

ANYTHING FOR VIEWS PARENTING

by
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Children who appear in monetized family vlogs are the product. Without them, the content would not exist, and the revenue would not follow. Yet unlike child actors in traditional entertainment, these children receive no guaranteed wages, no mandated trust accounts, and no right to control the digital record created in their name. This gap is a product of a legal framework that has simply not kept pace: the Fair Labor Standards Act, enacted in 1938, expressly exempted child performers from its protections, and neither Congress nor the majority of states have updated their child labor frameworks to account for the rise of digital content creation. The consequences have been severe, ranging from financial exploitation and chronic privacy violations to documented cases of abuse and neglect, all captured on camera and monetized for public consumption. While a handful of states have begun to act, their efforts are fragmented and inconsistent, creating incentives for families to evade regulation by moving across state lines. This Note argues that piecemeal state legislation is insufficient, and proposes the Model Digital Child Content Labor and Privacy Protection Act (MDCCLPPA), which extends financial protections and trust account requirements to minors engaged in digital content creation, mandates annual labor commissioner oversight, and recognizes a right to deletion upon the minor reaching the age of majority.

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* J.D., Lewis & Clark Law School, 2026. This Note is dedicated to the children whose childhoods were taken from the home and placed on the internet for the world to see. The Author is grateful to those who have brought attention to the subject of child influencers and children appearing in vlogs, including the Dad Challenge Podcast and Kiki Chanel. The Author extends special thanks to Kylie Dennison for inspiring the title of this Note.

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INTRODUCTION

"[T]his climax of my family's descent into madness, need[s] to be documented [through social media]. . . . Just like every forced smile, every staged perfection had been, too. . . . This nightmare was born on social media—it should die there, too."

—Shari Franke¹

Since its release in 1998, the film *The Truman Show* has grossed over \$264 million worldwide.² Themes of surveillance, manufactured reality, and the influence of new media contributed to the blockbuster success of *The Truman Show*.³ The audience in the movie itself remained engaged, watching the

¹ SHARI FRANKE, *THE HOUSE OF MY MOTHER*, at xvii–xviii (2025). Outside of mention of Shari Franke, the children who are subjects of this Note are anonymized in name and in image to protect their privacy.

² *The Truman Show* (1998), BOX OFF. MOJO, <https://www.boxofficemojo.com/title/tt0120382/> [<https://perma.cc/9BWW-BC5T>] (last visited Apr. 9, 2026).

³ Anthony Frajman, *How the Truman Show Predicted Our Digital Reality*, ACMI (Sep. 13,

protagonist, Truman, grow up for their own enjoyment,⁴ while the audience in the real world saw a psychological drama that made every door look like an escape to “reality.” But *The Truman Show* was just a movie. In 2008, families began filming their daily lives in so-called family vlogs, making *The Truman Show* a reality for many children. Born and raised on the internet, their births, birthdays, embarrassing moments, and firsts all exist on social media in the form of family video blogs, known as vlogs, that follow the mundane private lives of their families. Family content creation is now a multibillion-dollar industry.⁵ Curating an online presence that maximizes views and compensation allows families who engage in and produce this content to do so full time.⁶ The children featured may be the primary draw. Without children, the lucrative “family vlog” moniker would not exist as a hashtag below videos that rake the views in. For minors engaged in the work of vlogging, there are no set times because the camera is on all the time. There is no “getting into character” because they are the character. There is no “acting” because their real lives are filmed and monetized for content creation.

Children who appear in this content often work continuously, inside their own homes, under the direction of their parents, and without any meaningful separation between private life and paid labor. Yet unlike child actors in traditional entertainment, these children receive few, if any, guaranteed protections. Their earnings are not safeguarded, their working conditions are largely unregulated, and their digital footprints are created long before they are capable of understanding the consequences. These children lack the same protection that exists for traditional child actors even though their whole lives become work. Child labor statutes assume identifiable employers and discrete working hours. Privacy law focuses on data collection rather than lived experience. Entertainment law presumes arm’s-length contracts and third-party oversight. None of these frameworks adequately account for a system in which parents function simultaneously as caregivers, producers, and primary beneficiaries, or in which a child’s most vulnerable moments are routinely transformed into content designed to capture attention and generate revenue.

2023), <https://www.acmi.net.au/stories-and-ideas/truman-show-25-pt-1-prescient-cautionary-film/> [https://perma.cc/Y3XF-D6H3].

⁴ Richard Norton, *The Brilliance of the Truman Show*, BIG PICTURE FILM CLUB (Aug. 25, 2020), <https://bigpicturefilmclub.com/brilliance-of-the-truman-show-jim-carrey/> [https://perma.cc/GNG6-CKQE].

⁵ Jen King, *Guide to Influencer Marketing: Trends, Tactics, Creators and KPIs*, EMARKETER (Aug. 5, 2024), <https://www.emarketer.com/learningcenter/guides/influencer-marketing-report/> [https://perma.cc/ER49-MLKX]; Marina A. Masterson, Comment, *When Play Becomes Work: Child Labor Laws in the Era of “Kidfluencers,”* 169 U. PA. L. REV. 577, 583 (2021).

⁶ Lucia Bainotti, *The Composite Careers of Social Media Content Creators: Labour, Precarity and Identity*, in THE HASHTAG HUSTLE 32, 40–42 (Taylor Annabell, Christian Fieseler, Catalina Goanta & Isabelle Wildhaber eds., 2025).

This Note argues for a model state statute: the Model Digital Child Content Labor and Privacy Protection Act (MDCCLPPA) in response to that gap. The choice to propose a model state statute, rather than a federal mandate, is intentional. Child labor, family law, and entertainment regulation have long been matters of state concern, and recent legislative efforts demonstrate that states are already experimenting with ways to protect children engaged in content creation.⁷ But without a uniform framework, those efforts risk becoming fragmented, inconsistent, and easy to evade. A model law provides a shared foundation, one that states can adopt, adapt, and build upon, while reducing incentives for families to avoid regulation by moving across state lines. Children who grow up in front of the camera cannot reclaim the moments that have already been published, monetized, and archived online. What the law can do is ensure that those children are not left without recourse entirely. The MDCCLPPA aims to do just that: to recognize the realities of digital child labor, to provide modest but meaningful protections, and to bring the law one step closer to the world children are actually growing up in.

This Note proceeds as follows. Part I lays out the evolution of child labor law in the United States, explaining how child actors fit into the scheme. This Part also explains global approaches to child labor laws and the rise of the modern “child influencer” that must be addressed. Part II explores the family vlogging industry and provides examples of actual and potential harm this industry causes children. This Part identifies some of the main issues a lack of regulation allows for. In Part III, current and proposed state legislation is described and compared. Finally, Part IV concludes by providing a model statute that incorporates solutions to the concerns raised throughout the Note.

I. THE HISTORY AND CURRENT COMPOSITION OF CHILD LABOR LAWS AND THE ENTERTAINMENT INDUSTRY

In 1938, Congress enacted the Fair Labor Standards Act (FLSA), establishing federal mandates regulating child labor, particularly in hazardous industries.⁸ The FLSA expressly exempted child actors from its protections—an exception that endures to this day.⁹ Consequently, child performers were excluded from federal standards governing minimum working ages, maximum hours, and wage protections, thereby placing the responsibility to regulate labor conditions on

⁷ Masterson, *supra* note 5, at 581 n.23 (listing sources demonstrating “new calls for regulation in this field”).

⁸ Fair Labor Standards Act of 1938, Pub. L. No. 718, § 12, 52 Stat. 1060, 1067 (current version at 29 U.S.C. § 212); SARAH A. DONOVAN, CONG. RSCH. SERV., R42713, THE FAIR LABOR STANDARDS ACT (FLSA): AN OVERVIEW 13–15 (2023).

⁹ Masterson, *supra* note 5, at 587 (explaining that 29 U.S.C. § 213(c)(3) exempts child actors from most FLSA regulations).

individual states.¹⁰ That responsibility proved to be too heavy a burden to carry. Because state child-actor laws developed through multiple rounds of passage and amendment—and often set only minimal standards—many child actors were left with no money, no education, and the possibility of lifelong psychological harm.¹¹

A. *The Fair Labor Standards Act and Parental Autonomy*

The United States Supreme Court has a history of limiting states' regulation of child raising.¹² Parental-rights cases decided by the Supreme Court first centered around the right of parents to control the upbringing of their children. In *Pierce v. Society of the Sisters*, the Court made clear that the “liberty of parents and guardians to direct the upbringing . . . of children” arises from a child’s nature of not being a “mere creature of the [s]tate” and that parents and guardians “have the right, *coupled with the high duty*, to recognize and prepare [children] for additional obligations.”¹³ That level of parental autonomy came, in part, due to the state’s interest in providing for a diversity of viewpoints and lifestyles.¹⁴ But this right has limits, especially when a minor’s welfare is in question.¹⁵

During the Industrial Revolution, children were treated as commodities that could be paid less than adults and, as a result, the United States saw a sudden spike in child labor.¹⁶ By 1904, the National Child Labor Committee was formed to advance reform efforts focused on the abolition of child labor.¹⁷ The majority of these efforts came in the form of legislation, which the Supreme Court invalidated by using the doctrine of substantive due process.¹⁸ Through substantive due process,

¹⁰ See *id.* at 587–88.

¹¹ Jessica Krieg, *There’s No Business Like Show Business: Child Entertainers and the Law*, 6 U. PA. J. LAB. & EMP. L. 429, 431–32, 446–47 (2004).

¹² See *Pierce v. Soc’y of the Sisters*, 268 U.S. 510, 533–34 (1925).

¹³ *Id.* at 534–35 (emphasis added).

¹⁴ See *Meyer v. Nebraska*, 262 U.S. 390, 402 (1923) (acknowledging that people retain the liberty to learn and practice what they desire); *Pierce*, 268 U.S. at 535 (denying a state the general power “to standardize its children”).

¹⁵ See *Prince v. Massachusetts*, 321 U.S. 158, 160, 169–70 (1944) (“Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves.”).

¹⁶ See Seymour Moskowitz, *Dickens Redux: How American Child Labor Law Became a Con Game*, 10 WHITTIER J. CHILD & FAM. ADVOC. 89, 100–02 (2010).

¹⁷ *Teaching with Documents: Photographs of Lewis Hine: Documentation of Child Labor*, NAT’L ARCHIVES: EDUCATOR RES. (Feb. 21, 2017), <https://www.archives.gov/education/lessons/hine-photos> [<https://perma.cc/Q83T-A59T>].

¹⁸ See *Pierce*, 268 U.S. at 533–34 (holding that the “Fourteenth Amendment guaranteed appellees against the deprivation of their property without due process of law” and “the right to conduct schools was property and that parents and guardians, as a part of their liberty, might direct the education of children by selecting reputable teachers and places”).

the Court found that the legislation would interfere with the rights of parents to freely contract for themselves and contract for their children.¹⁹

These reform efforts were not without success, however brief that might have been. Congress passed the Keating-Owen Bill in 1916, which banned the sale of products produced from any facility that had children under the age of 16 work at night or for more than eight hours during the day.²⁰ But in 1918 and 1922, the Court struck down efforts by Congress to enact federal child labor laws with its decisions in *Hammer v. Dagenhart* and *Bailey v. Drexel Furniture Co.*, respectively.²¹ This trend of the Court striking down congressionally enacted child labor restrictions continued until 1938.²² In 1938, Congress successfully placed limits on child labor through the FLSA, which prohibited any employer from employing “any oppressive child labor in commerce.”²³ The FLSA established a federal standard for child-employment regulations, and focused on protecting children from working in hazardous jobs, such as in mills, factories, and farms.²⁴ However, the Act’s language created a narrow scope that only reached 6% of children working at the time of its enactment.²⁵ Due to its narrow reach, any type of child entertainer fell outside of the scope of the Act.²⁶

B. *The Shirley Temple Exemption*

Despite the movement towards strong, uniform child labor laws with the FLSA, the entertainment industry proved to be an exception. Along with the federal child labor laws came an exemption for child performers—the so-called Shirley

¹⁹ *Id.*

²⁰ See *Keating-Owen Child Labor Act (1916)*, NAT’L ARCHIVES: MILESTONE DOCUMENTS (Feb. 8, 2022), <https://www.archives.gov/milestone-documents/keating-owen-child-labor-act> [<https://perma.cc/8CPW-6ASB>].

²¹ *Hammer v. Dagenhart*, 247 U.S. 251, 277 (1918), *overruled by*, *United States v. Darby*, 312 U.S. 100 (1941); *Bailey v. Drexel Furniture Co.*, 259 U.S. 20, 44 (1922).

²² See generally Julie Novkov, *Historicizing the Figure of the Child in Legal Discourse: The Battle over the Regulation of Child Labor*, 44 AM. J. LEGAL HIST. 369 (2000) (explaining that the Supreme Court, while expressing approval of child labor regulations generally, nonetheless held that attempts at national legislation unconstitutionally transcended congressional power to regulate interstate commerce).

²³ Fair Labor Standards Act, 29 U.S.C. § 212(c); see Fair Labor Standards Act of 1938, Pub. L. No. 75-718, 52 Stat. 1060 (current version at 29 U.S.C. §§ 201–19); see also *Keating-Owen Child Labor Act (1916)*, *supra* note 20 (explaining that “the movement to end child labor was victorious” before the Supreme Court for the first time following the FLSA).

²⁴ See *Lenroot v. Interstate Bakeries Corp.*, 55 F. Supp. 234, 235, 236 (W.D. Mo. 1944) (explaining that the FLSA was enacted to “protect children against harmful labor”), *aff’d in part, rev’d in part on other grounds*, 146 F.2d 325 (8th Cir. 1945).

²⁵ Amanda G. Riggio, Comment, *The Smaller Screen: YouTube Vlogging and the Unequipped Child Entertainment Labor Laws*, 44 SEATTLE U. L. REV. 493, 499 (2021).

²⁶ *Id.*

Temple Act.²⁷ The Act states that any provision of the FLSA relating to child labor “shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.”²⁸ A “performer” is defined as:

[A] person who performs a distinctive, personalized service as part of an actual broadcast or telecast including an actor, singer, dancer, musician, comedian, or any person who entertains, affords amusement to, or occupies the interest of a radio or television audience by acting, singing, dancing, reading, narrating, performing feats of skill, or announcing, or describing or relating facts, events and other matters of interest, and who actively participates in such capacity in the actual presentation of a radio or television program.²⁹

The motive behind this exclusion of child actors arose out of the unprecedented success of Shirley Temple, who began acting at age three in 1932.³⁰ At the height of the Great Depression, Temple was the number-one draw to the box office and earned income that funneled directly to her family.³¹ In reflecting on her time as a child star, Temple noted that, due to her father’s mismanagement of her income, she was only left with a fraction of her earnings and no legal recourse.³²

In addition to the exemption for child performers and actors, there is also an exemption from minimum-age requirements for minors employed by a parent.³³

The FLSA remains a uniform piece of legislation that applies to all states, but its drafters could not have anticipated the exponential growth of technology and entertainment that impacts children today.³⁴ Both its exemptions for child actors in the entertainment industry and those employed by parents have allowed children to be exploited time and time again.

²⁷ V. Nathaniel Ang, Comment, *Teenage Employment Emancipation and the Law*, 9 U. PA. J. LAB. & EMP. L. 389, 395, 398 (2007).

²⁸ Fair Labor Standards Act, 29 U.S.C. § 213(c)(3).

²⁹ 29 C.F.R. § 550.2(b) (2025).

³⁰ See Neyza Guzman, *The Children of YouTube: How an Entertainment Industry Goes Around Child Labor Laws*, 8 CHILD & FAM. L.J. 85, 90–91 (2020) (noting that the prevailing sentiment at the time was against restricting children in films).

³¹ Patricia Hogan, *Shirley Temple and The Great Depression*, DEMOCRAT & CHRON. (May 8, 2014, at 15:52 ET), <https://www.democratandchronicle.com/story/lifestyle/art/blogs/staff/2014/05/08/shirley-temple-and-the-great-depression/8860341/> [<https://perma.cc/ES6H-YHBX>]; see SHIRLEY TEMPLE BLACK, *CHILD STAR: AN AUTOBIOGRAPHY* 481–84 (1988).

³² BLACK, *supra* note 31, at 483–87.

³³ See 29 C.F.R. § 570.2(a)(2) (2026).

³⁴ See *Wages and the Fair Labor Standards Act*, U.S. DEP’T OF LAB., WAGE & HOUR DIV., <https://www.dol.gov/agencies/whd/flsa> [<https://perma.cc/A6E3-BDM2>] (last visited Apr. 12, 2026) (explaining current FLSA provisions, rules, and guidance).

C. *Coogan's Law*

By the 1920s, one of the first child stars in Hollywood, Jackie Coogan, was starring in movies like Charlie Chaplin's film *The Kid*—noted as the second highest-grossing film in 1921.³⁵ It is estimated that Coogan earned around four million dollars—equivalent to about \$77 million dollars in 2025.³⁶ After *The Kid* rose to blockbuster status, “a visitor is said to have warned” Coogan's mother, Lillian, not to teach Coogan math “because when he grows up[,] he'll want to know where all his money is.”³⁷ That warning demonstrates the opportunity Lillian had to rake in the profits from popular merchandise featuring Coogan's image following his performance in *The Kid*.³⁸ At the age of 21, Coogan discovered that his mother and stepfather had blown most of his earnings.³⁹ When the matter was brought up, his mother, according to Coogan, said, “You haven't got a cent. There never has been a cent belonging to you. It's all mine and [Coogan's manager] Arthur's, and so far as we are concerned you will never get a cent.”⁴⁰ Coogan filed suit against his mother in 1938 to recoup the earnings; by the time the parties reached a settlement, each party received “half of the \$252,000 left of Coogan's childhood earnings.”⁴¹ Coogan later said he ultimately only received \$35,000.⁴² This case prompted the California legislature to enact a law that would place protective measures over child-performer earnings.⁴³ The original form of the Coogan Law allowed for up to 50% of the child's earnings be set aside in a trust account that would be approved and regulated

³⁵ JOEL W. FINLER, *THE HOLLYWOOD STORY* 276 (Ann Lloyd ed., 1988); James Barron, *Jackie Coogan, Child Star of Films, Dies at 69*, N.Y. TIMES (Mar. 2, 1984), <https://www.nytimes.com/1984/03/02/obituaries/jackie-coogan-child-star-of-films-dies-at-69.html> [<https://perma.cc/R8ND-2FDS>].

³⁶ *The Strange Case of Jackie Coogan's \$4,000,000*, LIFE, Apr. 25, 1938, at 50; Ian Webster, *CPI Inflation Calculator*, <https://www.in2013dollars.com/us/inflation/1930?amount=4000000> [<https://perma.cc/M4FE-2CK6>] (last visited Apr. 12, 2026).

³⁷ *The Strange Case of Jackie Coogan's \$4,000,000*, supra note 36, at 50 (internal quotations omitted).

³⁸ *Coogan Law*, SAG-AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law> (on file with the Lewis & Clark Law Review).

³⁹ *Id.*; Nila McGinnis, Note, “*They're Just Playing*”: *Why Child Social Media Stars Need Enhanced Coogan Protections to Save Them from Their Parents*, 87 MO. L. REV. 247, 255–56 (2022); *Jackie Coogan (1914–1984)*, IMDB, <https://www.imdb.com/name/nm0001067/> [<https://perma.cc/2FLR-FGD7>] (last visited Apr. 12, 2026).

⁴⁰ *Jackie Coogan Sues Mother*, PRESCOTT EVENING COURIER, Apr. 12, 1938, at 1.

⁴¹ Neil A. Grauer, *The Very Sad Story of Jackie Coogan*, AM. HERITAGE (Dec. 2000), <https://www.americanheritage.com/very-sad-story-jackie-coogan> [<https://perma.cc/BWR7-75KY>].

⁴² *Id.*

⁴³ *Coogan Accounts: Protecting Your Child Star's Earnings*, MORGAN STANLEY (Apr. 3, 2025), <https://www.morganstanley.com/articles/trust-account-for-child-performer> [<https://perma.cc/7V2C-279E>].

by a judge.⁴⁴ The original law placed the child’s earnings “at the mercy of both the judge that reviewed his contract, and his parents who controlled whatever moneys was not set aside.”⁴⁵

The law has since been amended. Today, the Coogan Law, codified in the California Family Code, applies to specific contracts between “an unemancipated minor and a third party” that were made “on or after January 1, 2000.”⁴⁶ Contracts that fall under the Coogan Law include those where: (1) “a minor is employed or agrees to render artistic or creative services”; (2) a minor agrees to “dispose of literary, musical, or dramatic properties, or use of a person’s likeness, voice recording, performance, or story of or incidents in the person’s life . . . for use in motion pictures, television, . . . or otherwise in the entertainment field”; and (3) “a minor is employed or agrees to render services as a participant or player in a sport.”⁴⁷ Today, “[a]rtistic or creative services” is defined through a non-exhaustive list that includes “actor, actress, dancer, musician, comedian, singer, stuntperson, voice-over artist, *content creator*, or other performer or entertainer.”⁴⁸

Other states have followed suit, but there is still no uniform standard of how to treat child performers’ monetary gains and privacy concerns.⁴⁹ A Coogan Trust Account, or a blocked trust account, is only available at certain banks.⁵⁰ Only five states require a blocked trust account to be opened, and each state follows different threshold requirements.⁵¹

D. *The United Nations Convention on the Rights of the Child*

The United Nations Convention on the Rights of the Child (CRC) is the most widely adopted human rights treaty in history.⁵² It was adopted in 1989 to ensure that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.”⁵³ Under the CRC, the best interests of the child are held as a primary consideration “[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities

⁴⁴ Marc R. Staenberg & Daniel K. Stuart, *Children as Chattels: The Disturbing Plight of Child Performers*, 32 BEVERLY HILLS BAR ASS’N J. 21, 26 (1997).

⁴⁵ *Id.*

⁴⁶ CAL. FAM. CODE § 6750 (West 2025).

⁴⁷ *Id.* § 6750(a).

⁴⁸ *Id.* § 6750(a)(1) (emphasis added).

⁴⁹ *Coogan Law*, *supra* note 38.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Convention on the Rights of the Child*, UNICEF, <https://www.unicef.org/child-rights-convention> [<https://perma.cc/XH4D-C2LH>] (last visited Apr. 12, 2026).

⁵³ *Convention on the Rights of the Child*, pmbl., Nov. 20, 1989, 1577 U.N.T.S. 3.

or legislative bodies.”⁵⁴ To that end, signatories are tasked with ensuring children the protection and care necessary for their well-being.⁵⁵ One obligation is to “protect the child from all forms of . . . maltreatment or exploitation . . . while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”⁵⁶ The CRC recognizes the right of a child to be protected from economic exploitation and work that would be harmful to their “health or physical, mental, spiritual, moral or social development.”⁵⁷ Additionally, the CRC notes that “[n]o child shall be subjected to arbitrary . . . interference with his or her privacy, family, home or correspondence” and that the child has “the right to the protection of the law against such interference.”⁵⁸ The United States remains the only country in the United Nations that has not ratified the CRC—despite being a signatory.⁵⁹

E. European Approach to Minors’ Privacy in Media

To the same effect as the CRC, the European Union codified what is known as the “right to be forgotten” in its 2016 General Data Protection Regulation (GDPR).⁶⁰ The right allows an individual to request erasure or alteration of records that “can be misleading, redundant, anachronistic, embarrassing, or contain irrelevant data . . . so that those records do not continue to impede present perceptions of that individual.”⁶¹ In effect, anyone can retroactively request that their digital footprint be wiped.⁶²

⁵⁴ *Id.* art. 3.

⁵⁵ *Id.*

⁵⁶ *Id.* art. 19.

⁵⁷ *Id.* art. 32.

⁵⁸ *Id.* art. 16.

⁵⁹ United Nations Treaty Body Database, Ratification Status for CRC—Convention on the Rights of the Child, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en [<https://perma.cc/6CNY-YB7J>] (last visited Apr. 13, 2026) (showing that the United States signed the treaty on February 16, 1995, but that it has yet to ratify the treaty); see Ndujoh MehChu, *No Child Left Behind? An Interest-Convergence Roadmap to the U.S. Ratification of the Convention on the Rights of the Child*, 76 N.Y.U. ANN. SURV. AM. L. 1, 8 & n.34 (2020) (“[T]he United States is the only member of the United Nations that has not ratified the treaty”; “[a]s a signatory to the Convention, the United States is only legally obligated to refrain from contravening the object and purpose of the Convention.”); Addie Merrick, *The U.S and its Pending Ratification of the UNCRC*, WIS. UNDERGRAD. L. REV.: LEG. BEAGLE (Jan. 23, 2025), <https://www.thewulr.com/post/the-u-s-and-its-pending-ratification-of-the-uncrc> [<https://perma.cc/MV79-AAUP>].

⁶⁰ Ben Wolford, *Everything You Need to Know About the “Right to Be Forgotten,”* GDPR.EU, <https://gdpr.eu/right-to-be-forgotten/> [<https://perma.cc/T253-73PP>] (last visited Apr. 13, 2026); Ben Wolford, *What Is the GDPR, the EU’s New Data Protection Law?*, GDPR.EU, <https://gdpr.eu/what-is-gdpr/> [<https://perma.cc/H96X-YQ58>] (last visited Apr. 13, 2025).

⁶¹ Michael J. Kelly & David Satola, *The Right to Be Forgotten*, 2017 U. ILL. L. REV. 1, 3 (2017).

⁶² *How Does the Right to Erasure Apply to Children?*, U.K. INFO. COMM’R OFF.,

In 2020, France became the first country to enact legislation that classifies child influencers as child laborers on top of the European right to be forgotten under the GDPR.⁶³ The protections enacted by France include (1) extending child labor laws to children who are engaged in monetized content creation; (2) ensuring compensation for the minors involved; and (3) allowing for a “right to be forgotten,” also known as a right to deletion.⁶⁴

The United States is far from implementing all-encompassing legislation that includes a right to deletion due to the country’s current and historical understanding of parental autonomy. But implementing needed, substantial protections for minors who are involved in the work of content creation does not have to unduly burden a parent’s right to design a child’s upbringing. The right to deletion is just one step that goes along with financial compensation for children who are increasingly becoming visible in family channels.⁶⁵

F. *The Rise of Commercialized Home Movies*

Home movies have been a staple in American homes for decades.⁶⁶ Home movies depict sentimental and private moments and are typically not “intended for commercial release or distribution” because they were not intended to create economic value⁶⁷—that is, until the first one was posted on YouTube. With the introduction of

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/childrens-information/children-and-the-uk-gdpr/how-does-the-right-to-erasure-apply-to-children/> [<https://perma.cc/4LCE-V4HX>] (last visited Apr. 13, 2026).

⁶³ Camille Laude, Comment, *Family Vlogging and Child Harm: A Need for Nationwide Protection*, 64 JURIMETRICS J. 285, 293–94 (2024) (“France was the first country to enact specific legislation that classifies child influencing as child labor.”); see J. OFFICIEL DE LA RÉPUBLIQUE FRANÇAISE, LOI N. 2020-1266 DU 19 OCTOBRE 2020 VISANT À ENCADRER L’EXPLOITATION COMMERCIALE DE L’IMAGE D’ENFANTS DE MOINS DE SEIZE ANS SUR LES PLATEFORMES EN LIGNE (1), https://www.legifrance.gouv.fr/download/file/ZH19Uvg25Lf1vwmpaeAODXB0La5rYk6ys5dm_FwTPZs=/JOE_TEXTE [<https://perma.cc/Y39G-PGCE>] (providing the original text of the law in French).

⁶⁴ Nicolas Boring, *France: Parliament Adopts Law to Protect Child “Influencers” on Social Media*, LIBR. OF CONG. (Oct. 30, 2020), <https://www.loc.gov/item/global-legal-monitor/2020-10-30/france-parliament-adopts-law-to-protect-child-influencers-on-social-media/> [<https://perma.cc/VR3D-FXKV>].

⁶⁵ For a list of some of the most popular family channels as of 2025, see *100 Family YouTubers in 2025*, FEEDSPOT, https://videos.feedspot.com/family_youtube_channels/ [<https://perma.cc/U8T2-Y2YW>] (last visited Apr. 13, 2026).

⁶⁶ See Cori Brosnahan, *Personalizing the Past: History Through Home Movies*, PBS: AM. EXPERIENCE (Aug. 9, 2017), <https://www.pbs.org/wgbh/americanexperience/features/personalizing-past-interview-rick-prelinger/> [<https://perma.cc/U354-Q84U>].

⁶⁷ *Home Video*, MERRIAM-WEBSTER (Apr. 5, 2026), <https://www.merriam-webster.com/dictionary/home%20video> [<https://perma.cc/4D58-HNUP>] (defining *home video*).

YouTube, the classic home movie quickly took a new form—the “vlog.”⁶⁸ Typically, vlogs follow the life of a single person either throughout a day, week, or just for a single event.⁶⁹ Family vlogs are a genre of vlogs that document the daily lives of families and often feature the children in the family at the forefront of the videos.⁷⁰ Family vlog channels are a rare peek into the private life of families—the parents film every moment from the birth of their child to the child’s firsts, edit it, monetize it, and publish it to YouTube for the world to see.⁷¹

A YouTube channel can be monetized in a variety of ways.⁷² For example, an individual can apply to the YouTube Partner Program (YPP).⁷³ To begin monetizing a channel through the YPP program there are certain eligibility requirements, including minimum subscriber counts and view counts.⁷⁴ One of the requirements to be eligible for the YPP is to have a linked AdSense account, which sends the YouTuber payment from any monthly revenue earned from the ads that play on their videos.⁷⁵ To increase AdSense revenue, YouTube looks for consistent viewer engagement and may turn off monetization for channels that do not consistently upload content.⁷⁶ The algorithm is a system that chooses what videos are suggested to certain viewers—around 70% of the views on YouTube are from algorithmic recommendations.⁷⁷ The algorithm is driven by viewership

⁶⁸ See Riggio, *supra* note 25, at 494–95; S.B. 1782, 103d Gen. Assemb., Reg. Sess., at 2 (Ill. 2024) (enacted) (defining “vlog” as “content shared online in exchange for compensation”).

⁶⁹ See Riggio, *supra* note 25, at 494–95 n.8.

⁷⁰ Emma Nottingham, *‘Dad! Cut That Part Out!’: Children’s Rights to Privacy in the Age of ‘Generation Tagged’: Sharenting, Digital Kidnapping and the Child Micro-Celebrity*, in THE ROUTLEDGE INTERNATIONAL HANDBOOK OF YOUNG CHILDREN’S RIGHTS 1, 7 (Jane Murray, Beth Blue Swadener & Kylie Smith eds., 2019).

⁷¹ Laude, *supra* note 63, at 285–86.

⁷² See *Creator Economy*, YOUTUBE, <https://www.youtube.com/howyoutubeworks/product-features/monetization/#overview> [<https://perma.cc/42AP-9CYM>] (last visited Apr. 13, 2026) (explaining YouTube’s “creator economy”).

⁷³ See *YouTube Partner Program Overview & Eligibility*, YOUTUBE HELP, <https://support.google.com/youtube/answer/72851?hl=en> [<https://perma.cc/V83B-A3JG>] (last visited Apr. 13, 2026).

⁷⁴ *Id.*

⁷⁵ *Add Your Payment Method for AdSense for YouTube*, YOUTUBE HELP, <https://support.google.com/youtube/answer/14728152?sjid=17663766372691717980-NC> [<https://perma.cc/EY6W-7MZA>] (last visited Apr. 13, 2026).

⁷⁶ See *YouTube Partner Program Overview & Eligibility*, *supra* note 73.

⁷⁷ Hana Kiro, *Hated That Video? YouTube’s Algorithm Might Push You Another Just Like It*, MIT TECH. REV. (Sep. 20, 2022), <https://www.technologyreview.com/2022/09/20/1059709/youtube-algorithm-recommendations/> [<https://perma.cc/T4TE-3WA9>] (“YouTube’s recommendation algorithm drives 70% of what people watch on the platform.”); Rob Glover, *How the YouTube Algorithm Works in 2025*, WORDSTREAM (Feb. 23, 2026), <https://www.wordstream.com/blog/ws/2023/09/15/youtube-algorithm> [<https://perma.cc/C5CB-R6LM>] (“The YouTube algorithm is a recommendation system that decides which

analytics like how many views a video receives or how long viewers watch that video.⁷⁸ One way to draw these views in from the algorithm is to create thumbnails that catch the attention of viewers and pair it with a title that is short and catchy.⁷⁹ Creators are incentivized to create “clickbait” titles and over-exaggerated thumbnails to have their content populate algorithmic recommendations, which in turn brings in more AdSense revenue.⁸⁰ YouTube has repeatedly come under fire for placing sexually explicit or suggestive videos of children in algorithmic recommendations.⁸¹

YouTubers may also opt into Channel Memberships, Superchats, YouTube Shopping, and YouTube BrandConnect to generate revenue outside of advertising.⁸² To increase viewership, YouTube recommends cross-promotion of channels on different platforms, meaning that content creators embed their YouTube channel on other platforms like TikTok, Instagram, Facebook, and Snapchat.⁸³ Outside of YouTube’s monetization features, creators may also include paid product placements, endorsements, and sponsorships from brands that will pay creators to promote their product or service that aligns with the channel.⁸⁴

videos to suggest to a particular viewer.”).

⁷⁸ *Growing Your Channel*, YOUTUBE CREATORS, https://www.youtube.com/intl/en_us/creators/how-things-work/content-creation-strategy/ [<https://perma.cc/LSN6-5PV2>] (last visited Apr. 13, 2026).

⁷⁹ *YouTube Thumbnail*, WIX ENCYCLOPEDIA, <https://www.wix.com/encyclopedia/definition/youtube-thumbnail> [<https://perma.cc/N2LG-PPSM>] (last visited Apr. 14, 2025) (“A YouTube thumbnail is a small, clickable image that appears on the platform’s search results page, suggested videos section, and any channel homepage. It serves as an attention-grabbing preview to the video that entices viewers to click through and watch it.”).

⁸⁰ See *Understand Ad Revenue Analytics*, YOUTUBE HELP, <https://support.google.com/youtube/answer/9314357> [<https://perma.cc/T3S8-E24H>] (last visited Apr. 13, 2026); *Clickbait*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/dictionary/clickbait> [<https://perma.cc/PS3K-8MSP>] (last visited Apr. 13, 2026) (defining *clickbait* as “an internet story, title, image, etc. that is intended to attract attention and encourage people to click on a link”).

⁸¹ See Max Fisher & Amanda Taub, *On YouTube’s Digital Playground, an Open Gate for Pedophiles*, N.Y. TIMES (June 3, 2019), <https://www.nytimes.com/2019/06/03/world/americas/youtube-pedophiles.html> [<https://perma.cc/R48B-DRGG>] (explaining that YouTube’s recommendation algorithm surfaced innocuous home videos of children to users who had watched sexually themed content, creating a catalog that experts say sexualizes children).

⁸² See *Creator Economy*, *supra* note 72.

⁸³ See *Promote Your Videos*, YOUTUBE HELP, <https://support.google.com/youtube/answer/141808> [<https://perma.cc/VU5Q-T3HP>] (last visited Apr. 27, 2026).

⁸⁴ Alexandru Golovatenco, *Sponsor Guide 101: How Do YouTube Sponsorships Work?*, SPONSORSHIP (Nov. 22, 2024), <https://sponsorship.so/blog/how-do-youtube-sponsorships-work> [<https://perma.cc/N662-JFWR>]; see Katrina Wu, *YouTube Marketing: Legality of Sponsorship and Endorsements in Advertising*, 22 J.L. BUS. & ETH. 59, 62–66 (2016).

II. CHILDREN ARE NOT PROPS OR STRATEGIC BUSINESS DECISIONS

Some channels that feature children are lucrative and often make enough money to allow the parents to quit their full-time careers and dedicate their lives to 24/7 content creation.⁸⁵ A mother on YouTube once said, “pregnancy is a business builder,” referring to the business of using children and pregnancy to boost influence in sales.⁸⁶ Such statements do not come from mere inferences—the Pew Center for Research found that “[v]ideos featuring a child or children under the age of 13 were substantially more popular than other types of content.”⁸⁷ The study conducted by the Center noted that videos featuring a child “received an average of 297,574 views . . . compared with an average of 97,081 views . . . for those that did not.”⁸⁸ With higher viewership rates, channels featuring children are seen as money-building machines that get AdSense revenue while also bringing in sponsorship deals that can support families financially.

Sponsorship deals with brands that cater to the average American family and the basic YouTube compensation models drive the content of family channels to a place of “contrived authenticity,” in which viewers are convinced they are seeing the genuine daily schedules of family members.⁸⁹ For example, a mother on YouTube may suggest her favorite diaper brand by telling viewers how hard it has been to find a brand that the whole family loves. The kind of personal connection that arises out of such segments drives product sales and, in turn, brings in more revenue.⁹⁰ Even more lucrative than a parent telling their channel viewers about a product is a child using a product on camera and having that product linked to the video for all the

⁸⁵ See Ingrida Behri, *The Use of Children as Influencers and the Harmful Effects on Their Health and Rights as Human Beings*, 11 INTERDISC. J. RSCH. & DEV. 52, 53, 55 (2024).

⁸⁶ KIKI CHANEL, **SHOCKING FOOTAGE* MLM SCAMMERS HAVING KIDS TO BOOST THEIR BUSINESS | ANTI-MLM*, at 03:29 (YouTube, Mar. 3, 2020), <https://www.youtube.com/watch?v=cW0pVIJpbXQ> [<https://perma.cc/QD4V-9FRD>].

⁸⁷ PATRICK VAN KESSEL, SKYE TOOR & AARON SMITH, PEW RSCH. CTR., *A WEEK IN THE LIFE OF POPULAR YOUTUBE CHANNELS* 19 (2019), https://www.pewresearch.org/internet/wp-content/uploads/sites/9/2019/07/DL_2019.07.25_YouTube-Channels_FINAL.pdf [<https://perma.cc/58SN-KETB>].

⁸⁸ *Id.*

⁸⁹ See Crystal Abidin, *#familygoals: Family Influencers, Calibrated Amateurism, and Justifying Young Digital Labor*, SOC. MEDIA + SOC’Y, June 2017, at 1, 4, 7 (describing “calibrated amateurism,” a strategy in which creators deliberately stage everyday domestic routines to appear spontaneous and authentic in order to align with platform incentives and advertiser expectations).

⁹⁰ Elina Närvänen, Tytti Kirvesmies & Elina Kahri, *Parasocial Relationships of Generation Z Consumers with Social Media Influencers*, in INFLUENCER MARKETING: BUILDING BRAND, COMMUNITIES, AND ENGAGEMENT 139, 147–49 (Sevil Yesiloglu & Joyce Costello eds., 2020) (ebook).

viewers to simply click and shop.⁹¹ The decision of these family vloggers to monetize content—and do it in the most profitable manner—turns their homes into a stages and their belongings into props that have been strategically placed to generate revenue.⁹² The children become unassuming actors who often do not control or even see their set times because they are working all the time.⁹³ The not-so-glamorous results of a private home life turned commercial may include distorted content to boost algorithms, financial control, abuse, neglect, and a severe lack of any semblance of privacy.

A. *Financial Gains and Increased Distorted Content*

Shay Butler posted one of the earliest family vlogs to YouTube in 2008.⁹⁴ The videos took off immediately, and the family, who were living off food stamps, became millionaires.⁹⁵ According to one estimate, the channel brought in anywhere from \$20,000 to \$38,000 every month—just in ad revenue—when it was active.⁹⁶ With endorsement deals from companies like Band-Aid and Target, the family had achieved YouTube celebrity status.⁹⁷ The most popular video is titled *BABYTARD IS SICK!* and features a thumbnail of one of their daughters on a hospital bed; it has garnered 30 million views.⁹⁸ Another is titled *A BABY IS BORN!* and features

⁹¹ See Masterson, *supra* note 5, at 592 (noting that children’s on-camera “play” is structured labor—often requiring use of specific products, on set timelines, and filmed for sponsor-driven monetary gain); Fortesa Latifi, *What’s the Price of a Childhood Turned into Content?*, COSMOPOLITAN (Mar. 12, 2024), <https://www.cosmopolitan.com/lifestyle/a60125272/sharenting-parenting-influencer-cost-children/> [<https://perma.cc/6XEK-BVW8>] (describing one YouTuber who lost almost all of the family’s brand deals related to their vlog when the YouTuber “decided to take his kids offline”).

⁹² See Masterson, *supra* note 5, at 595; see also Wanma Koo, *Ways to Implement Effective Product Placement on YouTube*, 19 INT’L J. E-BUS. RSCH. 1, 4 (2023) (“Unlike traditional media programs with plots and actors, YouTubers—who are owners of their channels—directly appear in video content, and subscribers actively and repetitively visit the same channel because they are fans of the YouTuber.”).

⁹³ Nottingham, *supra* note 70, at 8.

⁹⁴ Amelia Tait, *Their Lives Were Documented Online from Birth. Now, They’re Coming of Age*, ROLLING STONE UK (June 28, 2022), <https://www.rollingstone.co.uk/culture/features/truman-babies-youtube-family-vlogging-generation-18995/> [<https://perma.cc/F7E8-UH5M>].

⁹⁵ Jasmine Brown, Ashley Riegle & Alexa Valiente, *How ‘The Shaytards’ Went from Living on Food Stamps to Being YouTube Millionaires*, ABC NEWS (Oct. 2, 2015, at 15:33 PST), <https://abcnews.go.com/Lifestyle/shaytards-living-food-stamps-youtube-millionaires/story?id=34211164> [<https://perma.cc/3C2E-63M9>].

⁹⁶ Belinda Luscombe, *The YouTube Parents Who Are Turning Family Moments into Big Bucks*, TIME (May 18, 2017, at 06:00 EDT), <https://time.com/4783215/growing-up-in-public/> [<https://perma.cc/J8YP-9ZD7>].

⁹⁷ Brown et al., *supra* note 95.

⁹⁸ See SHAYTARDS, *BABYTARD IS SICK!* (YouTube, Aug. 4, 2014),

footage of the hospital room during their son's live birth.⁹⁹ That video was the first time the family could monetize their infant son, and it has garnered over 23 million views.¹⁰⁰ In the description of the video, Butler points viewers to watch two more linked videos.¹⁰¹ One is prefaced by the phrase "Where it all started!" and links to a video titled *The SHAYTARDS are having a baby. . .AGAIN!!!*¹⁰² The other is prefaced by "Yesterday's Vlog," which is titled *WE'RE HAVING THE BABY*.¹⁰³ The two youngest Butler children have had their lives publicized from the moment they were born.¹⁰⁴ Butler said that "[o]nce we started the daily vlogs our viewers and pay immediately tripled. . . . I was now making more money than I had ever made."¹⁰⁵ The videos posted to the channel became more exaggerated and more extreme, and eventually included the children in every thumbnail.¹⁰⁶ As Shari Franke, the former child star of a notorious family vlog, writes in her memoir: "consistency is king, you have to post regularly, which mean[s] every little moment [is] mined for content."¹⁰⁷

The YouTube algorithm promotes and pushes out consistent content, and reports indicate that some parents actively coach their children to generate an ongoing stream—milking more content out of them.¹⁰⁸ One child YouTuber, whose account was in her mother's name, was pressured to "work long hours filming and editing" as her "popularity and profits increased," saying in an interview that her mother "wanted [her] to be famous enough and make enough money where [she] could provide for the entire family."¹⁰⁹ At first her mother told her that she

<https://www.youtube.com/watch?v=Qs-SymcUFFU> [<https://perma.cc/VA58-UQUV>].

⁹⁹ SHAYTARDS, *A BABY IS BORN!*, at 27:23 (YouTube, Oct. 26, 2013), <https://www.youtube.com/watch?v=AEyfCz2CTH8&t=1856s> [<https://perma.cc/33K7-XJH2>].

¹⁰⁰ *See id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *See Shay Carl: Biography*, IMDB, <https://www.imdb.com/name/nm3576809/bio/> [<https://perma.cc/N5HB-LPHX>] (last visited Apr. 13, 2026) (explaining that Butler has five children: Gavin (born December 3, 2003), Avia (born May 4, 2005), Emmi (born August 19, 2007), Brock Vincent (born June 10, 2010), and Daxton (born October 25, 2013)); Tait, *supra* note 94 (explaining that Carl posted his first family vlog in 2008).

¹⁰⁵ Michael Humphrey, *ShayCarl's Epic Journey to YouTube Stardom*, FORBES (Oct. 21, 2015, at 11:18 EDT), <https://www.forbes.com/sites/michaelhumphrey/2011/05/31/shaycarls-epic-journey-to-youtube-stardom/> [<https://perma.cc/9WW7-A3HW>].

¹⁰⁶ *See generally* SHAYTARDS (@SHAYTARDS), YOUTUBE, <https://www.youtube.com/user/SHAYTARDS> [<https://perma.cc/XCR2-UAJD>] (displaying the Butler family YouTube channel).

¹⁰⁷ FRANKE, *supra* note 1, at 47.

¹⁰⁸ Rachel Dunphy, *The Dark Side of YouTube Family Vlogging*, N.Y. MAG.: INTELLIGENCER (Apr. 17, 2017), <https://nymag.com/intelligencer/2017/04/youtube-family-vloggings-dark-side.html> [<https://perma.cc/6A5L-8B9Q>].

¹⁰⁹ *See id.*

would not touch a cent in the AdSense account but “then it became, ‘I want 30 percent; I want 50 percent; I’m owed this.’”¹¹⁰

In 2021, Jordan Cheyanne, a self-proclaimed “mommy vlogger,” went viral for posting a mistakenly unedited vlog coaching her son to pose for a thumbnail of a video about their family dog who had just passed away.¹¹¹ A moment that typically includes a conversation about the dog going to a farm in the countryside was replaced by Cheyanne’s statement, “look like you’re crying,” to which her child responded, “I am crying!”¹¹² This type of distorted content creates misguided impressions of what is supposed to be representative of raw and intimate moments between family members—everything posted is curated.¹¹³ Shari Franke, describing her childhood home, writes that it was “designed to please the camera’s eye . . . a picturesque facade, perfect for the camera but perhaps a bit too perfect for real life.”¹¹⁴ The parents who create family content take on the classic role of a producer or director, positioning the children, renovating the house, and coaching reactions by demanding, “‘Do this, do that . . . we’re filming! Smile. . . . Say good morning!’”¹¹⁵

Any form of payment to the children from their parents often takes the form of a bribe. As Shari Franke testified before the Utah legislature: “We [the children] would be awarded \$100 or a shopping trip if we filmed a particularly embarrassing moment or an exciting event in our lives.”¹¹⁶ Statements like this demonstrate that the children themselves are incentivized to sensationalize the more mundane tasks that are inherent to being a kid—because that is what gets the views.¹¹⁷ Their childhood experiences are stolen and distorted by the camera for the world to see, and they have no say in what content is posted.¹¹⁸ Nothing is left private, and no

¹¹⁰ *Id.*

¹¹¹ See Rachel Paula Abrahamson, *Family YouTuber Deletes Account After Criticism Over Video Coaching Son to Cry*, TODAY (Sep. 14, 2021, at 16:09 PDT), <https://www.today.com/parents/jordan-cheyenne-speaks-out-about-youtube-video-son-crying-t231055> [<https://perma.cc/S9AQ-N5TU>].

¹¹² *Id.* at 00:12 (embedded video).

¹¹³ See Abidin, *supra* note 89, at 4, 6–7 (explaining that audiences are led to believe they are witnessing private, intimate family moments even though access to those moments is strategically managed and curated).

¹¹⁴ FRANKE, *supra* note 1, at 50.

¹¹⁵ See, e.g., *id.* at 47.

¹¹⁶ *Child Influencer Protections: Hearing Before the Bus. & Lab. Interim Comm.*, 66th Leg. (Utah Oct. 16, 2024) (statement of Shari Franke, daughter of Ruby Franke) [hereinafter Shari Franke Testimony].

¹¹⁷ See Abidin, *supra* note 89, at 1, 6–7 (noting that platform-driven attention economies reward engagement with dramatized everyday content, incentivizing increasingly performative depictions of ordinary childhood activities).

¹¹⁸ See Valeriya Safronova, *Child Influencers Make Big Money. Who Gets It?*, N.Y. TIMES (Oct. 13, 2023), <https://www.nytimes.com/2023/10/10/style/children-influencers-money.html>

amount of financial benefit can remedy that taking. After all, in Shari Franke's words, "What price is worth giving up your childhood?"¹¹⁹

B. Privacy Concerns

For many children of family vlogs, every diaper change, bath, emotional outburst, or any kind of first is published to the internet without regard to their privacy—they cannot say no.¹²⁰ Most children live to please their parents and "respect their elders," but there must be a point where informed consent becomes a part of the conversation.¹²¹ Shari Franke, in reflecting on her time as a child on a family vlog channel, explained that, in her home, "[y]ou couldn't sneeze without it being immortalized from multiple angles."¹²² In her memoir, *The House of My Mother*, she leaves her siblings' names out of the memoir entirely, writing:

This isn't an oversight—it's my last line of defense for them.

In a kinder world, their stories would not be fodder for a book. Their private moments would be their own, known only to friends and family, not dissected by strangers on the internet. But peace and anonymity were never in the cards for us. We have Ruby to thank for that. Ruby and her insatiable hunger for attention and success.¹²³

"It felt more like a set than a house," Shari later said in a documentary she was featured in.¹²⁴ Her mother would take her most vulnerable moments, including awkward times in adolescence, and use them to generate views.¹²⁵

Shari's is not an isolated case—many of the family vloggers mentioned in this Note have used their children's embarrassing moments and mistakes to create a thumbnail or eye-catching title.¹²⁶ For example, a video that has over 4.5 million

[<https://perma.cc/Q4C9-TPAP>].

¹¹⁹ Shari Franke Testimony, *supra* note 116.

¹²⁰ See Latifi, *supra* note 91 (explaining one child of a family vlog's experience: "I had no say in what was posted").

¹²¹ See *id.*; Darlington K. Esiaka & Elizabeth Luth, *Different Interpretations of "Honor Your Parents": Implications for Obligation of Parental Caregiving*, 78 J. GERONTOLOGY: SERIES B 1787, 1790–91 (2023) (noting that children are commonly socialized to prioritize obedience, deference, and pleasing their parents as a function of respecting elders).

¹²² FRANKE, *supra* note 1, at 47.

¹²³ *Id.* at 12.

¹²⁴ DEVIL IN THE FAMILY: THE FALL OF RUBY FRANKE: *Abundance*, at 30:50 (Hulu, Feb. 27, 2025).

¹²⁵ FRANKE, *supra* note 1, at 47.

¹²⁶ See, e.g., SHAYTARDS, *MOM, YOU'RE EMBARRASSING ME!* (YouTube, July 26, 2018), <https://www.youtube.com/watch?v=OvDOd9D3GB0> [<https://perma.cc/SCJ3-F37Y>]; 8 PASSENGERS, *Did You Just Do What I Think You Did* (YouTube, June 5, 2019), https://www.youtube.com/watch?v=jb_QzcGiUxA [<https://perma.cc/55YC-KCG6>]; THE LABRANT FAM, *WE GOT PAYBACK ON EVERLEIGH!!! (OUR FIRST TIME PRANKING HER)*

views features Shay Carl's preteen daughter talking about a school crush without knowing that a video was being recorded.¹²⁷ Once she finds out, she runs out of the room followed by Butler, who says, "This is good footage!"¹²⁸ Every part of the Butler family life is shared in real-time: the name of their first dog, the name of the hospital they go to, the name of the neighborhood they live in, the brand of diapers they use, their morning routine, their children's first kiss, the name of the hotel they stay at when on vacation, the mother's maiden name.¹²⁹ Everything that could show up in a security question is on the internet forever, posted by the parents, and monetized.

In the case of the Stauffer Family, the parents had been advertising their family YouTube channel as a sneak peek into their international adoption journey, which started in 2016.¹³⁰ Before the adoption journey, the family's popularity increased after each the family's pregnancies, all relatively close together in time.¹³¹ Videos of theirs that included pregnancy or child-related announcements received about seven to eleven times more engagement than videos before the announcement.¹³² Discussion of adoption increased, and in around 27 videos, the couple told viewers that they kept "being led to China" to pursue their adoption journey.¹³³ A source close to the family later added that the Stauffers pursued adoption in China because "it's quicker to adopt from China."¹³⁴ Out of the 27 videos on the Stauffer's channel regarding the adoption, the one with the most views was titled, *[Child's Name] EMOTIONAL Adoption VIDEO!! GOTCHA DAY China Adoption*.¹³⁵ It had

(YouTube, May 16, 2018), <https://www.youtube.com/watch?v=pISXr8Fxx4M> [https://perma.cc/875C-HJEC].

¹²⁷ See SHAYTARDS, *DAD! CUT THAT PART OUT!*, at 03:40–06:00 (YouTube, Apr. 3, 2014), <https://www.youtube.com/watch?v=JdboPfhrXBg> [https://perma.cc/X6F8-HAV5].

¹²⁸ *Id.* at 04:42.

¹²⁹ See SHAYTARDS (@SHAYTARDS), *supra* note 106 (publishing a wide variety of vlogs featuring intimate family details).

¹³⁰ See AN UPDATE ON OUR FAMILY: *Welcome to Our Family*, at 38:05 (HBO Max, Jan. 15, 2025).

¹³¹ *Id.* at 22:00; see AN UPDATE ON OUR FAMILY: *Damn Good Mom*, at 35:30 (HBO Max, Jan. 22, 2025).

¹³² Lori Lo, *The Pregnant Influencer Is Good for Business: The Capitalization of Pregnancy on Social Media*, MEDIUM: LAURIE'S WANDERING MIND (Mar. 18, 2022), <https://laurieswanderingmind.medium.com/the-pregnant-influencer-is-good-for-business-the-capitalization-of-pregnancy-on-social-media-5878ec5e2e21> [https://perma.cc/CZA9-NRAL].

¹³³ See AN UPDATE ON OUR FAMILY: *Welcome to Our Family*, *supra* note 130, at 39:40; AN UPDATE ON OUR FAMILY: *Damn Good Mom*, *supra* note 131, at 06:20.

¹³⁴ AN UPDATE ON OUR FAMILY: *Welcome to Our Family*, *supra* note 130, at 39:26.

¹³⁵ Stephanie McNeal, *A YouTuber Placed Her Adopted Autistic Son from China with A New Family—After Making Content with Him for Years*, BUZZFEED NEWS (May 28, 2020, at 17:45 PT), <https://www.buzzfeednews.com/article/stephaniemcneal/myka-stauffer-huxley-announcement> [https://perma.cc/8WJZ-7GGV]. The Author is choosing to not reproduce the

5.5 million views and was monetized before the channel was taken down.¹³⁶ The Stauffers had adopted the child in 2017 when he was two years old, making him the fourth child in the family, and the only one who was adopted.¹³⁷ After the adoption was finalized, the child appeared in almost every video, and every detail of his medical condition was shared on multiple occasions.¹³⁸ Viewers got to know of his diagnosis of level 3 autism and his care, consisting of 30 hours of in-home therapy a week.¹³⁹

After two years of putting the child in content and talking about the woes of adoption, the family stopped featuring him in videos.¹⁴⁰ Viewers quickly noticed and became concerned, flooding the comments on the channel and taking to other platforms to raise concerns.¹⁴¹ The family then spoke, in a now-deleted video titled *An Update on our Family*.¹⁴² They shared that they had given up their child—who was four and a half years old—to a new “forever family” due to his special needs.¹⁴³ According to the family, during the adoption process, people had warned the parents against adopting him.¹⁴⁴ Despite this, the parents had continued the adoption process and acknowledged that the “child [was] not returnable” once the adoption was finalized.¹⁴⁵ In the video, the parents claimed that they waited to share the news because they “wanted to protect his privacy,” despite monetizing and posting videos of the entire adoption process.¹⁴⁶ The parents quickly lost all sponsorships, but kept the videos featuring the adopted child monetized until the channel was either deleted or shut down.¹⁴⁷ Although the family denies adopting the child to garner attention on social media, that does not change that the child’s face, name, and sensitive medical information remain public and are stamped all over articles, commentary videos, and lingering Instagram posts.

It is apparent that the long-standing effects of sharing details about one’s life

child’s name to preserve his privacy.

¹³⁶ *Id.*

¹³⁷ AN UPDATE ON OUR FAMILY: *Damn Good Mom*, *supra* note 131, at 10:00 (showing footage of the whole family in China picking up their adopted son).

¹³⁸ See Myka Stauffer: *Backlash After YouTubers Give up Adopted Son*, BBC (May 28, 2020), <https://www.bbc.com/news/world-us-canada-52839792> [<https://perma.cc/EW8A-LVGB>]; AN UPDATE ON OUR FAMILY: *Damn Good Mom*, *supra* note 131, at 28:15.

¹³⁹ AN UPDATE ON OUR FAMILY: *Damn Good Mom*, *supra* note 131, at 39:35.

¹⁴⁰ *Id.* at 06:20, 41:12.

¹⁴¹ *Id.* at 42:25.

¹⁴² AN UPDATE ON OUR FAMILY: *Where’s Huxley?*, at 03:00 (HBO Max, Jan. 29, 2025).

¹⁴³ See *id.* at 04:08.

¹⁴⁴ See AN UPDATE ON OUR FAMILY: *Welcome to Our Family*, *supra* note 130, at 40:00.

¹⁴⁵ *Id.* at 47:32 (presenting a clip of Myka Stauffer stating her future child was “not returnable”).

¹⁴⁶ AN UPDATE ON OUR FAMILY: *Where’s Huxley?*, *supra* note 142, at 05:45.

¹⁴⁷ *Id.* at 13:02.

on social media may destroy the ability to live a private life.¹⁴⁸ In the case of children in family vlogs, details about their lives are shared, sometimes even before they become part of the family.¹⁴⁹ This portrayal of private details on the internet led Shari Franke, a child who was subject to this lifestyle, to testify that she would “rather have an empty bank account now and not have [her] childhood plastered all over the internet.”¹⁵⁰

C. Consequences of Digital Child Exploitation

The nature of family vlogging, even if not originally intended to exploit children for ad revenue, becomes exploitative in family channels that gain the highest view counts, such as: The Stauffer Life, 8 Passengers, SHAYTARDS, The ACE Family, and The LaBrant Fam.¹⁵¹

Parents profiting off their children by exploiting their image or details creates harm that reaches far past a screen. One example of a possible extreme effect of these videos is demonstrated by one instance where a man tracked down a 12-year-old girl who was featured in a YouTube channel by going door-to-door in the neighborhood he thought she lived in.¹⁵² He admitted that he had been watching this child for five years—since she was seven years old.¹⁵³ In a similar situation, one 13-year-old on TikTok—who had over one million followers—had one of her followers show up at her house with a shotgun.¹⁵⁴ The family was left physically

¹⁴⁸ See Lauren Hendrickson, *What Is a Digital Footprint? Your Online Identity*, IDENTITY (Dec. 14, 2025), <https://www.identity.org/what-is-a-digital-footprint/> [<https://perma.cc/6ULY-EMUK>] (explaining how activity on the internet becomes a person’s “digital footprint,” which may have “serious consequences for personal privacy”).

¹⁴⁹ See *supra* notes 130–37 and accompanying text.

¹⁵⁰ Shari Franke Testimony, *supra* note 116.

¹⁵¹ McNeal, *supra* note 135 (discussing The Stauffer Life YouTube channel); Brown et al., *supra* note 95 (discussing SHAYTARDS’ YouTube channel); Carolina Waldo, Note, *Don’t Forget to Like, Follow, and Regulate: An Argument for the Expansion of Protections for Child Social Media Influencers*, 57 U. MICH. J.L. REFORM 537, 539 (2024) (noting the Ace Family and the LaBrant Family as popular family vlog YouTube channels). 8 Passengers is the YouTube channel of the Franke family, discussed throughout this Note. See generally FRANKE, *supra* note 1 (exploring the life as a child of a family vlogger through a now-grown participant).

¹⁵² LAW&CRIME NETWORK, *Bodycam Shows Stalker at 12-Year-Old Girl’s House Begging for Date*, at 0:00–2:00 (YouTube, Aug. 10, 2024), <https://www.youtube.com/watch?v=sdQgMl4slHU> [<https://perma.cc/DF24-95D3>]; Maddie Hebebrand, *Oregon Man Charged with Stalking Brunswick Teen, Police Say*, CLEVELAND 19 NEWS (Aug. 4, 2022, at 12:48 PDT), <https://www.cleveland19.com/2022/08/04/oregon-man-charged-with-stalking-brunswick-teen-police-say/> [<https://perma.cc/SR6Y-UERV>].

¹⁵³ LAW&CRIME NETWORK, *supra* note 152, at 00:15–02:00.

¹⁵⁴ Elizabeth Williamson, *A Child’s TikTok Stardom Opens Doors. Then a Gunman Arrives.*, N.Y. TIMES (Feb. 17, 2022), <https://www.nytimes.com/2022/02/17/us/politics/tiktok-ava-majury.html> [<https://perma.cc/99ES-9NV3>].

unharmful, but the sheriff's office report read, "Since [the] daughter's involvement with social media, multiple subjects have attempted to ascertain her family's address."¹⁵⁵ The child noted that after the shooting, when she tried to fall asleep, she would think to herself, "I don't want to do this anymore," but by morning, she "thought of all the [monetary] benefits."¹⁵⁶ That child is still on TikTok to this day, earning thousands from sponsorship deals and receiving interest from reality TV producers.¹⁵⁷

The type of content that garners attention consistently involves children, and to maintain that attention, video titles and thumbnails must fit a standard formula that portrays some kind of shock factor.¹⁵⁸ Some of Shay Butler's oldest videos were published under titles including, *Fat old dude flirts with TEENS!*, *Inside a dark creepy van!*, *Harassing random girls.*, and *DON'T BE A SLOOTY DANCERTARD* (featuring his young daughter in a leotard).¹⁵⁹ Many of his videos feature screencaps of his children in the thumbnail.¹⁶⁰ Some of the LaBrant family's most popular videos feature thumbnails with screencaps of their young daughter in a bikini or dance leotard.¹⁶¹ Instagram analytics show that, in 2020, their daughter had 5.2 million followers on her own Instagram and made between \$20,000 to \$30,000 per suggested post.¹⁶² Their daughter's account, which is run by her mother, garners a 70% male viewership rate.¹⁶³

An example of the most outwardly insidious form of family vlogging can be found on the TikTok page Wren & Jacquelin, where the mother posts videos of her

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ See AN UPDATE ON OUR FAMILY: *Damn Good Mom*, *supra* note 131, 27:20 (discussing effective thumbnails).

¹⁵⁹ SHAYTARDS, *Fat old dude flirts with TEENS! (5/8/09-65)* (YouTube, May 9, 2009), <https://www.youtube.com/watch?v=5Sg2u0iawtU> [<https://perma.cc/U8BV-DCZ6>]; SHAYTARDS, *Inside a dark creepy van! (5/12/09-69)* (YouTube, May 9, 2009), <https://www.youtube.com/watch?v=XJXaMsYIZG0> [<https://perma.cc/CAA6-TSM4>]; SHAYTARDS, *Harassing random girls. (8/14/09-153)* (YouTube, Aug. 5, 2009), <https://www.youtube.com/watch?v=YaiyJ0js6uQ> [<https://perma.cc/B4TY-G9J4>]; SHAYTARDS, *DON'T BE A SLOOTY DANCERTARD! (1/11/10-313)* (YouTube, Jan. 12, 2010), <https://www.youtube.com/watch?v=cF054WKn1kw> [<https://perma.cc/J2NK-EDLE>].

¹⁶⁰ See SHAYTARDS (@SHAYTARDS), *supra* note 106.

¹⁶¹ See The LaBrant Fam (@ColeAndSav), YOUTUBE, <https://www.youtube.com/@ColeAndSav> [<https://perma.cc/PF57-7PMW>] (displaying the LaBrant family YouTube channel).

¹⁶² THE DAD CHALLENGE PODCAST, *BOMBSHELL TRUTHS ABOUT THE DANGERS OF FAMILY VLOGGING || THE FAMILIES KNOW AND DO NOTHING!!*, at 10:22, 10:32 (YouTube, Dec. 4, 2020), <https://www.youtube.com/watch?v=YxuL4Yx4hNI> [<https://perma.cc/DP6P-HK9N>].

¹⁶³ *Id.* at 11:15.

daughter doing “toddler taste tests” with food that mimics the shape of phallic objects.¹⁶⁴ The same channel includes yet another video of the three-year-old daughter swallowing a piece of gum and saying, “I swallowed it, is that okay?”¹⁶⁵ The mother also posted a video of her three-year-old in bed, shoving a stuffed animal up her shirt with a caption that says, “just feeding her kitty.”¹⁶⁶

Men who participate in child-exploitation groups on Telegram, a messaging application, “praise the advent of Instagram as a golden age for child exploitation.”¹⁶⁷ Underage Instagram “models” end up on websites catered to pedophiles because they put on a display of intimate domestic moments that can’t be found anywhere else.¹⁶⁸ The issue is so pervasive that the New York Times launched a study and found exchanges on Telegram channels for pedophiles that included statements like, “[family vlogging is] like a candy store [heart-eyed emojis],” and, “God bless instamoms [hands-up emoji].”¹⁶⁹ Throughout this study, the New York Times made “over 50 reports” about questionable material to the

¹⁶⁴ See, e.g., video posted by Wren & Jacquelyn (@wren.eleanor), TIKTOK, *lol #frozenhoney* (Aug. 13, 2021), <https://www.tiktok.com/@wren.eleanor> [<https://perma.cc/Q2Q6-V4JE>]; see also Breanna Laws, *Children Need to Be Protected on Public Platforms*, OLD GOLD & BLACK (Sep. 8, 2022), <https://wfuogb.com/17349/opinion/children-need-to-be-protected-on-public-platforms> [<https://perma.cc/YKV5-SYJD>] (discussing “toddler taste tests” and the disturbing comments left on Wren’s account such as: “[d]addy’s love girl,” “[p]erfect body,” and “[h]er eyes are so compelling”).

¹⁶⁵ See video posted by serialouslypodcast (@serialouslypodcast), TIKTOK, *The Disturbing Truth About Jacquelyn/Wren Account* (Apr. 22, 2024), <https://www.tiktok.com/@serialouslypodcast/video/7360844968207863083> [<https://perma.cc/966G-BJHN>] (discussing the problematic nature of the Wren & Jaqueline videos, specifically “the gum video”).

¹⁶⁶ The channel has since been deleted. See Wren & Jacquelyn (@wren.eleanor), TIKTOK, <https://www.tiktok.com/@wren.eleanor> [<https://perma.cc/KX8M-S9SY>]. Discussion and screencaps are still available on Reddit and TikTok. See, e.g., Image posted by u/ Apprehensive-Ad6919, REDDIT (r/WrenEleanor), *A lot of these videos make me feel gross and uncomfortable. I’ve never seen this one before today and I audible loudly gasped. I feel sick.* (2024), https://www.reddit.com/r/WrenEleanor/comments/1bblnw0/a_lot_of_these_videos_make_me_feel_gross_and/ [<https://perma.cc/E4KN-R9E7>]; *Jacquelyn Eleanor Oops I Swallowed It Is That Okay*, TIKTOK, <https://www.tiktok.com/discover/jacquelyn-eleanor-oops-i-swallowed-it-is-that-okay> [<https://perma.cc/8NRB-44TV>] (last visited Apr. 17, 2026) (showing the “discover” page for “Jacquelyn Eleanor Oops I Swallowed It Is That Okay”).

¹⁶⁷ Jennifer Valentino-DeVries & Michael H. Keller, *A Marketplace of Girl Influencers Managed by Moms and Stalked by Men*, N.Y. TIMES (Feb. 25, 2024), <https://www.nytimes.com/2024/02/22/us/instagram-child-influencers.html> [<https://perma.cc/9HWD-VWNL>].

¹⁶⁸ See Keltie Haley, Note, *Sharenting and the (Potential) Right to Be Forgotten*, 95 IND. L.J. 1005, 1010 (2020) (“[P]ictures of children in any state of undress (such as images of potty training and bath time) are popular targets for use on predatory websites.”).

¹⁶⁹ Valentino-DeVries & Keller, *supra* note 167.

channels themselves and “received only one response.”¹⁷⁰ An internal study conducted in 2020 by Meta found that 500,000 child Instagram accounts have “inappropriate” interactions every day.¹⁷¹ One mother, known for sharing skimpy images of her young daughter, said that the community is dominated by “disgusting creeps,” yet she “keeps the account up and running” because shutting it down “would be ‘giving in to bullies.’”¹⁷² Some accounts even have a subscription feature where viewers pay to access exclusive content.¹⁷³ Those subscriptions have been advertised with phrases like, “Message me anytime. You will have more opportunities for buying and receiving super exclusive content [kiss emoji].”¹⁷⁴ One mother commented that, “[her daughter] got slaughtered all through primary school. . . . Children were telling her, ‘We can’t play with you because my mom said too many perverts follow you on the internet.’”¹⁷⁵

Despite the overwhelming evidence that this content tends to be used for nefarious purposes and makes children vulnerable to predators, family vlog channels still exist and produce content every day. One mother, whose child is still featured in content, reported that, “I don’t have as much of an emotional response anymore. . . . It’s weird to be so numb to that, but the quantity [of sexual comments] is just astounding.”¹⁷⁶ Parents who keep producing content featuring their children, while knowing the harm that can result, are reckless in their judgment, and they are often financially motivated.

D. *Financial Concern for Minors Engaged in the Work of Content Creation*

The children in these family vlog channels *are* the content—without the children, the videos would just be a regular vlog—yet there is no federal requirement to compensate these children for their work.¹⁷⁷ There is also no indication that these family channels fairly compensate the children for their appearances in the videos. What does exist is evidence of bribery and extortion.¹⁷⁸ Ruby Franke, mother of Shari Franke and former manager of the 8 Passengers vlog, once told her daughter

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.* For reference, a pedophile is a person who has “sexual perversion in which children are the preferred sexual object.” *Pedophilia*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/pedophilia> [<https://perma.cc/EYM4-V3UT>] (last visited Apr. 17, 2026). By contrast, a bully is one “who is habitually cruel.” *Bully*, MERRIAM-WEBSTER (Apr. 15, 2026), <https://www.merriam-webster.com/dictionary/bully> [<https://perma.cc/PQ33-8AC6>].

¹⁷³ Valentino-DeVries & Keller, *supra* note 167.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ See Safronova, *supra* note 118.

¹⁷⁸ See FRANKE, *supra* note 1, at 51 (explaining certain promises and incentives one child of a family vlog received, such as a “trip to the mall” or a “get-out-of-chores-free card”).

Shari, “If you film your ice cream outing, you can pay for it with the 8 Passengers credit card.”¹⁷⁹

When Shari Franke was 14 years old, she started her own YouTube channel “for one reason: money.”¹⁸⁰ In turn, her mother told her, “You’re not old enough for an AdSense account, so I’ll have to manage your earnings.”¹⁸¹ At the time, Shari was making a few thousand dollars per month when her mother announced she would be taking “ten percent off the top for management fees.”¹⁸² In the case of another family vlog channel, a parent told their child that the family “would have to move out of their house” and go back to work in response to the child saying that she didn’t want to continue doing YouTube—“no money for ‘nice things,’” the parent said.¹⁸³

Family Channels like Aspyr and Parker make an estimated \$180,000 per year in ad revenue, while the ACE Family brings in roughly \$1.4 million per year.¹⁸⁴ Both figures exclude compensation received from sponsorships and the value of products given to the families in exchange for publicity.¹⁸⁵ While getting exact figures of gross revenue is nearly impossible from the public view, it seems clear that the biggest family vlog channels replace the parents’ full-time jobs.¹⁸⁶ Daily vlogs demonstrate that these parents do not work the traditional nine-to-five because vlogging occurs constantly.¹⁸⁷ The parents are incentivized, through monetization, to film every second of their lives—and make it interesting. Does your kid need to go to the hospital? Title the video *Update on our son’s seizure*, and gain around 2.6 million views.¹⁸⁸ Need to go grocery shopping? Title the video *ONE YEAR-OLD GOES GROCERY SHOPPING FOR HER PARENTS!!!! (ADORABLY CUTE)*, and get around 16 million views.¹⁸⁹ Every moment can be mined for content and when

¹⁷⁹ *Id.*

¹⁸⁰ *Id.* at 54.

¹⁸¹ *Id.*

¹⁸² *Id.* at 88.

¹⁸³ Fortesa Latifi, *Influencer Parents and the Kids Who Had Their Childhood Made into Content*, TEEN VOGUE (Mar. 10, 2023), <https://www.teenvogue.com/story/influencer-parents-children-social-media-impact> [https://perma.cc/59MX-MF8D].

¹⁸⁴ Elad Schulman, *How Much Do Family YouTube Channels Make*, THOUGHTLEADERS (Mar. 8, 2023), <https://www.thoughtleaders.io/blog/how-much-do-family-youtube-channels-make> [https://perma.cc/76GW-MBXF].

¹⁸⁵ *See id.*

¹⁸⁶ *See id.*

¹⁸⁷ *See* Latifi, *supra* note 91 (discussing full-time family influencers).

¹⁸⁸ *See* THE LABRANT FAM, *Update on Our Sons Seizure* (YouTube, June 5, 2022), https://www.youtube.com/watch?v=gJmd_f2h-14 [https://perma.cc/D45T-EB26].

¹⁸⁹ *See* THE ACE FAMILY, *ONE YEAR-OLD GOES GROCERY SHOPPING FOR HER PARENTS!!! (ADORABLY CUTE)* (YouTube, Apr. 28, 2018), <https://www.youtube.com/watch?v=hzw6emqIoHI> [https://perma.cc/E4SZ-ETUH].

content creation becomes the family's only source of income, it must be maintained one way or another.

E. Physical Abuse and Tendencies of Neglect

Distorted content, financial concerns, privacy issues, and exploitation for views are just the tip of the iceberg when it comes to the effect of family vlog channels. Above the water, family vlog channels facing child neglect and abuse claims might seem like one-off situations, but beneath the surface, they are more prevalent and pervasive than commonly assumed. Just one example is two parents who “lost custody of two of their five children after a series of YouTube videos featuring controversial pranks they pulled on their kids raised concern online.”¹⁹⁰ The couple claimed that their videos online were just “a show” and were “exaggerated.”¹⁹¹ The channel, which operated under the name DaddyO’Five, raked in between \$200,000 and \$300,000 annually before YouTube took it down.¹⁹²

The most infamous family channel that has faced criticism for abuse and neglect is undoubtedly 8 Passengers, launched by Ruby Franke in 2015.¹⁹³ The channel reached around 3 million subscribers at its peak and raked in an estimated \$100,000 per month.¹⁹⁴ On August 30, 2023, one of Franke’s children “climbed out of the window [and] . . . ran to a neighbor’s home, and asked for help. The neighbor observed duct tape on [the child’s] ankles and wrists, severe wounds, and malnourishment” and contacted law enforcement.¹⁹⁵ Some commentators speculate that there was a defining moment for Franke that turned the switch for abuse, but the eldest daughter, Shari, disagrees, writing that any so-called defining moment “wasn’t introducing Ruby to a new way of thinking; it was giving her

¹⁹⁰ Mahita Gajanan, *YouTube Star DaddyO’Five Loses Custody of 2 Children Shown in ‘Prank’ Videos*, TIME (May 3, 2017, at 07:30 ET), <https://time.com/4763981/daddyofive-mike-martin-heather-martin-youtube-prank-custody/> [<https://perma.cc/QZB6-PYE7>].

¹⁹¹ *Parents Speak Out About Backlash Over YouTube Prank Videos: ‘We Were Going for Shock Value,’* ABC NEWS (Apr. 28, 2017, at 05:15 PT), <https://abcnews.go.com/Lifestyle/parents-speak-backlash-youtube-prank-videos-shock/story?id=47072871> [<https://perma.cc/TVN9-R68N>].

¹⁹² Rachel Dunphy, *The Abusive ‘Pranks’ of YouTube Family Vloggers*, N.Y. MAG.: INTELLIGENCER (Apr. 28, 2017), <https://nymag.com/intelligencer/2017/04/daddyofive-youtube-abuse-controversy-explained.html> (on file with the Lewis & Clark Law Review).

¹⁹³ The channel has since been removed from YouTube.

¹⁹⁴ See DEVIL IN THE FAMILY: THE FALL OF RUBY FRANKE: *Abundance*, *supra* note 124, at 23:55.

¹⁹⁵ *Utah vs Franke/Hildebrandt*, WASH. CNTY., UTAH: AM.’S CNTY., ATT’Y OFF., <https://www.washco.utah.gov/departments/attorney/case-highlights-media/utah-vs-franke-hildebrandt/> [<https://perma.cc/A8XS-PC73>] (last visited Apr. 17, 2026).

the . . . backing to justify what she had been doing all along.”¹⁹⁶ According to Shari, the “evidence of her preexisting abuse was already out there, online, in the form of thirteen hundred *8 Passengers* videos she’d made during her seven years of vlogging. . . . [But] for me, Ruby had always been an abuser.”¹⁹⁷

Viewers first began to notice something was off in June of 2020, when Franke posted a vlog that revealed her son had been sleeping on a beanbag chair as punishment.¹⁹⁸ “The internet went ballistic. . . . That one video burned down the *8 Passenger’s* YouTube channel overnight and cost our family 90 percent of our income,” Shari writes in her memoir.¹⁹⁹ Ruby responded in shock, “people have been asking for years how I’ve raised such well-behaved children.”²⁰⁰ In another vlog, Ruby publicized yet another punishment, where she wouldn’t take lunch to school for their youngest daughter who had forgotten hers that day; Ruby told her viewers, “my hope is that she’ll be hungry,” suggesting that this would teach her a lesson.²⁰¹ The viewers bombarded Child Protective Services with calls, made petitions alleging abuse, and made commentary channels that memorialized the videos forever.²⁰² Shari later wrote that, “there was no going back to our picture-perfect online image. . . . Part of me was glad others finally saw what I’d known for years.”²⁰³ The daughter’s memoir was published just over a year after Ruby pleaded guilty on multiple counts of aggravated child abuse.²⁰⁴ The police officers on-site during the arrest noted in an incident report that “Mr. Franke informed me they were scrutinized for neglect before on YouTube with their ‘8 Passengers’ account.”²⁰⁵ Medical reports state that “the return of this child to the hands of the caregiver who caused these injuries may result in further injury or death.”²⁰⁶ During sentencing, the judge deemed Jodi Hildebrandt, the family’s religious counselor and Ruby’s business partner, “so far detached from reality, common sense, and decency”

¹⁹⁶ See FRANKE, *supra* note 1, at 106–07 (discussing the purported shift in Ruby’s behavior towards her children).

¹⁹⁷ *Id.* at 272–73.

¹⁹⁸ See *id.* at 133.

¹⁹⁹ *Id.* at 134.

²⁰⁰ *Id.*

²⁰¹ *Ruby Franke Refuses to Bring Daughter Lunch to Teach Lesson*, DAILY MAIL, at 00:38, 00:46 (Sep. 1, 2020), <https://www.dailymail.co.uk/video/news/video-3085061/Video-Ruby-Franke-refuses-bring-daughter-lunch-teach-lesson.html> [<https://perma.cc/P6AU-LSP2>].

²⁰² FRANKE, *supra* note 1, at 136.

²⁰³ *Id.*

²⁰⁴ See *Utah vs Franke/Hildebrandt*, *supra* note 195. See generally FRANKE, *supra* note 1 (providing Shari Franke’s memoir, published in 2025).

²⁰⁵ Wash. Cnty. Att’y’s, Detail Incident Report, Incident No. 23SCI4142, at 19 (Sep. 13, 2023), <https://media.washco.utah.gov/franke-hildebrandt/Documents/Redacted%20DIR.pdf> [<https://perma.cc/JLV3-9JGD>].

²⁰⁶ *Id.* at 21.

that consecutive sentences were the only appropriate response.²⁰⁷ Both Ruby Franke and Hildebrandt pleaded guilty to multiple counts of aggravated child abuse.²⁰⁸

If state or federal protections for minors engaged in the work of content creation had been enacted when these family vlog channels first appeared, minors engaged in such work would have had some form of recourse. That recourse could have included financial compensation or the right to request deletion of the content in which they were featured.

III. THE LEGAL LANDSCAPE REGARDING FAMILY VLOGGING: PROPOSED AND ENACTED LEGISLATION

In the United States, parents boast a high degree of parental autonomy which effectively allows them to decide when and how they will post and monetize content of their children.²⁰⁹ The Supreme Court has reinforced, time and time again, a constitutional right of parents to make choices about the upbringing of their child so long as they provide a bare minimum level of care.²¹⁰ But the state still has some power to protect the well-being of a child.²¹¹ Examples of the exercise of this power include the passage of the FLSA regulating child labor at large, as well as the nationwide implementation of compulsory school attendance laws.²¹² While parents have a broad right to make individual parenting choices regarding their children, the state may come in and regulate children's activities, especially when the matter involves employment or welfare.²¹³ Children involved in content creation are not covered under the FLSA and rely on state laws to ensure their protection as child entertainers.²¹⁴ The current sphere of legal protections for children who appear

²⁰⁷ FRANKE, *supra* note 1, at 282 (explaining the courtroom proceedings); see DEVIL IN THE FAMILY: THE FALL OF RUBY FRANKE: *Abundance*, *supra* note 124 at 33:30 (discussing Hildebrandt's relationship to the Franke family).

²⁰⁸ *Utah vs Franke/Hildebrandt*, *supra* note 195.

²⁰⁹ John Bigelow, John Campbell, Susan M. Dodds, Robert Pargetter, Elizabeth W. Prior & Robert Young, *Parental Autonomy*, 5 J. APPLIED PHIL. 183, 185 (1988) ("Within limits, parents are granted autonomy in their dealings with their children, they are free to set their own rules, without supervision or interference from others.").

²¹⁰ *See, e.g.*, *Troxel v. Granville*, 530 U.S. 57, 66, 68–69 (2000).

²¹¹ *See, e.g.*, *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944).

²¹² *See supra* Section I.A; *Table 1.2. Compulsory School Attendance Laws, Minimum and Maximum Age Limits for Required Free Education, by State: 2017*, NAT'L CTR. FOR EDUC. STATS., https://nces.ed.gov/programs/statereform/tab1_2-2020.asp [<https://perma.cc/SZ55-EVHU>] (last visited Apr. 17, 2026) (showing that every state in the United States has a requirement of attendance for children between the ages of 5–18, with a minimum requirement of at least 9 years).

²¹³ *Prince*, 321 U.S. at 168.

²¹⁴ *See* Libby Morehouse, *The Kids Are Not Alright: A Look into the Absence of Laws Protecting Children in Social Media*, 44 LOY. L.A. ENT. L. REV. 75, 79, 105, 107–08 (2024) (explaining that

online in family vlogs or under an umbrella of “content creation” is limited. Only six states have amended child labor laws to give these children a minimal amount of (primarily financial) protection. As of this writing, 11 states have pending legislation to protect minors engaged in the work of vlogging.²¹⁵

A. *Amendment to the Illinois Child Labor Law*

In August 2023, the Illinois Senate became the first to pass a bill expanding its Child Labor Law to encompass children who are featured in vlogs.²¹⁶ The amended statute was born out of Illinois Senate Bill 1782 and defines a “vlog” as “content shared on an online platform in exchange for compensation.”²¹⁷ The statute now sets out threshold requirements for when “a minor under the age of 16 is considered engaged in the work of vlogging.”²¹⁸ The test asks if at any time during 12 months:

- (1) at least 30% of the vlogger’s compensated video content produced within a 30-day period included the likeness, name, or photograph of the minor . . . [and] (2) the number of views received per video segment . . . [meets] the online platform’s threshold for the generation of compensation or the vlogger received actual compensation for video content equal to or greater than \$0.10 per view.²¹⁹

If a child meets these requirements, then the vlogger is required to “maintain . . . records and . . . provide them to the minor on an ongoing basis.”²²⁰ These records include “the number of vlogs [featuring the child in the manner described] that generated compensation,” “the total compensation generated from [the] vlogs,” and the amount that is deposited into the mandatory trust account for the child.²²¹ If the vlogger fails to maintain and provide the records, the child is given the opportunity to “commence a civil action to enforce” this section of the law.²²²

children appearing in monetized social media content are not covered by the FLSA or traditional child actor protections and must instead rely on inconsistent state child-entertainment laws, if any apply).

²¹⁵ *State-by-State Progress, QUIT CLICKING KIDS*, <https://quitclickingkids.com/state-by-state-progress/> [<https://perma.cc/62VX-T3D8>] (last visited Apr. 17, 2026).

²¹⁶ S.B. 1782, 103d Gen. Assemb., Reg. Sess., at 2 (Ill. 2024); see Amanda Anderson, *Illinois Enacts Law Protecting “Child Influencers,”* AM. ASS’N OF ADVERT. AGENCIES (Aug. 23, 2023), <https://www.aaaa.org/blog/illinois-enacts-law-protecting-child-influencers/> [<https://perma.cc/JW8U-MCLV>].

²¹⁷ 820 ILL. COMP. STAT. 206/10 (2024).

²¹⁸ *Id.* at 206/95.

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

The blocked trust account set up by this law anticipates family vlog channels with multiple children.²²³ It states that when only one minor meets the content threshold, that minor gets half of “the percentage of total gross earnings on any video segment, including the likeness, name, or photograph.”²²⁴ Whereas, if more than one minor meets the content threshold and a video segment includes more than one of those minors, then the percentage of total gross earnings on any video segment that includes the “likeness, name, or photograph” for all the minors “must be equally divided between them.”²²⁵ If the vlogger violates the section, any minor covered under the law can be awarded “actual damages; punitive damages; and the costs of the action.”²²⁶

B. *Amendment to the California Labor Code*

Following in Illinois’s footsteps, in late 2024, California Senate Bill 764 passed unanimously on the California Senate floor.²²⁷ This bill requires a vlogger to compensate a minor if the minor is “engaged in the work of vlogging.”²²⁸ Under the bill, the term “‘vlogging’ [is defined as] the act of sharing content on an online platform in exchange for compensation.”²²⁹ As opposed to determining whether a minor is engaged in vlogging over a 12-month period, as the Illinois bill does, the California bill sets a more appropriate threshold for when a minor is considered engaged in the work of vlogging.²³⁰ California’s approach better reflects the fast-paced nature of the internet. The bill states that if in any given month, any of three situations are met, then that minor is engaged in the work of vlogging.²³¹ The three situations are:

- (a) [a]t least 30 percent of the vlogger’s compensated video content or the vlogger’s compensated image content includes the likeness, name, or photograph of the minor . . . [or]
- (b) The number of views received per image or video segment on any online platform met the online platform’s threshold for compensation or the vlogger received actual compensation for image or

²²³ *Id.* at 206/100.

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ Press Release, Steve Padilla, Sen., California Legislature Approves Senator Padilla Bill Updating Financial Protections for Youth Content Creators (Aug. 29, 2024), <https://sd18.senate.ca.gov/news/california-legislature-approves-senator-padilla-bill-updating-financial-protections-youth> [<https://perma.cc/YX3T-FN6A>].

²²⁸ S.B. 764, 2024 Leg., Reg. Sess. (Cal. 2024) (codified at CAL. FAM. CODE §§ 6650–56 (West 2025)).

²²⁹ CAL. FAM. CODE § 6650(i).

²³⁰ *Id.* § 6651.

²³¹ *Id.*

video content equal to or greater than ten cents (\$0.10) per view, or (c) the vlogger received actual compensation for image or video content of at least [\$1,250] in the month.²³²

If a given vlogger meets any of the three threshold requirements, then the vlogger is required to “maintain and make available to the minor” certain records.²³³ These records requirements mirror those required by the Illinois statute.²³⁴

Once a vlogger passes the threshold requirements, the statute is triggered, and a certain percentage of overall compensation must be placed into a blocked trust account for the minor.²³⁵ The amount placed in the account is 65% of the product from multiplying the percentage of total minutes that the vlogger received compensation by the compensation generated from vlogs featuring the minor during the reporting period.²³⁶ If more than one minor fits the threshold requirements, then the amount calculated for a blocked trust account must be equally divided between the minors, “regardless of the differences in percentage of content provided by the individual minors.”²³⁷ If a vlogger violates the statute, “a minor ... may commence an action to enforce the provisions,” and a court can award actual damages, punitive damages, and the cost of the action.²³⁸

C. *Amendment to the Minnesota Child Labor Statute*

Amendments to Minnesota’s Child Labor Standards Act went into effect on July 1, 2025 in an effort to cover minors engaged in content creation, defined as “content shared on an online platform in exchange for compensation,” and it is the most restrictive.²³⁹ The amended statute states that “a minor is . . . engaged in the work of content creation” if, in a 12-month period, (1) “at least 30 percent of the content creator’s compensated video content” includes “the likeness, name, or photograph of any minor,” or “(2) the number of views received per video segment”

²³² *Id.*

²³³ *Id.* § 6652.

²³⁴ *Compare id.* (requiring vloggers to maintain documentary proof of a minor’s age when they began vlogging, the number of vlogs the minor is featured in that were compensated, the total compensation, and the trust account of a child), *with* 820 ILL. COMP. STAT. 206/95 (2024) (requiring vloggers to maintain records of monetized content featuring a child, total compensation earned, and trust deposits, and authorizing the child to bring a civil action for noncompliance).

²³⁵ CAL. FAM. CODE § 6653.

²³⁶ *Id.* § 6652(f) (“This amount shall be calculated by multiplying the percentage of total minutes in subdivision (c) in which the minor is featured in subdivision (d) by the total compensation in subdivision (e) multiplied by .65.”).

²³⁷ *Id.* § 6653(a)(2).

²³⁸ *Id.* § 6654.

²³⁹ *See* MINN. STAT. § 181A.03 (2025).

meets that “platform’s threshold” compensation requirements.²⁴⁰ A unique feature of this statute is that any “minor under the age of 14 is prohibited from engaging in the work of content creation.”²⁴¹ If a child “under the age of 14 [ends up being] featured by a content creator the minor shall receive 100 percent of the . . . compensation for the content they have appeared in.”²⁴² But minors who are between 13 and 18 may still “produce . . . and publish their own content,” and in that case, are entitled to all compensation for their own content creation.²⁴³

Through this amendment, Minnesota became the first state to recognize a minor’s right to deletion. When a content-removal “request is made by a minor age 13 or older whose likeness appears in the content,” then that content “must be deleted and removed from any online platform” either by the account owner, the person who posted the content, or another person who has control over the account.²⁴⁴

D. Amendment to Utah’s Minors in Entertainment Statute

Utah, a known hub for family-vlog content, passed House Bill 322, which took effect on May 7, 2025.²⁴⁵ Along with protecting a minor’s profits and privacy, one of the goals of the bill is to not to “unduly interfere with family life” and to not interfere with smaller content creators.²⁴⁶ The bill’s sponsor, Representative Doug Owens, stated that the bill is focused on those who are making “a lot of money,” and does not intend to ban family vlogging.²⁴⁷ Under the amended statute, a “qualifying minor” who would trigger the statute’s protections is a minor who:

- (a) a content creator determines on January 1 of each year, that in the immediately preceding calendar year:
 - (i) had an average monthly content share of at least 30% of a content creator’s content; and
 - (ii) was featured in social media content where the content creator received income from social media of at least \$150,000 in a calendar year; and

²⁴⁰ *Id.* § 181A.13.

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ H.B. 322, 66th Leg., Gen. Sess. (Utah 2025) (codified at UTAH CODE ANN. §§ 34-23-501–04 (LexisNexis 2025)); see *Why Are So Many Social Media Influencers from Utah?*, SALT LAKE MAG. (June 22, 2022), <https://saltlakemagazine.com/social-media-influencer-utah/> [https://perma.cc/X4LL-YMYB].

²⁴⁶ *Child Actor Regulations: Hearing on H.B. 322 Before the H.*, 66th Leg., Gen. Sess. (Utah Feb. 24, 2025) (statement of Rep. Doug Owens) [hereinafter Statement of Rep. Doug Owens].

²⁴⁷ See *id.*

(b) is not a represented minor or a market value compensated minor.²⁴⁸

Representative Owens, in bringing the bill to the Utah house floor, clarified that the formula for the trust account is triggered only if a parent does not opt for a free-market compensation model.²⁴⁹ The first free-market model for compensating a minor engaged in content creation involves a parent hiring an agent to negotiate the child's employment.²⁵⁰ And if a parent does not want to have that kind of arm's-length negotiation due to family dynamics, they can instead opt for the second model which requires the parent to compensate the child the going economic rate for similarly situated children.²⁵¹ If a parent does not opt for either of the two free-market models, the formula in the bill is the backup that almost acts as a floor-level income-sharing model.²⁵² The minor's "parent or guardian may serve as the trustee of the trust [but] if the average monthly balance of the trust exceeds \$250,000 for a consecutive period of six months, [then] the trustee . . . shall petition a court to appoint a trustee to replace [them]."²⁵³ If a content creator violates the requirements set out by the bill, a minor may commence civil action to enforce their rights and a court may award actual damages, punitive damages, and the cost of the action.²⁵⁴ In addition, if a content creator fails to maintain the required records for the minor, the minor may commence civil action for damages.²⁵⁵

In support of the bill, one of Ruby Franke's daughters stated that, had the bill been enacted when the family channel was up and running, Ruby "would not have been able to withdraw all of [the child's] savings [she] had from doing YouTube"; she expressed hope that the "bill [would] prevent other kids from having to go through the pain of realizing that the compensation for years' worth of time and effort is suddenly gone."²⁵⁶ On the Senate floor, Senator Scott Sandall proposed the bill which, after receiving no spoken questions or comments, passed with 27 aye votes, zero nay votes, and two abstentions.²⁵⁷

With this amendment, Utah was the second state to recognize a minor's right of deletion.²⁵⁸ Under the enacted legislation, any individual, once they are 18 years

²⁴⁸ UTAH CODE ANN. § 34-23-501(13).

²⁴⁹ Statement of Rep. Doug Owens, *supra* note 246.

²⁵⁰ *Id.*

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ UTAH CODE ANN. § 34-23-502(3).

²⁵⁴ *Id.* § 34-23-503(8).

²⁵⁵ *Id.*

²⁵⁶ *Child Influencer Protections: Hearing Before the H. Bus., Lab. & Com. Comm.*, 66th Leg. (Utah Feb. 18, 2025) (statement of Kevin Franke, husband of Ruby Franke, on behalf of one of his children).

²⁵⁷ *Child Actor Regulation: Hearing on H.B. 322 Before the Sen.*, 66th Leg., Gen. Sess. (July 3, 2025) (statement of Sen. Scott D. Sandall).

²⁵⁸ Kim Miller, *Protecting Young Influencers: New Laws Protect Content Creators That Are*

old, may request that a content creator “delete or edit any social media content that the content creator posted featuring the individual as a qualifying minor or a market value compensated minor.”²⁵⁹ A social media company must provide a “readily apparent process” for that individual to submit a request for the content creator to do so.²⁶⁰ Upon receiving such request, the social media company must inform the content creator within three business days that they must “delete or edit the social media content . . . or notify the social media company of [their] decision to not delete or edit [the content]” within ten days of being informed of the request by the social media company.²⁶¹

E. Proposed Legislation

As of the writing of this Note, 16 states have proposed some level of legislation to protect minors who are engaged in the work of content creation.²⁶² Many of the proposed bills overlap in content and mirror the enacted legislation elsewhere, but there are a few notable differences.

Namely, Georgia House Bill 968, known as the Georgia Child Performer Empowerment and Protection Act, sets out some of the most protective terms for minors who are engaged in content creation.²⁶³ Under the bill, the term “child performer . . . includes a minor engaged in the work of vlogging.”²⁶⁴ A “vlog” means “video content shared on an online platform in exchange for compensation.”²⁶⁵ The bill requires that before a child performer can be employed or permitted to work rendering artistic and creative services (which includes the work of vlogging) in the state, the Georgia Commissioner of Labor must:

investigate and determine that (1) [t]he environment in which the work is to be performed is proper for the minor; (2) [t]he conditions of employment are not detrimental to the health or the minor . . . ; (3) [t]he minor’s education will not be neglected or hampered by [their] participation as a child performer; (4) [t]he minor will not be used for pornographic purposes; and (5) [t]he minor’s parent or legal guardian has established a block trust account

Minors, MULTISTATE (June 25, 2025), <https://www.multistate.us/insider/2025/6/25/protecting-young-influencers-new-laws-protect-content-creators-that-are-minors> [<https://perma.cc/Z5YL-38YU>].

²⁵⁹ UTAH CODE ANN. § 34-23-504(1).

²⁶⁰ *Id.* § 34-23-504(3).

²⁶¹ *Id.* § 34-23-504(5)–(6).

²⁶² Miller, *supra* note 258.

²⁶³ As writing this Note the Bill remains in the legislative process and has not advanced to a full vote in either the House or Senate. See *Advocacy Update 2024—Legislative Days 6–10*, CMTY. BANKERS ASS’N OF GA. (Jan. 26, 2024), <https://www.cbaofga.com/news/advocacy-update-2024—legislative-days-6-10?> [<https://perma.cc/F4QS-CQVV>].

²⁶⁴ H.B. 968, 2024 Gen. Assemb., Reg. Sess. at 2–3 (Ga. 2024).

²⁶⁵ *Id.* at 3.

designating the minor as the beneficiary.²⁶⁶

The proposed bill also amends scheduling restrictions for child performers by setting out minimum scheduling requirements for child performers based on their ages.²⁶⁷ Under the bill, “[n]o infants between birth and 15 days shall be employed or permitted to work . . . [and] a minor between 15 days and six months old shall . . . not work more than 20 minutes a day,” with the permissible amount of work gradually increasing with age.²⁶⁸ This bill is a more thorough example of implementing restrictions to ensure the safety of children who engage in the work of content creation through scheduling and permit requirements.

The right of deletion, though absent from the Georgia Bill, appears in bills coming from states with proposed legislation pending.²⁶⁹ Under one of these proposed bills, from Missouri, when an individual who was

engaged in the work of vlogging [reaches “the age of majority,” that individual] may request the permanent deletion of any video segment or content including the likeness, name, or photograph of the individual from any online platform that provided compensation to a vlogger in exchange for video content that featured the child engaged in the work of vlogging.²⁷⁰

This bill effectively mirrors the Utah statute by providing a right of deletion for minors engaged in the work of vlogging.²⁷¹ The only state that deviates from this specific method of providing a right of deletion is Minnesota, which pushes further and allows children aged 13 and above to request the removal of content featuring their likeness.²⁷²

IV. THE MODEL DIGITAL CHILD CONTENT LABOR AND PRIVACY PROTECTION ACT (MDCCLPPA)

The landscape surrounding family vlogging is changing, and the number of states with proposed legislation aimed to protect minors engaged in the act of vlogging is growing, but lawmakers are not moving fast enough. When parents are in the position of directors—posting their children online—they are “both the

²⁶⁶ *Id.*

²⁶⁷ *Id.* at 7.

²⁶⁸ *Id.*

²⁶⁹ See Miller, *supra* note 258 (listing states with proposed legislation). See, e.g., H.B. 1453, 2025 Leg., Reg. Sess. (Md.) (“[E]stablishing requirements on social media platforms relating to deleting video content featuring minor children.”); H.B. 547, 2025–26 Gen. Assemb., Reg. Sess. (Ohio 2025) (allowing a former vlogging minor, upon reaching majority or emancipation, to request the permanent deletion of monetized content depicting the minor’s name, image, or likeness).

²⁷⁰ H.B. 832, 103d Gen. Assemb., 1st Reg. Sess., at 2–3 (Mo. 2025).

²⁷¹ See UTAH CODE ANN. § 34-23-504(5)–(6) (LexisNexis 2025).

²⁷² See MINN. STAT. § 181A.13 (2025).

gatekeeper and the ones benefiting from the sharing of their children's personal information."²⁷³ And while parents engaged in content creation may not intend to harm their children, current child labor laws are taking their time to catch up to today's digital age.²⁷⁴ Although the number of states with proposed or enacted legislation regarding children who appear in online content is growing, there are risks involved with state-specific regulations due to disparate interests and the possibility that families who want an escape from following regulations can simply move away.²⁷⁵

The issue of minors engaged in the work of content creation is nationwide and should be addressed as such. Shari Franke, in a statement to the Utah Business and Labor Interim Committee, reinforced the widespread nature of family vlogging harm by stating, "I promise you that my experiences are not unique and are happening to child influencers all over Utah and in the country."²⁷⁶ One commentator points out that when states enact legislation, some of the biggest family vloggers "just so happen" to move away to a state with no legislation regarding family vlogs or content creation.²⁷⁷ Examples include Cecily Bauchmann, Brittany Xavier, and the LaBrant family, all of whom have announced their respective moves to Tennessee from California—coincidentally after California Governor Gavin Newsom signed Senate Bill 764.²⁷⁸ While the families have publicly denounced these comments, the sequence of events is ever-present.²⁷⁹

There is a reasonable inference to be made that family vlog channels will respond to state-specific, enacted legislation by moving to a state with the most favorable or least restrictive legislation. Considering that the currently enacted or proposed legislation represents a significant regulatory and financial burden on the free production of this content, it makes sense for a uniform system to exist. Therefore, it serves a great public interest to prevent bad actors from any amount of

²⁷³ Madeline Holcombe, *What Happens When Parents Abuse and Exploit Children for Internet Fame?*, CNN (Mar. 22, 2019, at 06:05 ET), <https://www.cnn.com/2019/03/22/us/hobson-parents-youtube-abuse-claims/index.html> [<https://perma.cc/S7RF-FUFJ>].

²⁷⁴ *Id.*

²⁷⁵ See Ramon Ramirez, Note, *What Will It Take?: In the Wake of the Outrageous "Balloon Boy" Hoax, A Call to Regulate the Long-Ignored Issue of Parental Exploitation of Children*, 20 S. CAL. INTERDISC. L.J. 617, 625–26 (2011).

²⁷⁶ Shari Franke Testimony, *supra* note 116.

²⁷⁷ Fortesa Latifi, *Why Are Family Vloggers Really Leaving California for Nashville?*, ROLLING STONE (Feb. 28, 2025), <https://www.rollingstone.com/culture/culture-features/family-vlogger-influencer-california-tennessee-move-1235282524/> [<https://perma.cc/4QSL-A3DU>].

²⁷⁸ *Id.*; see *supra* Section III.B (discussing Senate Bill 764).

²⁷⁹ Spencer S. Vora, Note, *Piggy Banks to Paychecks: Ensuring Child Content Creators' Protection Against Financial Exploitation by Parents and Guardians*, 27 N.C. J.L. & TECH. 273, 290 (2025); Eve Upton-Clark, *The Internet Has a Suspicion About Family Vloggers Fleeing California. Here's Why*, YAHOO FIN. (Feb. 28, 2025), <https://finance.yahoo.com/news/internet-suspicion-family-vloggers-fleeing-210000840.html> [<https://perma.cc/5QJ3-SLHW>].

wiggle room by providing a uniform model regulation such as the MDCCLPPA that applies to minors engaged in the work of content creation. Additionally, while currently enacted or proposed legislation do overlap in some respects, the differences in privacy protections are jarring, with some states not mentioning a right to deletion at all. Considering the financial and privacy issues that arise from family-vlog content, there needs to be a uniform standard such as the MDCCLPPA for states to use to model their approaches to regulating child labor as it relates to content creation at large. This Part explains key provisions of a model law. What follows is the proposed text of the act, including definitions. Some provisions draw on existing or proposed legislation discussed earlier in this Note, while others reflect the Author's own drafting choices; expanding coverage definitions, introducing new attribution presumptions, and adding anti-avoidance rules.

A. *Threshold Requirements*

The threshold requirements followed by existing enacted and proposed legislation serve the purpose of a model regulation well due to their (mostly) uniform nature and are therefore incorporated into the MDCCLPPA. For example, following the majority approach of defining when a minor is engaged in the work of vlogging on a month-to-month basis works to better serve the fast-paced nature of content creation. As opposed to an alternate 12-month model, for example, a month-to-month analysis leaves little room for mistakes in accounting and oversights to other regulatory processes.

By using a month-to-month analysis, any given state statute that follows the MDCCLPPA will be triggered in one of three ways. The first is if at least 30% of the compensated video content produced in a 30-day period includes the likeness, name, or photograph of the child. The second is if the number of views received per video meets the online platform's threshold for compensation or if the vlogger received actual compensation for the content equal to or greater than ten cents per view. The third is if the vlogger makes more than \$1,000 from any source related to the content featuring a minor. This three-tiered model for triggering the rules of the MDCCLPPA follows and expands upon existing enacted state legislation thus far.²⁸⁰

Further, it is important for the safety and well-being of the minor who is engaged in the work of vlogging to require the state-specific commissioner of labor to give their written consent annually for such minor to engage in vlogging work in the state. This MDCCLPPA requirement finds its foundation in Georgia's proposed House Bill 968, which requires the commissioner of labor to investigate the state of the working environment and the nature of the content to be made.²⁸¹ Giving free

²⁸⁰ See discussion *supra* Part III.

²⁸¹ H.B. 968, 2024 Gen. Assemb., Reg. Sess. at 3 (Ga. 2024); see text accompanying note 266.

rein to families who meet the threshold requirements to produce content with no oversight beyond that initial point leaves room for the common harms that arise from family vlogging. A minor engaged in such work will receive an extra necessary layer of protection if a state-specific labor commissioner is required to determine that the environment is proper. The goal of the MDCCLPPA is to ensure that the minor's education will not be neglected, the minor will not be used for pornographic purposes, and the conditions of employment are not detrimental to the health of the minor.

Such a requirement also mirrors requirements that pertain to traditional child actors. For example, in Alabama, the state requires written consent signed by the Alabama Film Office to employ child actors and requires that the work not "be detrimental to the minor's life, health, safety, welfare, or morals and cannot interfere with the minor's schooling."²⁸² In Oregon, employer registration of minors in the entertainment industry requires a certificate that expires annually and must be renewed for that employer to continue working with minors.²⁸³ The same is true in most states with existing legislation, with one of the most extensive requirements existing in California.²⁸⁴ The model requirement in the MDCCLPPA pertaining to vloggers must also expire annually and require renewal due to the fast-paced nature of the new digital age. The requirement would put in place an annual check-up on the working conditions of minors engaged in the work of content creation to ensure that the environment they are in prioritizes their well-being.

Despite these nationwide corollaries in traditional entertainment, none of the currently enacted legislation for minors engaged in content creation includes language that requires a government body to sign off on the work. That lack of oversight leaves families with the ability to engage in harmful activities—such as taking a child out of regular schooling to increase vlog production—which is a gap the MDCCLPPA is designed to address.²⁸⁵

B. Profit-Sharing Mechanism

The main result of the existing proposed and enacted legislation in this area

²⁸² *Child Entertainment Laws as of January 1, 2023*, U.S. DEP'T OF LAB.: WAGE & LAB. DIV., <https://www.dol.gov/agencies/whd/state/child-labor/entertainment> [<https://perma.cc/HYZ8-AJHB>] (last visited Apr. 18, 2025).

²⁸³ *Id.*; see *Entertainment Registration Application*, OR. BUREAU OF LAB. & INDUS., <https://www.oregon.gov/boli/employers/pages/entertainment-registration-application.aspx> [<https://perma.cc/BMA2-KQKT>] (last visited Apr. 18, 2026) (providing the online application).

²⁸⁴ See *Child Entertainment Laws as of January 1, 2025*, *supra* note 282.

²⁸⁵ Lawson Vaughn, *Honors Feature: Child Exploitation in Modern Media*, THE MATCH (Jan. 2, 2024), <https://www.matchcollegiate.org/2024/01/02/honors-feature-child-exploitation-in-modern-media/> [<https://perma.cc/S9V6-9679>] (describing the LaBrant vlogging family taking their oldest child out of school to be homeschooled and allowing them to film their children's schooling for their channel).

revolves around well-founded financial concerns. After all, as Shari Franke explains, “There is no exception . . . [m]aking money off your kids [with] no oversight as to how much the kids are getting paid—there’s no way to do that well.”²⁸⁶ Thanks to the work done under the Coogan Act for required trust accounts, the majority of states that have enacted or proposed legislation feature a uniform profit-sharing model.²⁸⁷ Mirroring the Coogan Act as it stands today, most of the enacted and proposed legislation about children engaged in the work of vlogging requires that a blocked trust account be established—typically by that child’s parent or legal guardian—into which at least 15% of the gross earnings of the minor engaged in the work of vlogging is deposited.²⁸⁸ Following the majority of these states, the MDCCLPPA would allow for the same financial protections that extend to traditional child actors to be extended to children engaged in the work of content creation.

C. *Recognizing a Right to Deletion*

The nature of family vlogging creates an environment where children, who sometimes are on camera from the moment they are born, cannot give informed consent. One of the Franke children testified, through their father that:

[a]s kids, you don’t realize what you’re subjected to—really, you’re selling your life, your privacy, your body and stories to the entire world. And as a child, you’re involuntarily giving up all of that. You’re selling your childhood. Though there is no amount of money that can make up for that loss. . . .²⁸⁹

The effect on these minors engaged in the act of vlogging is that their personal details are on the internet forever. This privacy harm is addressed in the MDCCLPPA by establishing and recognizing a uniform right to deletion, modeled after currently proposed or enacted legislation.²⁹⁰ The existing bills and legislation that recognize the right to deletion do so in one of two ways. When an appropriate take-down request is made, that content should either be taken down by (1) the individual who posted the content, the account owner, or another person who has

²⁸⁶ Fortesa Latifi, *Shari Franke’s Family Vlog Ended in Tragedy. Now She’s Speaking Out*, ROLLING STONE (Jan. 7, 2025), <https://www.rollingstone.com/culture/culture-features/shari-franke-memoir-interview-ruby-franke-1235226953/> [<https://perma.cc/H4KW-4RJE>].

²⁸⁷ See Miller, *supra* note 258 (explaining that trust-account requirements in content creator legislation are modeled on California’s Coogan Law, enacted in 1939 to protect child actors’ earnings, later amended to expressly include minor content creators, and increasingly mirrored or extended by other states).

²⁸⁸ See *id.*; *Coogan Law*, *supra* note 38.

²⁸⁹ *Child Influencer Protections: Hearing Before the H. Bus., Lab. & Com. Comm.*, 66th Leg. (Utah Feb. 18, 2025) (statement of Kevin Franke, husband of Ruby Franke, on behalf of one of his children).

²⁹⁰ See discussion *supra* Part III.

control over the account, or (2) by the online platform itself.²⁹¹ The MDCCLPPA proposes a similar two-step model where a featured minor may request deletion of the content by the individual who has the power over the account, and then, if the content is not deleted, the platform itself must take reasonable steps to remove the content from the platform. This would allow for some recourse if no actions were taken by the individual and will ensure that, at least, the video itself will be taken down, one way or another.

D. Model Digital Child Content Labor and Privacy Protection Act (MDCCLPPA)

Section 1. Short Title²⁹²

This Act may be cited as the Digital Child Content Labor and Privacy Protection Act.

Section 2. Findings and Statement of Purpose

(a) The Legislature finds that:

1. Children increasingly appear in monetized digital content distributed through online platforms, including videos, livestreams, and social media posts that generate advertising revenue, sponsorship income, affiliate commissions, or other economic benefits.
2. Unlike traditional child performers, children engaged in digital content creation often work in private homes, without defined work hours, third-party employers, or transparent compensation structures.
3. Existing child labor, entertainment, and privacy laws were developed for industries with discrete performances, identifiable employers, and arm's-length contracts, and therefore do not adequately address the economic realities of digital content monetization.
4. The law has long recognized that children require heightened protection when economic incentives risk distorting parental judgment or exposing minors to long-term harm, including through compulsory education laws, child performer trust requirements, and restrictions on hazardous or exploitative labor.
5. Digital monetization models frequently rely on indirect, deferred, or in-kind compensation, creating incentives to evade regulation

²⁹¹ See, e.g., UTAH CODE ANN. § 34-23-504(5)–(6) (LexisNexis 2025).

²⁹² These directives primarily focus on family vlog channels, but having a uniform model regulation should allow room for technological and social change such as sponsored photo content.

through income reclassification, platform migration, or corporate structuring.

(b) The purpose of this Act is to:

1. Protect minors from economic exploitation arising from monetized digital content creation;
2. Ensure that a portion of income generated through a minor's participation is preserved for the minor's benefit;
3. Provide limited, age-appropriate privacy protections responsive to the permanence and scalability of digital media; and
4. Establish clear, administrable standards grounded in economic reality rather than formal labels or platform classifications.

Section 3. Definitions

For purposes of this Act:

- (1) "Minor" means an individual under eighteen (18) years of age.
- (2) "Digital content" means any video, audio recording, image, livestream, or other multimedia material distributed through an online platform.
- (3) "Online platform" means any website, application, or digital service that hosts, distributes, promotes, or monetizes user-generated content.
- (4) "Content creator" means any individual or entity that exercises control over the production, publication, or monetization of digital content, including a parent or legal guardian and any business entity substantially controlled by such person.
- (5) "Compensation" or "Monetization" means any direct or indirect economic benefit derived from digital content, including but not limited to:
 - (a) advertising revenue or platform-based payouts;
 - (b) sponsorships, endorsements, or paid partnerships;
 - (c) affiliate marketing income or commission-based links;
 - (d) subscriptions, memberships, tips, gifts, or virtual goods;
 - (e) free or discounted goods or services provided in exchange for exposure or promotion; and,
 - (f) income received, accrued, deferred, or constructively available through agents, trusts, limited liability companies, or other third parties.

Compensation shall be determined according to its economic substance

rather than its form, consistent with anti-evasion principles used in wage-and-hour and tax law.

(6) “Engaged in the work of digital content creation” means participation by a minor that meets the coverage thresholds set forth in Section 4.

Section 4. Coverage and Threshold Determination

A minor shall be deemed engaged in the work of digital content creation during any calendar month in which one or more of the following conditions are met:

(a) Content Share Threshold. At least thirty percent (30%) of the content creator’s monetized digital content published during the month includes the minor’s likeness, name, or voice.

(b) Monetization Threshold. Digital content featuring the minor meets an online platform’s requirements of views per video for generating compensation, or if the content creator received actual compensation equal to or greater than \$0.10 (ten cents) per view, regardless of whether compensation is ultimately paid during that month.

(c) Aggregate Compensation Threshold. The content creator receives one thousand dollars (\$1,000) or more in aggregate compensation during the month that is reasonably attributable, in whole or in part, to content featuring the minor.

(d) Anti-Avoidance Rule. A determination under this section shall not turn on whether content is characterized as personal, educational, or noncommercial where monetization occurs in fact.

Section 5. Attribution of Revenue

(a) Compensation shall be presumed attributable to a minor where:

1. The minor is a recurring or featured subject of the content;
2. The content’s title, thumbnail, caption, or promotional materials reference the minor; or
3. Audience engagement or brand interest is materially driven by the minor’s presence.

(b) This presumption may be rebutted by clear and convincing evidence.

(c) Attribution determinations under this section shall be guided by principles used in advertising, unfair competition, and labor law, focusing on audience draw and economic reality rather than contractual allocation.

Section 6. Financial Protections and Trust Accounts

- (a) A content creator shall establish a blocked trust account for each minor engaged in the work of digital content creation.
- (b) Not less than fifteen percent (15%) of gross compensation attributable to content featuring the minor shall be deposited into the trust account.
- (c) Where content features multiple covered minors, compensation shall be allocated equitably, consistent with principles used in child performer trust administration.
- (d) Funds held in trust shall remain inaccessible until the minor reaches eighteen (18) years of age, except upon court approval for expenses that primarily benefit the minor.

Section 7. Recordkeeping and Transparency

A content creator shall maintain records sufficient to document:

- 1. Monetized digital content featuring the minor;
- 2. Gross compensation received and its sources;
- 3. Attribution methodology; and
- 4. Trust account deposits.

Records shall be retained for not less than five (5) years and shall be made available to the minor, the minor's legal representative, or a court upon request.

Section 8. Conditions of Participation and Welfare Safeguards

- (a) Digital content creation involving a minor shall not:
 - 1. Interfere with compulsory education requirements;
 - 2. Occur under conditions detrimental to the minor's physical or mental health; or
 - 3. Require the minor to engage in humiliating, exploitative, or sexually suggestive conduct.
- (b) A minor under thirteen (13) years of age shall not be required to participate in scheduled or recurring monetized digital content.
- (c) A content creator whose activities meet the coverage thresholds set forth in Section 4 shall obtain written approval from the state commissioner of labor, or the commissioner's designee, on an annual basis, confirming that the minor's participation complies with this section and does not endanger the minor's education, health, or welfare.

Section 9. Right to Deletion Upon Majority

- (a) An individual who appeared in monetized digital content as a minor may, upon reaching eighteen (18) years of age, request deletion or anonymization of such content.
- (b) A content creator shall comply with a valid request within ninety (90) days, unless retention is required by law.
- (c) This section shall not apply to news reporting, matters of public concern, or judicial records, consistent with First Amendment doctrine.

Section 10. Enforcement and Remedies

- (a) A minor or former minor may bring a civil action to enforce this Act.
- (b) Available remedies include actual damages, statutory damages, punitive damages for willful violations, and reasonable attorney's fees.

Section 11. Construction and Severability

- (a) This Act shall be construed to supplement existing child labor, family law, and entertainment statutes.
- (b) If any provision of this Act is held invalid, the remaining provisions shall remain in effect.

CONCLUSION

Shari Franke, arguably the face of abusive family vlogging, has said that “there is no such thing as a moral or ethical family vlogger.”²⁹³ With the high levels of parental autonomy the United States places on families, it would be unrealistic and likely subject to constitutional attack to seek to ban content that features children in the form of a family vlog. At the same time, the consequences of putting the fruits of this parental autonomy online for compensation impact children both in the short and the long term. Family vlog channels are breeding grounds for child exploitation and set the home up as a stage for content. The MDCCLPPA does not seek to ban family vlogging, nor does it assume that all parents who engage in content creation *intend* to harm their children. Instead, it starts from a narrower and more familiar premise: when a child's participation in content creation becomes a meaningful source of economic value, the law should ensure that the child is protected from exploitation, compensated fairly, and given some measure of control over the digital record created in their name.

²⁹³ Shari Franke Testimony, *supra* note 116.

Due to the 24/7 nature of a family vlog, the children involved never catch a break. The structure of modern content creation allows a child's identity, emotions, and daily experiences to become a recurring source of income without triggering the legal protections that would apply in almost any other context. The camera does not turn off. The workday has no defined start or end. Each one of them is caught in a real-life rendition of *The Truman Show* that is memorialized on the internet, forever. The rise of family vlogging has exposed a gap in American child labor and privacy law that existing statutes were never designed to address. The MDCCLPPA would allow states to follow a basic standard and build off it as they see fit. With a uniform model regulation, all children who are affected can be assured of recourse that will set a standard for just compensation, guard their image, and most importantly, protect their childhood.