

Legally binding social media 'prenups' aim to quash embarrassing Facebook posts

These digital agreements determine what images and information couples may share about each other on sites like Facebook, Instagram, Vine and Snapchat, with penalties for violations like sharing an embarrassing story or an ugly bathing suit photo. Punishments can range from a \$50,000 fine to being forced to scrub the toilet.

BY JENNA O'DONNELL / NEW YORK DAILY NEWS / Thursday, June 5, 2014, 12:41 PM

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The couple that uses social media together stays together — if they have a digital prenup.

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An embarrassing Facebook post can wreck a romance, so some couples are going to extremes to adjust their relationship sharing settings, with “social

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media prenuptial agreements” being drawn up by lawyers around New York and beyond.

"Social media is here to stay," Los Angeles-based marriage therapist and author Dr. Sheri Meyers told The Daily News, "and we need to set some boundaries around it without hard feelings."

These digital agreements determine what images and information couples may share about each other on sites like Facebook, Instagram, Vine and Snapchat, with penalties for violations like sharing an embarrassing story or an ugly bathing suit photo.

"The real damage today is that the content remains out there forever," New York-based attorney Ann-Margaret Carrozza told The News. "You can't get rid of it, so the consequences are tremendous for harm to the other party."

Revenge porn and celebrity privacy concerns started the conversation, but marriage experts say this is something every couple should talk about.

Carrozza, who specializes in estate planning, now offers social media clauses to clients that apply both during and after a relationship. Wealthy violators - ones that post embargoed nude pictures, for example - face penalties as high as \$50,000, according to ABC News.

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Monetary fines are more common for post-breakup violations, Carozza noted, but in-relationship flubs usually merit a more lighthearted chore, like scrubbing the toilet.

Sometimes one party might think it's cute or funny to share photos or information that might embarrass, hurt or damage a reputation at work.

"It's not all dollars and cents," Carrozza said. "It's setting some boundaries so someone is not humiliated."

As an alternative to legalities, Meyers suggests that couples set the rules themselves in a written or verbal agreement, as she did in her own relationship.

"The line began to blur between what is us and what's being put out there for the world," Meyers noted.

Meyers and her significant other, relationship coach Jonathan Aslay, appeared

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[on the Katie Couric show](#) to talk about why they have a social media prenup earlier this year. Under the agreed terms, Aslay says he knows to check with Meyers before posting a photo of her.

"I got caught up with it," Aslay told Couric. "When we talked about it, it really gave me a different perspective on what to share and what not to share."

An unflattering photo, for example, must be deleted immediately.

Though prenups specific to social media are not yet mainstream, matrimonial lawyers say they've expanded prenup confidentiality agreements to include social media.

"It certainly is something we're seeing raised more," Karen Platt, a marriage mediator and attorney at Manhattan-based Mayerson Abramowitz & Kahn LLP, told The News. "It may be something we'll see more of in the future."

With the growth of social media, Carrozza predicted that these new clauses will snowball.

"I think we're going to see more and more of it," she said. "Not every client wants this, not every client needs this, but it's a very useful conversation to have."

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Just more proof that we spend way too much time, and invest way too much energy, on social media networking sites. Maybe if we worried more about actually building our marriages and less about what our next post, status, or tweet is going to be, we wouldn't need digital social media prenups? I don't know...just a thought...

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