing partner of the family law practice group at Wolf, Block, Schorr and Solis-Cohen LLP in Philadelphia. For example, EZ Pass bills, which record the comings and goings of a driver using a toll road can help pinpoint the location of the spouse. These records cannot be subpoenaed in many states, Gold-Bikin said, but are accessible to those living in the same household when they arrive in the mail.

8. Extract text messages. If you suspect a spouse is text-messaging to a lover, try to get the messages extracted from the phone, Gold-Bikin said. She uses a company in California to get messages off of cell phones. However, the company needs the cell phone in its entirety.

9. Spyware issues. Beware of using Spyware, which are computer programs that track and copy a user's information, Gold Bikin said. These programs and other spying tactics may not be admissible in court, depending on the state, she said.

10. Hire a detective to see if he or she responds to sexual advances, Gold-Bikin said. It also helps to see if the spouse is wearing his or her wedding ring in public, she said. Some of the tactics available are not the most savory, but it can help get a sense of a spouse's fidelity.

"It's an ugly business," Gold-Bikin said.

11. Check the history of internet sites visited on home computers, said Nancy Chemtob, matrimonial lawyer and founding partner of Chemtob Moss Forman & Talbert, LLP, in New York City. One client of hers discovered her husband was gay by looking at the websites he frequented.

12. Record telephone calls in states where it is legal, Chemtob said. More and more of her clients are bringing in tape recordings of conversations. It may not be admissible in court, but it can be used as leverage, she said.

"Sometimes we don't admit information, but we have it," Chemtob said. "And knowledge is power."

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