

NOTE

PIGGY BANKS TO PAYCHECKS: ENSURING
CHILD CONTENT CREATORS' PROTECTION
AGAINST FINANCIAL EXPLOITATION BY
PARENTS AND GUARDIANS

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"An investment in knowledge pays the best interest."

— Benjamin Franklinⁱ

The digital age is dangerous. Among those most at risk are child content creators, who often face financial exploitation by the hands of a parent or guardian. Although California's recent amendments to the Coogan framework—legislation designed to protect the earnings of minors in the entertainment industry—mark a meaningful step towards protecting children, the state legislature has acknowledged that loopholes remain. These gaps include hidden costs of protection that may exclude low-income families, blur boundaries, and perpetuate developmental inequality. Moreover, the framework's current strict set-aside baseline may limit lower-income households' ability to compete in a heavily saturated influencer economy, while entrenching the market dominance of well-resourced creators.

This Note argues that reform must empower courts to adjudicate individual lawsuits—between children and their parents or guardians—with

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i. Rob Berger, *Top 100 Money Quotes of All Time*, FORBES <https://www.forbes.com/sites/robertberger/2014/04/30/top-100-money-quotes-of-all-time> [https://perma.cc/F7DS-NAUY] (last visited Oct. 15, 2025).

flexibility rather than a strict one-size-fits-all approach. A flexible approach, paired with stronger oversight of parental use of their child’s image in monetized content, would better align legislative goals with the realities of the digital age.

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I. INTRODUCTION

Today’s kidfluencers generate exorbitant income from social media.² Kidfluencers are children with large amounts of followers on

2. See generally Sapna Maheshwari, *Online and Earnings Thousands, at Age 4: Meet the Kidfluencers*, N.Y. TIMES (Mar. 1, 2019), <https://www.nytimes.com/2019/03/01/business/media/social-media-influencers-kids.html> [https://perma.cc/9UKQ-
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social media who receive monetary compensation for posting content.³ Forbes, for example, reported that as of June 2025, Ryan Kaji of the YouTube channel *Ryan's World*⁴ was on track to earn \$35 million in a single year.⁵

CXQQ] (exemplifying numerous instances of children amassing millions of followers on social media platforms and, in turn, generating income exceeding tens of thousands of dollars per post). Additionally, in its Floor Analysis, the California Senate Rules Committee observed how:

Massive success has been found by a handful of kidfluencers with some, like Anastasia Radzinskaya, the 9-year-old star of the YouTube channel Like Nastya, making millions of dollars. In videos shared with 108 million subscribers, Anastasia spends time with her parents and friends and demonstrates the risks of overeating sugar as well as the benefits of washing hands. Ryan Kaji is a 13-year-old that earns millions of dollars playing with toys, conducting science experiments, and making crafts on his YouTube channel, Ryan's World. He has a line of toys sold at Target and Walmart. Many more children earn hefty profits on social media sites, such as Instagram, where "nano-influencers" with smaller followings still pull in about \$ 600 per post, while large accounts can earn \$ 10,000 or \$ 20,000 . . .

See S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 5 (Cal. 2024).

3. Munirat Suleiman, *Is Kidfluencing Child Labor?: How the Youngest Influencers Remain Legally Unprotected*, COLUM. UNDERGRAD. L. REV. (June 16, 2022), <https://www.culawreview.org/journal/is-kidfluencing-child-labor-how-the-youngest-influencers-remain-legally-unprotected> [https://perma.cc/52L3-VBMG]; see also *Influencer*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/influencer> [https://perma.cc/VC8C-XVZJ] (last visited Oct. 15, 2025) (defining an influencer as a person who “often, specifically[,] is able to generate interest in something . . . by posting on social media”) (emphasis in original).
4. Ryan's World (@RyansWorld), YOUTUBE, <https://www.youtube.com/@RyansWorld> [https://perma.cc/JKK7-MRZT] (on file with author).
5. *Profile: Ryan Kaji*, FORBES, <https://www.forbes.com/profile/ryan-kaji> [https://perma.cc/U6MG-RLPT] (last updated June 16, 2025); see also *Profile: Nastya Radzinskaya*, FORBES, <https://www.forbes.com/profile/nastya-radzinskaya/> [https://perma.cc/T85F-A7SD] (last updated Jan. 14, 2022)

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Ryan's multimillion-dollar earnings place him among the wealthiest content creators in the world.⁶ And like other child content creators, Ryan has a Coogan account.⁷ A Coogan account is a legally protected trust account, required by certain states and created for child performers by their parents or legal guardians.⁸

Worldwide, as of February 2025, over five billion people use social media.⁹ Despite revolutionary growth over the past decade, regulation of the internet remains contested, and safeguards remain inadequate.¹⁰ Reflecting this monumental shift, a recent Harris Poll found that

(earning an estimated \$28 million in 2022, Nasty's net worth is likely significantly higher as of 2025. She has over 130 million subscribers on YouTube and continues to regularly post videos). See *Like Nasty*, (@LikeNastyofficial), YOUTUBE, <https://www.youtube.com/@LikeNastyofficial> [https://perma.cc/4BBZ-S4E4] (on file with author), to catch a glimpse of the extent to which Nasty has established "kidfluencer" status on YouTube.

6. See Steven Bertoni, *Forbes Top Creators 2025*, FORBES, <https://www.forbes.com/sites/stevenbertoni/2025/06/16/forbes-top-creators-2025/> [https://perma.cc/PJZ8-N48B] (last updated Aug. 18, 2025).
7. Yasmin Gagne, *Inside the Business of a YouTube Child Star*, FAST CO. (Oct. 6, 2024), <https://www.fastcompany.com/91202440/inside-ryan-kaji-business-child-youtube-star> [https://perma.cc/QV64-DUS3].
8. Coogan accounts are popularly referred to as blocked trust accounts, which protect a child's earnings until they become adults or emancipated. *Coogan Law*, SAG-AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law> [https://perma.cc/AR6F-VP6P] (last visited Sep. 28, 2025).
9. Ani Petrosyan, *Number of Internet and Social Media Users Worldwide as of February 2025*, STATISTICA (Apr. 1, 2025), <https://www.statista.com/statistics/617136/digital-population-worldwide> [https://perma.cc/ZW89-SVF2]; see also Jeffrey Gottfried, *Americans' Social Media Use*, PEW RSCH. CTR. (Jan. 31, 2024), <https://www.pewresearch.org/internet/2024/01/31/americans-social-media-use> [https://perma.cc/KHZ8-JD4V] (providing statistics regarding Americans' social media usage in consideration of different social media platforms' popularity, and additionally, surfacing trends amongst differing ages and demographics of users on such platforms).
10. See, e.g., Ruth Reader, Carmen Paun, Daniel Payne, & Erin Schumaker, *The Case Against Social Media Regulation*, POLITICO (May 30, 2024, at 14:00 ET), <https://www.politico.com/newsletters/future-pulse/2024/05/30/the-case-against-social-media-regulation-00160556> [https://perma.cc/35RG-J4GH] ("Social media regulation could do more harm than good, say researchers at Duke University, Princeton University and UNC Chapel Hill.").

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children ages eight to twelve are three times more likely to aspire to become a YouTuber rather than an astronaut.¹¹

Not all child content creators and actors are alike, however, as many lack a professional management team that accounts for every dollar with precision. Take the *Home Alone* star Macaulay Culkin, for example.¹² In 1995, Culkin's parents separated, leading to a contentious custody battle for their children.¹³ Litigation exhausted large sums of Culkin's income to the point where Manhattan Supreme Court Justice David Saxe said there was a "real possibility of this millionaire and his family being evicted and left without any home."¹⁴ By 1997, Culkin had legally removed his parents from his trust fund and hired an executor.¹⁵

Furthermore, in April 2025, Netflix released a documentary that revealed an ugly side of child content creation.¹⁶ The documentary

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11. See *LEGO Group Kicks Off Global Program to Inspire the Next Generation of Space Explorers as NASA Celebrates 50 Years of Moon Landing*, PR NEWswire (July 16, 2019, at 09:32 ET), <https://www.prnewswire.com/news-releases/lego-group-kicks-off-global-program-to-inspire-the-next-generation-of-space-explorers-as-nasa-celebrates-50-years-of-moon-landing-300885423.html> [<https://perma.cc/7UM9-NZ8H>].
 12. See Talia Lakritz, *7 Child Stars Who've Had Money Problems, Financial Troubles*, BUS. INSIDER (June 17, 2022, at 15:39 ET), <https://www.businessinsider.com/child-stars-money-problems-financial-troubles-2022-6> [<https://perma.cc/W5DN-RC9H>] (discussing Culkin, amongst other "kidfluencers," who amidst reaching stardom made (regrettable) decisions that debatably could have been abated with the presence of a professional management team).
 13. Amy McKenna, *Macaulay Culkin*, BRITANNICA, <https://www.britannica.com/biography/Macaulay-Culkin> [<https://perma.cc/CH9H-8QGU>] (last updated Aug. 22, 2025).
 14. *Culkin's Parents Lose Control of His Money*, CHI. TRIB. (Mar. 5, 1997, at 02:00 ET), <https://www.chicagotribune.com/1997/03/05/culkins-parents-lose-control-of-his-money/> [<https://perma.cc/A5RN-HXLN>].
 15. McKenna, *supra* note 13.
 16. *BAD INFLUENCE: THE DARK SIDE OF KIDFLUENCING* (Netflix 2025). Upon viewing the documentary and reflecting on its content, one news correspondent authored an article which stated, in part, that:

The series starts at the beginning of Rockelle's YouTube career and the formation of her and Smith's content creation empire. As the years went on, Rockelle and Smith added more and more members to their group of creators. It started as a way for young kids who loved being in front

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followed a lawsuit in which eleven children and their parents, formerly associated with “The Squad,” alleged that the children were subject to abuse at the hands of Tiffany Smith, mother of Piper Rockelle, and Smith’s former boyfriend, Hunter Hill.¹⁷ Both denied the allegations but settled the lawsuit for \$1.85 million.¹⁸ Netflix released the documentary shortly after another content creator, Ruby Franke, a mother of six, pleaded guilty to four counts of aggravated child abuse

of the camera to express themselves and create humorous content together. However, there was another side to the industry that people, especially those directly involved in the group, chose to ignore. This series finally answered the questions that have been circling the internet since this group was formed. It explained what truly went on behind the scenes of each YouTube video, why members of “The Squad” would be mysteriously replaced and why these specific kid influencers would disappear from social media. The docuseries exposes Smith for the cruel things she was putting her daughter, Rockelle, and the other kids through. It also showed the extreme efforts Smith made to stay relevant and popular on all social media platforms. As the kids grew more popular on their platforms, the emotional, physical and sexual abuse got much worse . . .

Heather Halperin, ‘*Bad Influencing: The Dark Side of Kidfluencing*’ Exposes the Exploitation of Viral Child Influencers, SIGNAL (Apr. 23, 2025, at 11:58 ET), <https://www.tcnjsignalnews.com/article/2025/04/bad-influencing-the-dark-side-of-kidfluencing-exposes-the-exploitation-of-viral-child-influencers> [https://perma.cc/5EFD-N42Q].

17. BAD INFLUENCE: THE DARK SIDE OF KIDFLUENCING, *supra* note 16; see also Roxanne Fequiere, *Where Are Tiffany Smith and Piper Rockelle Now?*, NETFLIX: TUDUM (Apr. 11, 2025), <https://www.netflix.com/tudum/articles/bad-influence-where-are-tiffany-smith-piper-rockelle-now> [https://perma.cc/RH9K-MDWG] (“Tiffany Smith, Piper’s mother and the mastermind of her rising stardom, managed her young talent roster in a manner that often put her at odds with their parents, and in some cases, led to their ostracization from the group.”).
18. Shivani Gonzalez, *Kids, Inc.*, N.Y. TIMES (Apr. 16, 2025), <https://www.nytimes.com/2025/04/16/arts/television/kid-influencer-ruby-franke-piper-rockelle.html> [https://perma.cc/U3M7-QQ4R].

after building a family YouTube channel which amassed nearly 2.5 million subscribers.¹⁹

California recently enacted the Child Content Creator Rights Act (“SB 764”)²⁰ and Assembly Bill 1880 (“AB 1880”),²¹ which, for the first time in California’s history, defines the word “content creator”²² and expands the financial protections of the state’s Coogan framework.²³ Today, various states have enacted Coogan-inspired laws.²⁴ However, while California’s laws remain some of the most restrictive in the country, they have been the subject of significant modernization efforts.²⁵ Existing Coogan-inspired laws do not extend to children who are making a name for themselves on Instagram, TikTok, YouTube, or any other prominent social media platforms.²⁶ Even if child influencers produce their own at-home content, they remain at risk of being exploited by adults in their lives.²⁷

California’s recent legislative amendments represent a vital step toward addressing the vulnerabilities of children whose names, images, or likenesses generate online revenue. While such laws aim to narrow the wealth gap,²⁸ the opposite occurs.²⁹ In fact, the state

19. *Id.*; see also Lola Fadulu, *Former YouTube Parenting Channel Host Pleads Guilty to Child Abuse*, N.Y. TIMES (Dec. 18, 2023), <https://www.nytimes.com/2023/12/18/us/ruby-franke-child-abuse-plea-agreement.html> [<https://perma.cc/563R-4AUW>] (summarizing the pertinent information about the Ruby Franke case). See generally DEVIL IN THE FAMILY: THE FALL OF RUBY FRANKE (Hulu, accessed Oct. 12, 2025) (portraying the Ruby Franke story).

20. 2024 Cal. Stat. 6044.

21. 2024 Cal. Stat. 6043.

22. CAL. FAM. CODE § 6750(c)(1) (West 2025) (“‘Content creator’ means an individual who creates, posts, shares, or otherwise interacts with digital content on an online platform and engages in a direct contractual relationship with third parties.”).

23. *Id.* § 6753.

24. For examples of such Coogan-inspired laws, see KAN. STAT. ANN. § 38-620(b)(1); LA. STAT. ANN. § 51:2133(a)(1); N.M. STAT. ANN. § 50-6-19(A); N.Y. COMP. CODES R. & REGS. tit. 12, § 186-3.5.

25. *California Coogan Law*, BIZPARENTZ FOUND., <https://www.bizparentz.org/california-coogan-law/> [<https://perma.cc/9SJ5-N2CM>] (last visited Oct. 22, 2025).

26. See, e.g., laws cited *supra* note 24.

27. S.B. 764, 2023–2024, Reg. Sess. (Cal. 2024).

28. See *infra* Part III.

29. See *infra* Part IV.

legislature openly conceded that loopholes exist within the current Coogan framework.³⁰ This Note analyzes and critiques the implications of California's recent legislation and identifies potential consequences and possible remedies.

Part II of this analysis provides background on child labor laws, Coogan accounts, and the relevant legal framework. Part III examines the Child Content Creator Rights Act and Assembly Bill 1880. Part IV highlights how the amendments exacerbate inequalities and widen socioeconomic disparities. Finally, Part V proposes reforms to strengthen protections and address lingering inequalities.

II. THE BACKGROUND AND LEGAL FRAMEWORK OF COOGAN ACCOUNTS

A. Federal Landscape

Federal child labor laws have generally not covered less traditional forms of labor, leaving children vulnerable within specific industries like content creation. At the federal level, *Lochner* era jurisprudence disrupted early twentieth-century labor reforms.³¹ Later federal legislation, such as the Fair Labor Standards Act of 1938 (“FLSA”), banned “oppressive child labor.”³² Nevertheless, the FLSA explicitly exempts “any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.”³³ Kidfluencers likely fall outside of the FLSA’s purview because they share a fundamental characteristic

30. See S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 5 (Cal. 2024).

31. See *Hammer v. Dagenhart*, 247 U.S. 251 (1918), *overruled by*, *United States v. Darby*, 321 U.S. 100, 115–18 (1941) (emphasis added); *see also* *Lochner v. New York*, 198 U.S. 45, 64 (1905) (holding “the freedom of master and employee to contract with each other in relation to their employment, and in defining the same, cannot be prohibited or interfered with, without violating the Federal Constitution”).

32. 29 U.S.C. § 212(c) (2025).

33. *Id.* § 213(c)(3). For an example of a Comment with similar interests in strengthening legal rights of kidfluencers, see Kris Bromley, *From Likes to Rights: A Call to Protect and Compensate Child Stars of Monetized Social Media Accounts with the Louisiana Child Performer Trust Act*, 85 LA. L. REV. 201, 210 (2024).

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with child actors, namely, that entertainment work is viewed as non-oppressive labor.³⁴

Federal law is relevant to the topic of data privacy, however, where the existing framework may soon undergo significant reform.³⁵ Most social media platforms, such as Instagram and YouTube, require users to be at least thirteen years old to create accounts on their platforms, as mandated by federal law.³⁶ Proposed legislation would expand existing protections to children and teens up to the age of seventeen.³⁷

But once children begin using these platforms, federal law offers little to no guidance. Accordingly, many states have implemented protections for child actors and content creators.³⁸ Because child actor laws are governed by individual states, the protections available to children vary widely. Content creation is, therefore, well-suited for federal regulation and warrants legislation crafted to operate outside of the FLSA framework. And given the internet's global nature, the Commerce Clause grants Congress the authority to regulate this industry.³⁹

B. California

California's Coogan Law,⁴⁰ passed in 1939 and named after the famous actor Jackie Coogan,⁴¹ was enacted after contract law failed to recognize the power imbalance between vulnerable children and parents who seemed to forget that they were supposed to protect their children, both emotionally and financially.⁴²

34. Marina Masterson, *When Play Becomes Work: Child Labor Laws in the Era of "Kidfluencers,"* 169 U. PA. L. REV. 577, 588 (2021).

35. See Children's Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501–05 (2024).

36. *Id.*

37. S. 836, 119th Cong. (2025).

38. See statutes cited *supra* note 24.

39. See U.S. CONST. art. I, § 8, cl. 3.

40. See *infra* note 50 (containing the statute's original enacted language); Coogan Law is a popular name for CAL. FAM. CODE § 6750–53.

41. SAG-AFTRA, *supra* note 8.

42. See Jennifer González, *More Than Pocket Money: A History of Child Actor Laws*, L. LIBR. OF CONG. BLOG (June 1, 2022), <https://blogs.loc.gov/law/2022/06/more-than-pocket-money-a-history-of-child-actor-laws/> [<https://perma.cc/E5LF-LGUD>]

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Actor Charlie Chaplin discovered Coogan's talent in 1919, casting Coogan in the film *The Kid*.⁴³ By the age of nine, Coogan was one of the highest paid actors in Hollywood.⁴⁴ It was not until his twenty-first birthday that Coogan realized he was left with none of the money he had worked so hard to earn as a child.⁴⁵ He later filed a lawsuit against his mother and stepfather to recover the lost earnings.⁴⁶ The case rapidly attracted academic attention, and law reviews published skeptical analyses:

[N]ot many cases like the Coogan case are likely to arise in California in the future, despite the fact that Hollywood is filled with fond parents who hope to see their talented children in the movies and incidentally to reap and enjoy the golden harvest of their earnings. For, under the Act of 1927, requiring minor actors' contracts to be approved by the court to make them binding, the judges have seen to it that minors are protected. And Judge Emmett H. Wilson, before whom the Coogan case is pending, has recently announced that he will not hereafter approve any such contracts unless at least half of the child's earnings are placed in trust for it . . . [s]o, though it will be small comfort to Jackie Coogan, it is not probable that any other "Kid" will have a case like his and have to sue to share in the blessings showered upon his parents through his labor and talent.⁴⁷

(discussing how contract law in California now recognizes the power imbalance between vulnerable children and movie executives).

43. SAG-AFTRA, *supra* note 8.

44. Jackie Coogan Biography, IMDB, <https://www.imdb.com/name/nm0001067/bio> [<https://perma.cc/35CJ-E9NY>] (last visited Sep. 28, 2025).

45. SAG-AFTRA, *supra* note 8.

46. *Mother is Sued by Jackie Coogan; Film Actor Charges She and Stepfather are Withholding \$4,000,000 Demands an Accounting Los Angeles Court Names Temporary Receiver and Orders a Hearing April 20 Court Names Receiver Says Earnings Are Modest*, N.Y. TIMES (Apr. 12, 1938), <https://www.nytimes.com/1938/04/12/archives/mother-is-sued-by-jackie-coogan-film-actor-charges-she-and.html> [<https://perma.cc/Q9YW-9QCN>].

47. Harry Hirschman, *The Jackie Coogan Case*, 72 U.S. L. REV. 214, 221 (1938).

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Coogan's lawsuit against his mother and stepfather exposed the inadequate financial protections California afforded to minors and compelled California to take legislative action.⁴⁸ The primary goal of the unprecedented legislation was to protect children from exploitation when the money earned was placed in the hands of their family members.⁴⁹ The resulting statute provided:

In any order made by the superior court approving a contract of a minor for the purposes mentioned in Section 36 of this code, the court shall have power, notwithstanding the provisions of any other statute, to require setting aside and preservation for the benefit of the minor, not exceeding one-half thereof, as the court may deem just and proper, and the court may withhold approval of such contract until the parent or parents or guardian, as the case may be, shall execute and file with the court his or their written consent to the making of such order . . .

[t]he superior court shall have continuing jurisdiction over any trust or other savings plan established pursuant to Section 36.1 and shall have power at any time, upon good cause shown, to order that any such trust or other savings plan shall be amended or terminated, notwithstanding the provisions of any declaration of trust or other savings plan. Such order shall be made only after such reasonable notice to the beneficiary and to the parent or parents or guardian, if any, as may be fixed by the court, with opportunity to all such parties to appear and be heard.⁵⁰

The Coogan framework was significantly revised in 1999 ("SB 1162") and further amended in 2003 ("SB 210") to address loopholes.⁵¹ Recent legislative history explains the 2003 amendment:

48. See SAG-AFTRA, *supra* note 8.

49. See S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 5 (Cal. 2024).

50. 1939 Cal. Stat. 2064–65.

51. See 1999 Cal. Stat. 6859 (S.B. 1162); 2003 Cal. Stat. 5136 (S.B. 210).

Despite its ambitious reach, the original law was riddled with loopholes. SB 1162 (Burton, Chapter 940, Statutes of 1999) overhauled the Coogan Law. Applicable to both court-approved and non-court approved minors' contracts for creative or artistic employment, SB 1162 required 15 percent of a minor's earnings to be set aside and deposited into a "Coogan trust" account, invested in low-risk financial vehicles, and blocked from use until the minor is emancipated or reaches age 18. To enforce the set-aside, SB 1162 imposed a duty on the employer to make the deposit directly into the minor's Coogan trust account, which a parent or guardian is required to open at an insured financial institution and to invest in a manner consistent with that of a trustee. Annual accounting is required, and court supervision of trust accounts for minors with court-approved contracts continues until the minor turns 18. SB 210 (Burton, Chapter 667, Statutes of 2003) further bolstered the Coogan Law by, among other things, requiring the establishment of a default trust account into which employers can deposit the minors' set-aside earnings, if there is no Coogan trust established for the minor, and by tying approval of minor's work permits to the establishment of a trust account.⁵²

Previously, the law applied only to court-approved contracts with minors, so parents retained unilateral control over their child's earnings.⁵³ A significant majority of agreements, therefore, did not fall under California law.⁵⁴ After the reform measures, however, parents could still access eighty-five percent of the gross income, with the remaining fifteen percent placed into a blocked trust account.⁵⁵

52. See S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 4 (Cal. 2024).

53. *Id.* at 3.

54. See *id.*

55. *Id.*

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Modern Coogan trust accounts operate as follows: A “Coogan Trust Account” is established for the minor by a parent or guardian.⁵⁶ At least one parent or guardian serves as trustee, unless the court determines that the appointment of a different individual would better serve the minor’s interests.⁵⁷ Parents who act as trustees are still required to provide support for the minor.⁵⁸ The account must exist at “a bank, savings and loan institution, credit union, brokerage firm, or company registered under the Investment Company Act of 1940,” provided it is located within the State of California.⁵⁹ Additionally, the trust shall be established “within seven business days after the minor’s contract is signed by the minor, the third-party individual or personal services corporation . . . and the employer.”⁶⁰ “[Courts] shall require that [fifteen] percent of the minor’s gross earnings pursuant to the contract be set aside by the minor’s employer”⁶¹ The remaining eighty-five percent remains unrestricted as property of the minor but is left in the hands of parents and guardians.⁶² California provides no oversight on how parents manage their child’s finances, beyond what is secured in a Coogan account.⁶³ Even with protections in place, multiple former child stars have sued their parents over the misuse of funds not placed in trust.⁶⁴

56. See CAL. FAM. CODE § 6753(a); see also *id.* § 6500 (“A minor is an individual who is under 18 years of age. The period of minority is calculated from the first minute of the day on which the individual is born to the same minute of the corresponding day completing the period of minority.”).

57. *Id.* § 6752(b)(2).

58. *Id.* § 6752(d) (“This subdivision does not alter any other existing responsibilities of a parent or legal guardian to provide for the support of a minor child.”).

59. *Id.* § 6753(a).

60. *Id.* Funds arising out of a vlogging context fall under § 665I and provide for a different timeline when establishing a blocked trust account. See *id.* § 665I.

61. *Id.* § 6752(b)(1).

62. See CAL. FAM. CODE § 6752(b)(1) (West 2024).

63. See *id.* § 6753.

64. See Ann Casano, *Famous Child Performers Who Claim Their Parents Stole Their Fortune*, RANKER (Sep. 30, 2024), <https://www.ranker.com/list/child-star-parent-money-controversies/anncasano> [<https://perma.cc/2V89-6JLY>]; see also Jessica Fecteau, *Family Feuds: When Child Stars and Their Parents Collide in Court*, PEOPLE (Apr. 9, 2015, at 08:15 ET), <https://people.com/crime/child-stars-who-have-sued-their-parents> [<https://perma.cc/NzZG-PR9D>].

After establishing the trust account, the trustee or trustees may allocate all or part of the capital into investment funds.⁶⁵ Such authority is subject to strict investment guidelines.⁶⁶ California, for example, requires that allocations be made only to government bonds and securities, as well as to broad-based equity index funds from large asset management companies, to protect children from market volatility.⁶⁷ Banks are prohibited from deducting account service fees from Coogan accounts because any withdrawals are subject to court approval.⁶⁸

C. Other States

Like California, New York State requires custodians to establish a trust account for a child performer and deposit at least fifteen percent of the child's earnings into it.⁶⁹ Where New York differs from California, however, is that once the child performer's trust fund balance equals or exceeds \$250,000, the custodian, parent, or guardian must transfer custodianship of the account to a trust company, thus removing parents from the picture.⁷⁰ New York's variation represents a legislative effort to mitigate conflicts of interest, particularly those more likely to arise in high-income contexts.

In 2025, at least sixteen states introduced legislation requiring that a portion of a minor content creator's earnings be placed in a trust account to.⁷¹ Notably, in 2025, Utah was the first state to enact

65. CAL. FAM. CODE § 6753(c)(3) (West 2024).

66. *Id.*

67. *Id.*

68. See *Phillips v. Bank of Am., N.A.*, 236 Cal. App. 4th 217, 222 (2015) ("Such a debit, without court approval, is a prohibited withdrawal under the applicable state statute, and that state law prohibition on a debit by a national bank is not preempted by federal law.").

69. See 70 N.Y. COMP. CODES R. & REGS. tit. 12, §§ 186-3.5(c) (2025).

70. *Id.* § 186-3.5(f).

71. Kim Miller, *Protecting Young Influencers: New Laws Protect Content Creators That Are Minors*, MULTISTATE (June 25, 2025), <https://www.multistate.us/insider/2025/6/25/p/rotecting-young-influencers-new-laws-protect-content-creators-that-are-minors> [https://perma.cc/RHC6-AP4E] ("This increase in legislative activity follows legislation enacted in Illinois in 2023 (IL SB 1782) as well as Minnesota (MN HF 3488) and California (CA AB 1880) in 2024 that established similar protections for minor content creators.").

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protective legislation after family vlogger, Ruby Franke, along with her business partner, pleaded guilty to aggravated child abuse, after it was discovered that her children were regularly denied food, water, and beds to sleep in.⁷² Franke's adult children have spoken about their lack of consent to participate in family vlogs and their lack of financial compensation.⁷³

For additional protection, several states have recently enacted legislation to establish takedown procedures.⁷⁴ Takedown procedures allow child content creators to request the removal of content featuring them as minors.⁷⁵ Because these protections are relatively novel, states take different approaches to enforcement.⁷⁶

In Arkansas, the Content Creation Protection Act requires parents or guardians to establish trust account for a minor until they reach adulthood.⁷⁷ The act also addresses privacy concerns by allowing minors or former minors to request the deletion or editing of content featuring them.⁷⁸ It will take effect on July 1, 2026.⁷⁹ Similarly, Montana's Child Digital Protection Act provides children with a right to request the removal of content.⁸⁰ The Montana act took effect on October 1, 2025.⁸¹

Many current and proposed Coogan-inspired child content creator laws reference the Uniform Transfers to Minors Act ("UTMA"),⁸² which has been adopted by every state.⁸³ UTMA accounts operate similarly to traditional trusts, allowing a custodian to manage property on behalf of a minor until the property is transferred when the minor reaches age

72. See *id.*; see also UTAH CODE ANN. §§ 34-23-501–504 (West 2025).

73. Miller, *supra* note 71.

74. *Id.*

75. *Id.*

76. *Id.*

77. See H.B. 1975, 95th Gen. Assemb., Reg. Sess. (Ark. 2025).

78. *Id.*

79. *Id.*

80. See H.B. 392, 69th Legis., Reg. Sess. (Mont. 2025).

81. *Id.*

82. UNIF. TRANSFERS TO MINORS ACT (UNIF. L. COMM'N, amended 1986).

83. *Transfer to Minors Act*, UNIF. L. COMM'N, <https://www.uniformlaws.org/committees/community-home?CommunityKey=4bofd839-f40d-4021-af03-406e499ca67c> [https://perma.cc/6XD4-XSXX] (last visited Nov. 16, 2025).

twenty-one.⁸⁴ Where UTMA accounts differ, however, is that they are not blocked, and the custodian can expend the minor's funds.⁸⁵ Custodians are also allowed to charge "reasonable compensation."⁸⁶ While UTMA accounts provide a convenient mechanism for holding a minor's earnings, their lack of built-in safeguards leaves child content creators vulnerable to misuse by custodians.

III. EVOLUTION: THE CHILD CONTENT CREATOR RIGHTS ACT & ASSEMBLY BILL 1880

A. *The Child Content Creator Rights Act ("SB 764")*

Modeled off a bill passed in August 2023 in Illinois,⁸⁷ the Child Content Creator Rights Act was signed into law by Governor Gavin Newsom in September 2024 and took effect on January 1, 2025.⁸⁸ The law expanded the financial protections of California's Coogan framework to include child influencers and online content creators in a vlogging context.⁸⁹ To justify its expansion of Coogan Law protections, the California legislature cited the increasing monetization of child content online:

The dramatic rise of content created and monetized by social media influencers, and specifically content heavily featuring minors, has drawn attention to a gap in these laws. A series of infamous examples of family members exploiting minors appearing in their content

84. UNIF. TRANSFERS TO MINORS ACT § 20 (UNIF. L. COMM'N, amended 1986).

85. *See id.*

86. *Id.* § 15 ("A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.").

87. S.B. 764, 2023–2024, Reg. Sess. (Cal. 2024); *see* S.B. 1782, 103d Gen. Assemb., Reg. Sess. (Ill. 2023).

88. CAL. FAM. CODE §§ 6650–56 (West 2024).

89. *Id.* § 6651; *Id.* § 6650(g) (defining vlog as "content shared on an online platform in exchange for compensation"); *Id.* § 6650(h) (defining vlogger as "a parent, legal guardian, or family residing in California that creates image or video content that is performed in California in exchange for compensation. 'Vlogger' does not include any person under 18 years of age who produces their own content"); *Id.* § 6650(i) (defining vlogging as the "act of sharing content on an online platform in exchange for compensation").

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has raised calls for legislation to protect the interests of these children. Mirroring a law recently enacted in Illinois, this bill places obligations on adult “vloggers,” creators of online content for compensation, whose online content features minors “engaging in vlogging” to set aside a certain amount of gross earnings in a trust account to be established in a California financial institution. A child is “engaged in vlogging” when a certain percentage of the content includes the minor and the related compensation reaches a certain threshold. Such vloggers are also required to maintain and share records related to the amount of relevant content produced and the compensation received therefrom.⁹⁰

Under the law, if a minor appears in at least thirty percent⁹¹ of compensated online content, the minor shall be appropriately compensated, so long as the vlogger received actual compensation for the online content of at least \$1,250 in the month.⁹² As the statute provides, “[t]he vlogger shall set aside gross earnings on the image or video content meeting the requirements of Section 6651 in a trust account to be preserved for the benefit of the minor upon reaching the age of majority.”⁹³ The minor may bring an action to enforce these statutory provisions.⁹⁴ If successful, the court may award the minor actual and punitive damages, and the costs of litigation, including attorney’s fees.⁹⁵ In cases where the court approves a contract for

90. S.B. 764, 2023–2024, Reg. Sess. (Cal. 2024).

91. FAM. § 6651(a)(1) (“A minor is considered engaged in the work of vlogging when . . . (a)(i) At 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.”).

92. *Id.* § 6652(f) (“[The] amount shall be calculated by multiplying the percentage of total minutes . . . in which the minor is featured . . . by the total compensation . . . multiplied by .65.”); § 6651(c).

93. *Id.* §§ 6651, 6653(a).

94. *Id.* § 6654.

95. *Id.*

vlogging services between a minor and the minor's parent or guardian, these provisions do not apply.⁹⁶

Although the concept of vlogging is not new,⁹⁷ this legislation represents a significant shift in financial protections for kidfluencers involved in vlogging by extending the safeguards traditionally afforded to child performers under contract.⁹⁸ Looking ahead, parents will need to accurately account for their children's participation in content, and platforms may face increasing pressure to provide greater transparency around changes to monetization schemes.⁹⁹

Following the recent legislative enactments, several family vloggers have relocated from California.¹⁰⁰ Although exact motives remain uncertain, the trend raises an important question: might these relocations be driven by parents' desire to preserve unrestricted access to their child's income?

In effect, SB 764 acknowledges the economic reality that kidfluencers often generate substantial revenue and usually are the

96. See *id.* §§ 6654, 6751(a).

97. See Dan Sanchez, *History of Vlogging, the First Vlogger & How Vlogging Evolved*, DANCHEZ, <https://danchez.com/history-of-vlogging> [https://perma.cc/C75B-BBKF] (last visited Oct. 12, 2025) ("Vlogs have existed since January 2nd, 2000 when Adam Kontras posted his first video of his journey to Los Angeles to his personal blog for friends and family to follow along in his journey.").

98. CAL. FAM. CODE §§ 6650–56 (West 2024).

99. *Id.* ("This bill would require the vlogger to maintain records, including . . . the number of vlogs that generated compensation and the amount deposited into the trust account, and to provide them to the minor upon request.").

100. Eve Upton-Clark, *The Internet Has Suspicions About Family Vloggers Fleeing California. Here's Why*, FAST CO. (Feb. 28, 2025), <https://www.fastcompany.com/91287816> [https://perma.cc/S2K7-ER7Z] ("[S]everal high-profile family influencers have either relocated from California to Tennessee or announced plans to do so. This includes the LaBrant family, who have 12.8 million YouTube subscribers; TikToker Cecily Bauchmann, who has 2.2 million followers; and Brittany Xavier, who has 5.1 million followers on TikTok."); see also 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/G73R-HPAU] ("According to the rumor mill of TikTok, mom influencers and family vloggers are fleeing the state of California because of a recent change in child labor laws which requires them to pay their children.").

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primary draw of family-branded content.¹⁰¹ Governor Newsom emphasized the continuity between Hollywood's past and present efforts to protect children, stating "[a] lot has changed since Hollywood's early days, but here in California, our laser focus on protecting kids from exploitation remains the same . . . [t]oday, that modern exploitation ends through two new laws to protect young influencers on TikTok, Instagram, YouTube, and other social media platforms."¹⁰²

In addition to public officials, celebrities who were once child stars endorsed the new legislation.¹⁰³ For example, American singer and songwriter Demi Lovato—who has long advocated for the rights of child actors—directed a documentary featuring former child actors chronicling bullying, drug abuse, eating disorders, and other challenges commonly faced by child actors.¹⁰⁴ Shortly after the film's release, Governor Newsom signed SB 764 into law.¹⁰⁵ Lovato publicly commended the legislation, celebrating that it “will ensure children featured on social media are granted agency when they come of age and are properly compensated for the use of their name and likeness.”¹⁰⁶

In a sense, California pioneered child content creator legislation because Los Angeles, home to many talent managers and agencies, has become a hub for kidfluencers.¹⁰⁷ As with prior child content creator reforms, California is likely to serve as a model for other states considering similar measures in the future.

101. 2024 Cal. Stat. 6044.

102. Press Release, Governor Gavin Newsom, Governor Newsom Joins Demi Lovato to Sign Legislation to Protect the Financial Security of Child Influencers (Sep. 26, 2024) (on file with author).

103. *Id.*

104. Ethan Millman, *Demi Lovato Champions Law to Protect Child Influencers from Financial Abuse*, ROLLING STONE (Sep. 26, 2024), [https://www.rollingstone.com/music/music-news/demi-lovato-gavin-newsom-sign-law-protect-child-influencers-1235113727/\[https://perma.cc/EDQ9-3YGZ\]](https://www.rollingstone.com/music/music-news/demi-lovato-gavin-newsom-sign-law-protect-child-influencers-1235113727/[https://perma.cc/EDQ9-3YGZ]); see CHILD STAR (Hulu, accessed Oct. 21, 2025).

105. *Id.*

106. Governor Gavin Newsom, *supra* note 102.

107. See BAD INFLUENCE: THE DARK SIDE OF KIDFLUENCING, *supra* note 16.

B. Assembly Bill 1880

In addition to SB 764, Governor Newsom also signed AB 1880 into law in September 2024, which took effect on January 1, 2025.¹⁰⁸ The statute furthers the legislature’s goal of “extend[ing] the same financial protections that are afforded child actors to kidfluencers.”¹⁰⁹ Specifically, the law supplements the existing framework by defining and incorporating the terms “content creator”¹¹⁰ and “online platform”¹¹¹ within California’s Coogan Law protections. The expansive nature of AB 1880 acknowledges the reality that online content creation is not confined to a single type, medium, or distribution channel. Moreover, the expansion represents the legislature’s recognition that online content creation constitutes a form of employment comparable to traditional work in the entertainment industry.¹¹²

108. CAL. FAM. CODE § 6750 (West 2024).

109. *Id.* The California Senate’s rationale behind 1880 further elaborated:

With the rise in new mediums for artistic performances, such as social media and paid online content, it is critical that we update the law to extend protections against exploitation. There are unfortunately way too many stories throughout the history of the entertainment industry of children being financially exploited and abused, kids who literally made millions and were left penniless as adults.

S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 6 (Cal. 2024).

110. FAM. § 6750(c)(1) (defining content creator as “an individual who creates, posts, shares, or otherwise interacts with digital content on an online platform and engages in a direct contractual relationship with third parties. [I]nclud[ing], but are not limited to, vloggers, podcasters, social media influencers, and streamers”).

111. *Id.* § 6750(c)(2) (defining online platform as “any public-facing internet website, web application, or digital application, including, but not limited to, social media platforms as defined in Section 22675 of the Business and Professions Code, advertising networks, mobile applications, mobile operating systems, search engines, email services, and internet access services”); *see also* CAL. BUS. & PROF. CODE § 22675(f) (West 2024) (defining social media platform).

112. *See* S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 5 (Cal. 2024).

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Even with this expansion, the California legislature recognizes that the Coogan framework may still contain loopholes that limit protections for some child content creators:

It should also be noted that the structure of the Coogan law may leave some loopholes in protections for some kidfluencers. Many of the children being featured in social media content are not working pursuant to any contracts and are featured by their parents within their parents' social media accounts and content. Therefore, it may be difficult to cover all of these situations under the existing framework of California's Coogan law.¹¹³

Nevertheless, both laws aim to modernize the legal landscape and represent a significant step toward recognizing the vulnerabilities of children whose names, images, or likenesses generate online revenue.

IV. WIDENING INEQUALITY AND SOCIOECONOMIC DISPARITIES

The Child Content Creator Rights Act and AB 1880 modernize child labor protections to fit the realities of today's digital age by closing a legal gap. The laws create consistency by adopting the same important legal protections for a child whether they are a movie actor or simply operate a YouTube channel. That said, shortfalls to the post-amendment Coogan framework loom large. Although the reforms seek to safeguard minors' earnings, they introduce unintended costs of protection that may burden lower-income households and creators alike.¹¹⁴ Additionally, the current framework risks financial alienation, as children from lower-income households or marginalized communities often lack access to banking services and financial literacy resources.¹¹⁵ Finally, the framework further obscures the line between childhood development and labor, which perpetuates development inequality.

¹¹³. *Id.* at 6.

¹¹⁴. See *infra* Part IV.A.

¹¹⁵. See *infra* Part IV.B.

A. *Hidden Costs of Protection*

Although California's requirement that fifteen percent of a child content creator's *gross* revenue—rather than *net* earnings—be set aside provides a financial safeguard, it overlooks the hidden costs of content creation.¹¹⁶ Critics often argue that California's fifteen percent allocation is insufficient to protect children's financial interests.¹¹⁷ Yet, that argument fails to account for the realities of the modern digital age, in which many households invest substantial financial resources into editing software, marketing, and production equipment to establish and maintain an online presence.¹¹⁸ Given these varied expenses and circumstances, a one-size-fits-all solution is ultimately inadequate.

For lower-income households, a fifteen percent allocation may feel disproportionately burdensome for at least two reasons. First, the rigidity of a fixed percentage, regardless of context, creates inequality in practice by overlooking the hidden costs of production.¹¹⁹ Second, the arbitrariness of fifteen percent underscores the legislature's prioritization of administrative convenience over child welfare. As a result, the requirement creates a complex trade-off between immediate reinvestment in content production and the child's long-term financial well-being.

This imbalance is further exacerbated by socioeconomic factors. Social media use, and by extension, opportunities for monetization, is far more prevalent among higher-income households.¹²⁰ Particularly,

116. Joel Goobich, *The Real Cost of Content: It Could Be Greater Than You Think*, FORBES (Aug. 17, 2021, at 08:00 ET), <https://www.forbes.com/councils/forbescommunicationscouncil/2021/08/17/the-real-cost-of-content-it-could-be-greater-than-you-think/> [https://perma.cc/WL2M-LAPW].

117. See, e.g., Danielle Ayalon, *Minor Changes: Altering Current Coogan Law to Better Protect Children Working in Entertainment*, 35 HASTINGS COMM'N & ENT. L.J. 351, 359–60 (2013) (describing the requirement of a fifteen percent mandatory allocation as inadequate).

118. Goobich, *supra* note 116.

119. See *id.*

120. Andrew Perrin, *Social Media Usage: 2005–2015*, PEW RSCH. CTR. (Oct. 8, 2015), <https://www.pewresearch.org/internet/2015/10/08/social-networking-usage-2005-2015/> [https://perma.cc/XT2R-HTVT] (“Social Media Usage by Household Income: Those Living in Affluent Households More Likely to Be Social Media Users”); see also Gottfried, *supra* note 9 (“[2]9% of U.S. adults who have an annual household income of

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wealthy families are better positioned to absorb content production costs and continue to scale their platforms.¹²¹ Further, individuals whose family income is greater than \$100,000 are twice as likely to pursue a creative career as individuals whose family income is \$50,000.¹²² Interestingly, every additional \$10,000 in total income increases an individual's likelihood of entering a creative field by two percent.¹²³ While these statistics may first appear striking, upon further examination, they are understandable. Pursuing an artistic life is far less risky for children of wealthy families, who ensure their children never truly fail. Barriers to entry in the content creator industry remain high, with substantial startup costs and limited financial returns.¹²⁴ In practice, a strict set-aside baseline may limit lower-income households' ability to compete in an already highly saturated market, while entrenching the market dominance of well-resourced creators.

B. Financial Exclusion

In 2023, the Federal Deposit Insurance Corporation ("FDIC") National Survey of Unbanked and Underbanked Households revealed that 4.2 percent of U.S. households lacked a bank or credit union account.¹²⁵ Although the nation's overall unbanked rate remains at its lowest level since the FDIC began to survey, "[l]ower-income, less-educated, Black, Hispanic, disabled, and single-parent households continue to be significantly more likely to be unbanked."¹²⁶ Some

at least \$100,000 say they use [Twitter (recently renamed 'X')]. This compares with one-in-five among those with annual household incomes of \$70,000 to \$99,999.").

¹²¹. See Perrin, *supra* note 120.

¹²². Meilan Solly, *Wealth Is a Strong Predictor of Whether an Individual Pursues a Creative Profession*, SMITHSONIAN MAG. (May 2, 2019), <https://www.smithsonianmag.com/smart-news/wealth-strong-predictor-whether-individual-pursues-creative-profession-180972072> [<https://perma.cc/XU5J-KG4J>].

¹²³. *Id.*

¹²⁴. *Id.*

¹²⁵. FED. DEPOSIT INS. CORP., 2023 FDIC NATIONAL SURVEY OF UNBANKED AND UNDERBANKED HOUSEHOLDS 1, 1 (2023) ("Unbanked rates were higher among lower-income households; less-educated households; Black, Hispanic, and American Indian or Alaska Native households; working-age households with a disability; households with income that varied a lot from month to month; and single-parent households.").

¹²⁶. Press Release, Fed. Deposit Ins. Corp., FDIC Survey Finds 96 Percent of U.S. Households Were Banked in 2023 (Nov. 12, 2024) (on file with author).

common reasons for not having a bank account included not having enough money to meet minimum balance requirements, lack of trust in financial institutions, and reasons related to fees.¹²⁷

There is a difference between being unbanked and underbanked. Roughly fourteen percent or nineteen million American households, were underbanked in 2023, meaning they had a bank or credit union account but chose to use non-bank products and services to meet their financial needs.¹²⁸

In 2023, when compared to White households, Black households¹²⁹ were more than five times as likely to be unbanked and more than twice as likely to be underbanked.¹³⁰ Similarly, when compared to White households, Hispanic households¹³¹ were five times as likely to be unbanked, twice as likely to be underbanked, and seven times as likely to be cash-only unbanked.¹³² This is significant because the Coogan framework requires families to open or at least manage bank accounts, regardless of socioeconomic status.¹³³ Access to a safe and affordable bank account is fundamental for consumers to fully engage with and benefit from the U.S. economy.¹³⁴

C. *Blurred Boundaries*

Another complexity arises when attempting to draw a line between recreational use of social media and monetized content creation.¹³⁵ What often begins as a casual post can suddenly go viral, forcing children to adapt quickly to new income levels if they choose. The line between “fun” and “work” becomes increasingly blurred when

¹²⁷. FED. DEPOSIT INS. CORP., *supra* note 125, at 3.

¹²⁸. *Id.* at 15.

¹²⁹. *Id.* at 2 n. 3 (“[B]lack household’ refers to a household for which the householder identifies as Black or African American alone and not Hispanic or Latino.”).

¹³⁰. *Id.* at 6.

¹³¹. *Id.* at 2 n. 3 (“[H]ispanic household’ refers to a household for which the householder identifies as Hispanic or Latino regardless of race . . .”).

¹³². *Id.* at 10.

¹³³. CAL. FAM. CODE § 6753(a) (West 2024).

¹³⁴. Fed. Deposit Ins. Corp., *supra* note 126.

¹³⁵. *What Kind of Content Can I Monetize?*, YOUTUBE HELP, <https://support.google.com/youtube/answer/2490020> [<https://perma.cc/83AV-LDVJ>] (last visited Oct. 22, 2025) (acknowledging almost any type of online content can be monetized).

a hobby turns profitable. Millions of underage Americans post on platforms daily, yet only a fraction monetize their content.¹³⁶ This distinction is crucial because contractual arrangements, not passive participation, typically trigger legal protections.¹³⁷

Parents often play a dual role as both gatekeepers and managers, deciding whether their child's online footprint should be monetized.¹³⁸ That argument, of course, presumes that a child's parents understand how a particular social media platform functions. Regardless, parents may assume responsibilities typically shouldered by talent agents or employers, without any oversight or accountability mechanisms.¹³⁹ And without clear guidance, the same dynamic that allowed parents for decades to exploit the earnings of child actors risks repeating itself.¹⁴⁰ The rapid growth of the kidfluencer digital economy demonstrates that content creation has become a form of child labor that yet again falls outside of existing statutory schemes.¹⁴¹

D. Development Inequality, Health Risks & Education Concerns

This Note maintains that, although social media has profound drawbacks, it can certainly serve as a positive tool when used responsibly.¹⁴² Social media can help children learn to communicate

^{136.} See Donna Foulis, 75 *Creator Economy Statistics for 2025: Growth, Income, & Platforms*, U SCREEN (Sep. 12, 2025), <https://www.uscreen.tv/blog/creator-economy-statistics/> [https://perma.cc/DN64-H47V].

^{137.} FAM. § 6750(a).

^{138.} Amanda Lenhart, Mary Madden, Aaron Smith, Kristen Purcell & Kathryn Zickuhr, *Part 4: The Role of Parents in Digital Safekeeping and Advice-Giving*, PEW RSCH. CTR. (Nov. 9, 2011), <https://www.pewresearch.org/internet/2011/11/09/part-4-the-role-of-parents-in-digital-safekeeping-and-advice-giving/> [https://perma.cc/5FRE-XBUH].

^{139.} See, e.g., BAD INFLUENCE: THE DARK SIDE OF KIDFLUENCING, *supra* note 16.

^{140.} See U.S. DEP'T OF LAB., REPORT TO CONGRESS ENFORCEMENT OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT 3 (2024), <https://www.dol.gov/sites/dolgov/files/WHD/child-labor/child-labor-report-congress-2023-2024.pdf> [https://perma.cc/XKP5-WJLL] ("The conditions that brought about child labor laws in the 1930s once seemed like a chapter from the history books, yet, over the last two years it has become clear even in today's modern economy, 100-year-old labor problems can still emerge.").

^{141.} See *id.*

^{142.} *How Social Media Can Negatively Affect Your Child*, CLEVELAND CLINIC (Jan. 15, 2024), <https://health.clevelandclinic.org/dangers-of-social-media-for-youth> [https://perma.cc/V62Y-394M].

with others, navigate relationships, and deal with difficult people.¹⁴³ The problem here lies in the law's narrow focus on rigid financial allocation percentages, which overlooks more profound imbalances that are likely to manifest as long-term developmental differences among child content creators.¹⁴⁴ For example, a child who grows up in a higher-income household is more likely to follow a structured career path with professional guardrails at each step.¹⁴⁵ By contrast, children from lower-income households may view content creation as a constant intrusion into their private lives, fueled by their parents' own economic desperation.¹⁴⁶

Additionally, the public nature of social media correlates with online harassment, poor body image,¹⁴⁷ and depression among young people.¹⁴⁸ Online harassment illustrates how social media platforms expose children and teens to cyberbullying and enable them to engage in it as well.¹⁴⁹ By limiting face-to-face interaction with other humans, children are less likely to filter themselves when making comments

¹⁴³. *Id.*

¹⁴⁴. S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 3–5 (Cal. 2024).

¹⁴⁵. See, e.g., Andrea Malek Ash & Kate Den Houter, *Income Inequality Impacted Availability of Career Role Models*, GALLUP BLOG (Oct. 4, 2023), <https://news.gallup.com/opinion/gallup/511712/income-inequality-impacted-availability-career-role-models.aspx> [<https://perma.cc/4QR9-6MTN>].

¹⁴⁶. See Camille Laude, *Comment, Family Vlogging and Child Harm: A Need for Nationwide Protection*, 64 JURIMETRICS J. 285, 291 (2024) (“One of the main effects of being a child featured in family vlogs is the loss of control over one’s own image and identity. Children who are constantly filmed and exposed to millions of strangers may not have a say in how they are portrayed or what aspects of their lives are shared.”).

¹⁴⁷. Frances Dalomba, *Pros and Cons of Social Media*, BROWN UNIV. HEALTH (Mar. 1, 2022), <https://www.brownhealth.org/be-well/social-media-good-bad-and-ugly> [<https://perma.cc/8DW4-QBNZ>] (“[Social media sites] can be associated with body image concerns . . . most college girls who use Facebook at least five times a day are likely to link their self-worth to their looks.”).

¹⁴⁸. Maeve Duggan, *Experiencing Online Harassment*, PEW RSCH. CTR. (July 11, 2017), <https://www.pewresearch.org/internet/2017/07/11/experiencing-online-harassment> [<https://perma.cc/L9NU-2KC6>].

¹⁴⁹. Karen Hall, *Social Media Risks: Safeguarding Children’s Online Experience*, MAYO CLINIC HEALTH SYS. (Jan. 5, 2024), <https://www.mayoclinichealthsystem.org/hometown-health/speaking-of-health/social-media-risks-tips-to-keep-your-children-safe> [<https://perma.cc/86EM-U9DF>].

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about other people.¹⁵⁰ Moreover, online platforms make it remarkably simple for children or teens to access inappropriate content and may even tempt them to send explicit texts, photos, or videos.¹⁵¹

Beyond some of the most manifested impacts of social media, in extreme cases, child content creators forgo their education and instead perform and audition.¹⁵² Piper Rockelle and “The Squad,” for example, often filmed ten to fifteen videos per day, leaving them little to no time for education or sleep.¹⁵³ Former associates of Rockelle and her mother Tiffany Smith could not remember the last time Rockelle attended school.¹⁵⁴

Even in 2025, the effects of COVID-19 continue to linger on the American education system.¹⁵⁵ Many children continue to fall behind in fundamental subjects such as reading and math, and the nation simply cannot afford to let a past pandemic shape educational outcomes.¹⁵⁶ The growing presence of undereducated kidfluencers, although still a minority, presents significant concerns for future generations.

To prevent exploitation, protections for child content creators should extend beyond financial well-being to encompass fundamental rights such as access to education. A child’s involvement in content creation should never come at the expense of obtaining a quality education. Existing frameworks already recognize this balance. Under California law, absences for entertainment industry work are excused for a limited period, and SAG-AFTRA contracts require producers to provide teachers for children working for three or more consecutive

¹⁵⁰. *Id.*

¹⁵¹. *Id.*

¹⁵². See BAD INFLUENCE: THE DARK SIDE OF KIDFLUENCING, *supra* note 16. For an example of compelled enrollment, see, for example, CAL. EDUC. CODE § 48200 (West 2024) (“Each person between the ages of 6 and 18 years not exempted . . . is subject to compulsory full-time education.”).

¹⁵³. BAD INFLUENCE: THE DARK SIDE OF INFLUENCING, *supra* note 16.

¹⁵⁴. See *id.*

¹⁵⁵. *The Scary Truth About How Far Behind American Kids Have Fallen*, CTR. FOR EDUC. POL’Y RSCH. HARV. UNIV. (Sep. 20, 2024), <https://cepr.harvard.edu/news/scary-truth-about-how-far-behind-american-kids-have-fallen> [<https://perma.cc/Z4DR-SJYU>].

¹⁵⁶. *Id.*

days.¹⁵⁷ Reform efforts should enhance existing practices governing child entertainers to best reflect the legislative objectives of the digital age.

V. RECOMMENDATIONS TO ENHANCE PROTECTIONS AND ADDRESS INEQUITIES

The current Coogan framework is rigid and administratively easy to effectuate. However, as discussed above, that framework fails to address widening inequalities and socioeconomic disparities.¹⁵⁸ To achieve maximum protection, courts should be granted flexibility to deviate from the rigid framework when appropriate. And because the California legislature openly acknowledges that the current framework contains major flaws, courts have even more reason to employ a flexible facts and circumstances test and/or the best interest of the child standard when practical.¹⁵⁹ Standards, as opposed to bright line rules, bestow the virtue of flexibility upon courts and allow fact finders to consider variables not normally considered.¹⁶⁰ This approach would better align the legislature's goals with the realities of the digital age.

A. *Facts and Circumstances Test*

In cases of extreme financial strain on a kidfluencer family, courts should apply a facts and circumstances test to determine whether a strict fifteen percent allocation would unduly burden the minor and/or family, thereby reducing the minor's long-term earning potential. A facts and circumstances test or totality of circumstances test is a legal standard in which a court or judge balances the circumstances and contributing factors of each situation, rather than

¹⁵⁷. *Education First*, SAG-AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/parents/education-first> [https://perma.cc/MJ59-SE3Q] (last visited Oct. 15, 2025).

¹⁵⁸. See *supra* Part IV.

¹⁵⁹. S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 at 4–5 (Cal. 2024).

¹⁶⁰. For a comprehensive discussion on rules and standards, see Pierre J. Schlag, *Rules and Standards*, 33 UCLA L. REV. 379 *passim* (1985).

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applying a strict bright-line rule.¹⁶¹ This standard is more flexible and will likely yield different outcomes depending on the surrounding circumstances.¹⁶²

Upon discovering extreme financial strain, courts should have the ability to reduce the mandatory allocation amount. In cases where courts exercise their discretion to reduce the mandatory allocation amount, the court shall appoint a non-parent trustee, thereby alleviating the inherent conflict of interest between children and their parents.

In a Senate Rules Committee report on the Child Content Creator Rights Act, California proponents noted a recurring concern that creating a new cause of action could generate significant workload cost pressures on the courts, which ultimately strain the General Fund and other key aspects of the state's budget.¹⁶³ While costs are a legitimate fiscal consideration, such concern is unfounded in the context of Coogan accounts. The volume of cases implicated is inherently limited, and courts have established longstanding familiarity with adjudicating matters under flexible standards.

B. Best Interest of the Child Standard

When practical, the legislature and courts should also draw a comparison to family law, where, in guardianship or custody cases, courts employ a best interest of the child standard.¹⁶⁴ The best interest of the child is a legal standard used in American custody proceedings to determine which parent will have custody of the child, establish a

¹⁶¹ *Totality of Circumstances*, CORNELL L. SCH. LEGAL INFO. INST., https://www.law.cornell.edu/wex/totality_of_circumstances[<https://perma.cc/JD29-ZNWR>] (last visited Sep. 28, 2025).

¹⁶² *Id.*

¹⁶³ S.B. 764, 2023–2024, Reg. Sess. (Cal. 2024) (“Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate cases filed under the new cause of action created by this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case.”).

¹⁶⁴ See 2 Modern Child Custody Practice § 10-7 (2025) (“The easiest standard by which to modify custody is a showing by a preponderance of the evidence that it is in the best interest of the child to modify custody.”); see also *In re Walker*, 228 Cal. App. 2d 217, 223 (1964) (noting the welfare and best interest of the child are the paramount concern).

visitation schedule, and identify the nature of child support payments.¹⁶⁵ This standard is both contextual and malleable.¹⁶⁶ Using North Carolina as an illustration, courts use the best interest of the child standard to make decisions that prioritize the child's welfare, safety, and development.¹⁶⁷ When doing so, "the court shall consider *all relevant factors . . .*."¹⁶⁸ By leaving the fifteen percent mandatory allocation of gross revenue as a baseline but allowing for flexibility where warranted, these flexible standards preserve the spirit of the Coogan framework while accounting for the unique economic realities of content creation.

VI. CONCLUSION

With the rise of new mediums for artistic performances, California's recent legislative amendments represent an essential step in acknowledging the vulnerabilities of children whose names, images, or likenesses generate online revenue. However, while California's laws aim to narrow the wealth gap,¹⁶⁹ the outcome is the opposite.¹⁷⁰ In particular, the recent amendments to California's Coogan framework leave behind loopholes that the legislature has openly acknowledged.¹⁷¹ These include hidden costs of protection, financial exclusion, blurred boundaries, and developmental inequality—issues that remain pertinent to the goal of protecting children.¹⁷²

Ever since Illinois and California passed cutting-edge kidfluencer-protection legislation, other states have followed suit.¹⁷³ The legislative landscape is evolving rapidly.¹⁷⁴ Therefore, it is only a

¹⁶⁵. *Best Interests of the Child*, CORNELL L. SCH. LEGAL INFO. INST., https://www.law.cornell.edu/wex/best_interests_of_the_child [<https://perma.cc/WF2W-33RK>] (last visited Sep. 28, 2025) (defining best interests of the child and identifying a list of factors often used to make a determination).

¹⁶⁶. *Id.*

¹⁶⁷. See, e.g., N.C. GEN. STAT. § 50-13.2(a) (2024).

¹⁶⁸. *Id.* § 50-13.2(a) (emphasis added).

¹⁶⁹. See *supra* Part III.

¹⁷⁰. See *supra* Part IV.

¹⁷¹. See S. JUDICIARY COMM., 2023–24 REG. SESS., REPORT ON ASSEMBLY B. 1880 (Cal. 2024).

¹⁷². See *supra* Part IV.

¹⁷³. See *supra* Part II.

¹⁷⁴. See *supra* Part II.

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matter of time before most states enact their own version of legislation designed to protect child content creators. As America's most populous state and center of the entertainment industry, California is poised to inform the development of future frameworks. And present legislation is ripe for significant reform that strengthens existing protections.

To safeguard against financial exploitation of minors while promoting equity, lawmakers must revisit these protections. A flexible approach, such as a facts and circumstances test and/or best interest of the child standard, paired with stronger oversight of parental use of their children in monetized content, would better align legislative goals with the realities of the digital age and prevent the inevitable, costly, and contentious litigation.¹⁷⁵ Meaningful reform requires that children remain at the center of the law, not platforms, parents, or profit.

¹⁷⁵. See *supra* Part V.

