

“YOU’RE DOING AMAZING, SWEETIE!”¹: HOW ILLINOIS CAN CONTINUE TO PROTECT CHILDREN IN VLOGGING WORK

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The Illinois legislature was the first state in the United States to take notice of the need to protect children within social media vlogging content, which led to the Illinois child labor laws being expanded to encompass child influencers. Child influencers are experiencing a variety of harms ranging from financial, emotional, and mental, and many of these harms can reverberate throughout the child’s future. The expansion of the child labor laws, Public Act 103-0556, currently mainly focuses on documentation requirements and the financial protection of the child through a trust account. As the desire to be famous and monetized through social platforms increases, Illinois needs to remain vigilant to the ever-evolving impacts and dangers that can result. This note provides recommendations so the Illinois legislature can further expand its protections to be more in line with the current landscape of the dangers that could result from children’s lives being projected to millions of strangers. By examining the prominent examples of children who have experienced different harms from their presence online being monetized, this note argues that the Illinois legislature needs to add five additional provisions to its current child influencer protections in order to protect Illinoian children in a more comprehensive manner.

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¹ Matt., *You’re Doing Amazing Sweetie*, KNOW YOUR MEME, <https://knowyourmeme.com/memes/youre-doing-amazing-sweetie> [<https://perma.cc/ZNJ3-ZE5T>].

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I. INTRODUCTION

The exploitation of children has continued to be a prevalent concern within the ever-evolving entertainment landscape. After film stock became more accessible in the mid 1930s, many families began to curate home movies with one of their purposes being to share their children's progress from "infancy to high school graduation."² This purpose has continued into modern times where parents want to share their children's core memories on social media with their friends and family.³

The business model of social media content featuring children is becoming more common with ten percent of children being featured in family vlogging content in 2023.⁴ The overall global market share of the influencer marketing industry is estimated to reach \$32.55 billion by the end of 2025.⁵ The traditional marketing channels are soon to be eclipsed by the rapid growth of the global influencer marketing industry.⁶ The influencers who drive the influencer market often monetize their content.⁷ Along with influencers' ability to earn money on their content through social media platforms and ad shares, they can also receive revenue from brand deals, affiliate marketing, and licensing their content.⁸ Currently, the most prevalent child

² Cori Brosnahan, *Personalizing the Past: History Through Home Movies*, PBS (Aug. 9, 2017), <https://www.pbs.org/wgbh/americanexperience/features/personalizing-past-interview-rick-prelinger/> [<https://perma.cc/PU97-PSSU>].

³ Stacey Steinberg, *What you need to know about "sharenting,"* UNICEF, <https://www.unicef.org/parenting/child-care/sharenting> [<https://perma.cc/H3UD-BXN9>].

⁴ Lindsey Belsky, *When Home Movies Become Work: Family Vlogging and Childhood at Stake*, THE ART CRIME ARCHIVE (Oct. 1, 2025), <https://artcrimearchive.net/2025/10/01/when-home-movies-become-work-family-vlogging-and-childhood-at-stake/> [<https://perma.cc/9B7A-HCPG>].

⁵ *Influencer Marketing Benchmark Report 2025*, INFLUENCER MARKETING HUB (April 25, 2025), <https://influencermarketinghub.com/influencer-marketing-benchmark-report/> [<https://perma.cc/U5EL-Z5KM>].

⁶ *Id.*

⁷ Tamilore Oladipo, *How to Monetize Your Content*, BUFFER (Feb. 7, 2023), <https://buffer.com/resources/content-monetization/> [<https://perma.cc/Q3A4-6V4K>].

⁸ *Id.* See also *The creator economy could approach half-a-trillion dollars by 2027*, GOLDEN SACHS (April 19, 2023), <https://www.goldmansachs.com/insights/articles/the-creator-economy-could-approach-half-a-trillion-dollars-by-2027.html> [<https://perma.cc/9Y8G-64G5>].

influencer Ryan Kaji, who began content creation at three years old, has earnings totaling \$35 million.⁹

This type of content created in the pursuit of profit has merged domestic activities and performances for the masses' entertainment.¹⁰ Concerns about these children's online safety has developed due to the rapid growth of the child influencer industry.¹¹ This erosion of a child's everyday life into a form of an orchestrated reality show, mimicking *The Truman Show*, has led to harms upon the child, including financial exploitation¹², cyberbullying¹³, cyberstalking¹⁴, harassment¹⁵, mental health declines¹⁶, exposure to child predators¹⁷, lack of privacy¹⁸, poor digital footprint¹⁹, online fraud²⁰, and even digital kidnapping.²¹ Although, one may be under the

⁹ Zoya Hasan & Alexandra York, *The borders between Creators and showbiz are blurring.*, FORBES <https://www.forbes.com/sites/stevenbertoni/2025/06/16/forbes-top-creators-2025/> [<https://perma.cc/9TBX-BY3K>].

¹⁰ Lindsey Belsky, *supra* note 4.

¹¹ See Sophie Zarkesh, *The Necessity of Child Influencer Laws Amongst a Monetized Content Soc'y*, 6 USC GOULD BUSINESS LAW DIG., <https://lawforbusiness.usc.edu/the-necessity-of-child-influencer-laws-amongst-a-monetized-content-society/> [<https://perma.cc/5FVK-GMLB>].

¹² Marina A. Masterson, *When Play Becomes Work: Child Labor Laws in the Era of "Kidfluencers"*, 169 U. PA. L. REV. 577, 593-96 (2021).

¹³ Alex Stevens, *Dangers of Social Media Influencers on Children*, CYBER MADE SIMPLE, <https://cybermadesimple.co.uk/dangers-of-social-media-influencers-on-kids/> [<https://perma.cc/M2ET-TWBR>].

¹⁴ Tehreem Khan, *Cybersecurity dangers of sharenting and how to protect your child*, UAB NEWS (Mar. 5, 2025) <https://www.uab.edu/news/news-you-can-use/cybersecurity-dangers-of-sharenting-and-how-to-protect-your-child> [<https://perma.cc/6CFH-5A5Q>].

¹⁵ See Isabel Meyers & Storybench, *How The New York Times Uncovered and Visualized Dangers Faced by Child Influencers*, GIJN, (May 1, 2024), <https://gijn.org/stories/new-york-times-visualized-dangers-child-influencers/>

¹⁶ 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 ROUTLEDGE INT'L HANDBOOK OF YOUNG CHILD'S RTS. 183, 186 (Jane Murray, Beth Blue Swadener & Kylie Smith eds., 2019).

¹⁷ Stephanie Sy & Dorothy Hastings, *The dangers of parents sharing their children's lives on social media*, PBS NEWS, (Feb. 23, 2024 6:35 PM), <https://www.pbs.org/newshour/show/the-dangers-of-parents-sharing-their-childrens-lives-on-social-media> [<https://perma.cc/7ZEY-NRJ4>].

¹⁸ Syed Jaymal Zahiid, *What is Kidfluencing? Experts, parents discuss ethics of monetising online children's content*, MALAYMAIL (Oct. 5, 2025 7:00AM), <https://www.malaymail.com/news/malaysia/2025/10/05/what-is-kidfluencing-experts-parents-discuss-ethics-of-monetising-online-childrens-content/190803> [<https://perma.cc/HL8G-NZK4>].

¹⁹ Caroline Waldo, *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, 550-554 (2024).

²⁰ Sean Coughlan, *'Sharenting' puts young at risk of online fraud*, BBC, (May 20, 2018) <https://www.bbc.com/news/education-44153754> [<https://perma.cc/RN37-N6CW>].

²¹ Steven Bearak, *Digital Kidnapping: What It Is and How to Keep Your Kids Safe on Social Media*, PARENT MAP, (Nov. 16, 2017) <https://www.parentmap.com/article/kidnappers-kids-photos-digital-kidnapping-social-media> [<https://perma.cc/H76X-AZZZ>].

impression that these extensive harms are rare, the horrendous examples we know about illustrate that there is a need for more comprehensive protections of child influencers.

Take, for example, the infamous TikToker Piper Rockelle, who had amassed 12.1 million subscribers on YouTube, 15.2 million followers on TikTok, and 6.3 million followers on Instagram by the time she turned seventeen years old.²² Rockelle received initial exposure from her participation in pageants at three years old.²³ Her stardom continued on a reality TV show titled, *Dance Twins*, aired on Lifetime.²⁴ After Rockelle and her mother, Tiffany Smith, got this taste of fame, they decided to move from Georgia to Los Angeles, California in order to pursue her career in entertainment.²⁵ After the move, Smith began to manage Rockelle and eventually organized a team of child YouTubers named *The Squad*, which was created to mirror the success of Jake Paul's content house, the *Hype House*.²⁶ Videos that Rockelle posted on YouTube six years ago around the age of twelve titled *I Lost My Memory Prank on My Boyfriend *Gone too Far** and *24 Hours Being PREGNANT Challenge in PUBLIC with Twins **funny reactions***, received 27 million and 14 million views respectively.²⁷ Many were concerned about the way Rockelle was hypersexualized, which was brought to a head when the grammy-award winning

²²Fortesa Latifi, *Piper Rockelle has a lot to say about that Netflix Documentary*, ROLLING STONE (May 1, 2025), <https://www.rollingstone.com/culture/culture-features/piper-rockelle-interview-bad-influence-netflix-1235328719/> [https://perma.cc/B9DV-BHG2].

²³Fortesa Latifi, *Piper Rockelle Turned 18. This Birthday, She Hopes, Will Change Everything*, TEEN VOGUE, (Aug. 21, 2025) <https://www.teenvogue.com/story/piper-rockelle-profile> [https://perma.cc/LT6B-DWB9].

²⁴ *Id.*

²⁵ *Id.*

²⁶ See Caroline Krauch, *Dark Side of Kidfluencing Review*, THE REFLECTOR, (Apr. 28, 2025) <https://reflector.uindy.edu/2025/04/28/dark-side-of-kidfluencing-review/> [https://perma.cc/GGR5-GP2T].

²⁷ *Most Popular | Piper Rockelle*, YOUTUBE, <https://www.youtube.com/playlist?list=PLz20a0pZfe4X3GMk4C8xWrFJQW-VOB3H9> [https://perma.cc/AL65-FFTY]; Piper Rockelle, *I Lost My Memory Prank on My Boyfriend *Gone too Far**, YouTube, (Apr. 20, 2019), <https://www.youtube.com/watch?v=jlga009zUoM&list=PLz20a0pZfe4X3GMk4C8xWrFJQW-VOB3H9&index=6> [https://perma.cc/4YXV-DK7M]; Piper Rockelle, *24 Hours Being PREGNANT Challenge in PUBLIC with Twins **funny reactions***, YouTube, (July. 20, 2019), <https://www.youtube.com/watch?v=pwUvDI85-oQ&list=PLz20a0pZfe4X3GMk4C8xWrFJQW-VOB3H9&index=12> [https://perma.cc/JF4D-SE69].

singer Pink tweeted about her concerns of Rockelle's mother posting her in a bikini at age thirteen.²⁸

In 2022, eleven of the other group members of *The Squad* brought suit against Rockelle's mother, Tiffany Smith, with accusations of emotional, physical, sexual, and financial abuse.²⁹ The plaintiffs alleged that the sexual abuse occurred while the members of *The Squad* were active within the group and after individuals had exited.³⁰ Allegedly, at the instruction of Smith, the children were to pretend to be couples within these scripted videos that often eluded to sexual scenarios.³¹ The plaintiffs also alleged that when they decided to leave *The Squad*, Smith sabotaged their careers by embedding their content in porn videos online.³² A former Squad member, Corrine Joy, and her mother alleged that Smith previously sold an underaged Rockelle's soiled underwear to predators online; Smith rebutted this allegation by saying the clothing was being sold on Poshmark for a sponsorship.³³

Squad members were subjected to long hours without proper food and breaks, all while not receiving adequate pay.³⁴ After the lawsuit was filed, YouTube indefinitely demonetized Rockelle's channel, which barred the collection of earnings by Smith who administered it.³⁵ The

²⁸ Rachel Paula Abrahamson, Pink raises concerns about 14-year-old YouTube star being 'exploited,' TODAY, (Aug 30, 2021 12:00 PM), <https://www.today.com/parents/pink-claims-teen-youtuber-piper-rockelle-being-exploited-t229395> [<https://perma.cc/VUY3-9GVT>].

²⁹ Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³⁰ Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³¹ Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³² Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³³ Zoey Lyttle, *The 10 Biggest Bombshells from Bad Influence, the Shocking Docuseries About Tiffany Smith, Piper Rockelle and Her Squad*, PEOPLE, (Apr. 9, 2025 1:45PM), <https://people.com/the-10-biggest-bombshells-from-bad-influence-the-shocking-docuseries-about-tiffany-smith-piper-rockelle-and-her-squad-11711149> [<https://perma.cc/76TP-U8WG>]; Meira Gebal, *What is Poshmark? Here's how to use the online marketplace to buy and sell clothing and accessories*, BUSINESS INSIDER, (Jan 8, 2021, 3:19 PM), <https://www.businessinsider.com/reference/what-is-poshmark>, [<https://perma.cc/P2GN-DXUV>] (Poshmark is a website where individuals can buy and sell used or new clothing).

³⁴ Jennifer Savin, *Every single Piper Rockelle Squad member who quit and filed a lawsuit alleging abuse*, COSMOPOLITAN, (Apr. 10, 2025), <https://www.cosmopolitan.com/uk/reports/a64441633/piper-rockelle-original-squad/> [<https://perma.cc/GU59-BVXJ>].

³⁵ Kieran Press-Reynolds, *YouTube has indefinitely demonetized Piper Rockelle's channel following abuse allegations against her mother*, Business Insider, (Feb. 10, 2022 2:56 PM), <https://www.businessinsider.com/youtube-piper-rockelle-demonetized-partner-program-abuse-allegations-statement-2022-2> [<https://perma.cc/CL2D-U7BC>].

lawsuit sought damages of 22 million dollars, but it was later settled for 1.8 million dollars.³⁶ Yet Piper Rockelle's troubles did not cease here: she went through a difficult time after a Netflix documentary titled *Bad Influence: the Dark Side of Influencing* was released.³⁷ Rockelle has continued her provocative behavior by doing things like visiting the BOP House, a content creation house for OnlyFans creators, at the age of seventeen.³⁸ She then went on to create her own OnlyFans account when she turned eighteen where she made \$2.9 million in her first twenty-four hours.³⁹ The story of Piper Rockelle and her fellow Squad members is a clear microcosm of the harms that can befall child influencers, leading to questions about the protections that must be enacted to reduce similar harms to other child influencers.

Platforms, brands, and parental figures can potentially gain millions of dollars within the ever-expanding child influencer marketing space and thus, many states have tried to reign in the industry by enacting laws that mostly focus on the financial protection of child influencers.⁴⁰ Most of these states have chosen to expand their previous child employment laws to encompass child influencers.⁴¹ Some of these laws mimic California's Coogan Law, which was enacted in 1939, that mandates the creation of trusts that collect a specific portion of the minor's earnings that will become accessible to them when they turn eighteen.⁴² Illinois led the charge in

³⁶ Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³⁷ Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³⁸ Fortesa Latifi, ROLLING STONE, *supra* note 22, at 3.

³⁹ Inga Parkel, *Teen influencer Piper Rockelle says OnlyFans changed her life after eye-watering day one earnings*, THE INDEPENDENT, (Jan. 6, 2026, 15:49 EST) https://www.the-independent.com/life-style/piper-rockelle-onlyfans-earnings-b2894262.html?test_group=lighteradlayout

⁴⁰ Taylor Mooney, *Companies make millions off kid influencers, and the law hasn't kept up*, CBS News, (August 26, 2019 6:19 AM), <https://www.cbsnews.com/news/kid-influencers-companies-make-millions-law-hasnt-kept-up-cbsn-originals/> [<https://perma.cc/H4AN-H7BZ>]. See also Katie Lee & Erin Twomey, *From Likes to Laws: State Legal Protections for Child Influencers*, CSG SOUTH, (May 20, 2025), <https://csgsouth.org/policies/from-likes-to-laws-state-legal-protections-for-child-influencers/> [<https://perma.cc/TP9B-VLWW>].

⁴¹ Katie Lee & Erin Twomey, *From Likes to Laws: State Legal Protections for Child Influencers*, CSG SOUTH, (May 20, 2025), <https://csgsouth.org/policies/from-likes-to-laws-state-legal-protections-for-child-influencers/> [<https://perma.cc/TP9B-VLWW>].

⁴² *Id.*

expanding their child labor laws in order to protect child influencers in 2024.⁴³ This expansion mainly focuses on ensuring that children are adequately compensated.⁴⁴

Yet child influencers are susceptible to an abundance of dangers outside of mere financial exploitation including exposure to child predators⁴⁵, cyberstalking⁴⁶, harassment⁴⁷, cyberbullying⁴⁸, mental health impacts⁴⁹, lack of privacy⁵⁰, poor digital footprint⁵¹, digital kidnapping⁵², and online fraud.⁵³ Some of these harms can be addressed by adding provisions to the Illinois framework. For example, the potential impacts upon a child influencers' digital footprint could be resolved through a provision that reinserts language about the right for a child to request the permanent deletion of content featuring them upon turning eighteen.

To properly protect the children within the influencer industry, Illinois needs to adopt legislation that addresses more than just the financial dangers that are affecting these children.

⁴³*Id.*

⁴⁴ See generally Koehler leads nation in protecting young influencers with new law in effect, Illinois Senate Democrats, (July 17, 2024), <https://www.illinoisenedemocrats.com/?view=article&id=5828:koehler-leads-nation-in-protecting-young-influencers-with-new-law-in-effect&catid=90> [https://perma.cc/B2V4-KCRQ]; Sophie Zarkesh, *The Necessity of Child Influencer Laws Amongst a Monetized Content Soc'y*, 6 USC Gould. <https://lawforbusiness.usc.edu/the-necessity-of-child-influencer-laws-amongst-a-monetized-content-society/> [https://perma.cc/5FVK-GMLB].

⁴⁵ Stephanie Sy & Dorothy Hastings, The dangers of parents sharing their children's lives on social media, PBS NEWS, (Feb. 23, 2024 6:35 PM), <https://www.pbs.org/newshour/show/the-dangers-of-parents-sharing-their-childrens-lives-on-social-media> [https://perma.cc/7ZEY-NRJ4].

⁴⁶ Tehreem Khan, *Cybersecurity dangers of sharenting and how to protect your child*, UAB NEWS (Mar. 5, 2025) <https://www.uab.edu/news/news-you-can-use/cybersecurity-dangers-of-sharenting-and-how-to-protect-your-child> [https://perma.cc/6CFH-5A5Q].

⁴⁷ See Isabel Meyers & Storybench, How The New York Times Uncovered and Visualized Dangers Faced by Child Influencers, GIJN, (May 1, 2024), <https://gijn.org/stories/new-york-times-visualized-dangers-child-influencers/>

⁴⁸ Alex Stevens, Dangers of Social Media Influencers on Children, Cyber Made Simple, <https://cybermadesimple.co.uk/dangers-of-social-media-influencers-on-kids/> [https://perma.cc/M2ET-TWBR].

⁴⁹ 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 ROUTLEDGE INT'L HANDBOOK OF YOUNG CHILD'S RTS. 183, 186 (Jane Murray, Beth Blue Swadener & Kylie Smith eds., 2019).

⁵⁰ Syed Jaymal Zahiid, *What is Kidfluencing? Experts, parents discuss ethics of monetising online children's content*, MALAYMAIL (Oct. 5, 2025 7:00AM), <https://www.malaymail.com/news/malaysia/2025/10/05/what-is-kidfluencing-experts-parents-discuss-ethics-of-monetising-online-childrens-content/190803> [https://perma.cc/HL8G-NZK4].

⁵¹ Caroline Waldo, 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, 550-554 (2024).

⁵² Steven Bearak, Digital Kidnapping: What It Is and How to Keep Your Kids Safe on Social Media, PARENT MAP, (Nov. 16, 2017) <https://www.parentmap.com/article/kidnappers-kids-photos-digital-kidnapping-social-media> [https://perma.cc/H76X-AZZZ].

⁵³ Sean Coughlan, 'Sharenting' puts young at risk of online fraud, BBC, (May 20, 2018) <https://www.bbc.com/news/education-44153754> [https://perma.cc/RN37-N6CW].

This article discusses the child influencer legal protections that Illinois pioneered, the previous legislation that they are derivative of, and the circumstances that contributed to these protections. This article will also discuss next steps that Illinois should take to ensure that child influencers are being shielded on all fronts including psychologically and physically. Part II discusses the Coogan Law, the circumstances that gave rise to this legislation, and how it mirrors Illinois child influencer protections. Part III discusses the advocates for Illinois' protections and how the legislation progressed to eventually reach Governor JB Pritzker's desk, as well as the criticisms and limitations of Illinois' current protections. Additionally, Part IV provides a roadmap of understanding for Illinois' Act for child influencer protections. Part V provides recommendations for future legislation that can expand these protections. In order to provide comprehensive recommendations, the article discusses multiple examples of horrific harms that child influencers have experienced. Finally, Part VI addresses one of the most probable concerns that legislators may have regarding these recommendations, specifically the possible impacts upon family autonomy.

II. THE COOGAN LAW

In this section, there will be a brief discussion of the Coogan Law. This section will explain the circumstances that started the push for legislation to protect child actors. For example, this section will explore who Jackie Coogan was. This section will also explore how the Coogan Law mirrors the Illinois Child Labor Law and its child influencer amendments. In this section, there will be a discussion of the minor differences between the two legislative frameworks. Lastly, this section will explore the similarities within the trust account requirements for the Coogan Law and the Illinois Child Labor Law (820 ILCS 205/12.6).

A. What is the Coogan Law?

In order to fully understand what the Coogan Law is, one must understand who Jackie Coogan was.

Although Jackie Coogan's name is immortalized in a foundational child protective legislative framework, Coogan's horrifically tragic experiences may be slowly fading from the public's consciousness. Today, many may remember John "Jackie" Leslie Coogan, Jr. from his role as Uncle Fester in *The Addams Family*, which he held for two years.⁵⁴ But Coogan's acting journey was launched at as young as eighteen months old when his parents, who were previously involved in the entertainment industry, allowed Coogan to be used in a Western production.⁵⁵ In one visit, Charlie Chaplin noticed Coogan's "charisma" and proceeded to assist with his progression into childhood stardom.⁵⁶ Chaplin went on to cast Coogan in the 1929 picture *The Kid*, which helped push both Chaplin and Coogan's career into the stratosphere.⁵⁷ He went on to be a part of many more well performing projects like *Circus Boys* and *Oliver Twist*, which led to his fame being acknowledged by influential figures like the Pope and Babe Ruth.⁵⁸ He also went on to be a part of one of the first million-dollar picture *Long Live the King*.⁵⁹

After his parents went to the Los Angeles Supreme Court when Coogan was seven and "applied for legal sanction for their guardianship of their child's burgeoning fortune," which they later rescinded this request.⁶⁰ Instead, they said his parents asserted they would open a trust

⁵⁴ Ed Gross, *Jackie Coogan: 16 Facts About 'The Addams Family,' Childhood Stardom, Suing His Mother and Much More*, FIRST FOR WOMEN, (July 14, 2024) <https://www.firstforwomen.com/entertainment/nostalgia/jackie-coogans-career-childhood-success-to-the-addams-family> [https://perma.cc/M7R8-3RKR].

⁵⁵ Neil A. Grauer, *The Very Sad Story of Jackie Coogan*, AMERICAN HERITAGE, (Dec. 2000), <https://www.americanheritage.com/very-sad-story-jackie-coogan> [https://perma.cc/KA34-LS7C].

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Neil A. Grauer, *The Very Sad Story of Jackie Coogan*, AMERICAN HERITAGE, (Dec. 2000), <https://www.americanheritage.com/very-sad-story-jackie-coogan> [https://perma.cc/KA34-LS7C].

account to preserve his estate.⁶¹ But fifteen years later, Jackie Coogan learned that the promise of a trust account was just an illusion.⁶² He was under the impression that the trust would contain \$1.5 million in Los Angeles real estate and \$4 million in his childhood earnings.⁶³ But sadly after a deadly car crash killed his father and his mother later remarried, a grueling legal battle between himself and his mother over his estate ensued in April 1938.⁶⁴ His mother tried to paint him as a “bad boy,” while saying that she believed Coogan’s money was all hers legally and there was never a promise of a trust account.⁶⁵ But this was quickly rebutted by a showing of “his parents’ petition asking the court to dismiss the ‘guardianship’ of his wealth because they planned ‘the creation of a trust’ for it.”⁶⁶ Out of the \$3 millions of his childhood earnings only \$250,000 of this remained after an audit by the court.⁶⁷ After a horrible two year battle, a settlement was reached where Coogan and his mother would split the \$250,000, but Coogan was left with only \$35,000.⁶⁸ The rest of Coogan’s life was a mixture of extreme highs and lows with him suffering from alcoholism after experiencing extreme trauma within the Air Force in comparison to Coogan’s entrance into fatherhood and return to Hollywood.⁶⁹ During the legal battle, both the motion picture studios and Assemblyman Chester D. Garmon of Sacramento told the public that they would work to ensure that future stars, like Shirley Temple, did not face the same

⁶¹ *Id.*

⁶² *See id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Neil A. Grauer, *The Very Sad Story of Jackie Coogan*, AMERICAN HERITAGE, (Dec. 2000), <https://www.americanheritage.com/very-sad-story-jackie-coogan> [<https://perma.cc/KA34-LS7C>].

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* *See also* Lauren Novak, Lauren Novak, *Whatever Happened to ‘Addams Family’ Star Jackie Coogan?*, REMIND, (Aug. 25, 2025) <https://www.remindmagazine.com/article/34554/jackie-coogan-whatever-happened-to/> [<https://perma.cc/SGS9-MYN7>].

diminishment of financial security.⁷⁰ This led to the passage of the infamous landmark Coogan Law.⁷¹

Originally, the Coogan Law was very bare bones merely “require[ing] that a contract set aside some of a child-actor’s income in a trust fund or savings account, only to be opened when the child reached the age of majority” and the set aside money could be utilized for fees, including managerial fees, to be taken from the “child’s” net income.⁷² The Coogan Law has evolved extensively since its enactment in 1939. This evolution was propelled by advocates like the SAG AFTRA’s Young Performer’s Committee.⁷³ Since the year of 2000, the Coogan Law has required that any contracts entered into on behalf on the child actor be covered by the law.⁷⁴ The child actor is the owner of all of their earnings.⁷⁵ The child actor’s parents or guardians must set aside fifteen percent of the child’s earnings in a block trust account to be obtained at the age of majority.⁷⁶ This percentage could be increased through court-approved contracts.⁷⁷ Sometimes, proof of the trust account must be provided to receive a work permit in California.⁷⁸ In addition, the Coogan Laws also creates a fiduciary relationship between the child actor and the parent because children are unable to enter into contracts due to common contract and infancy laws.⁷⁹

⁷⁰ Neil A. Grauer, *The Very Sad Story of Jackie Coogan*, *American Heritage*, (Dec. 2000), <https://www.americanheritage.com/very-sad-story-jackie-coogan> [<https://perma.cc/KA34-LS7C>].

⁷¹ *Id.*

⁷² Jennifer González, *More Than Pocket Money: A History of Child Actor Laws*, *LIBRARY OF CONGRESS BLOGS*, (June 1, 2022) <https://blogs.loc.gov/law/2022/06/more-than-pocket-money-a-history-of-child-actor-laws/> [<https://perma.cc/8NWM-Q3SD>]. *See also* Shayne J. Heller, *LEGISLATIVE UPDATES: THE PRICE OF CELEBRITY: WHEN A CHILD'S STAR-STUDDED CAREER AMOUNTS TO NOTHING*, 10 *DePaul-LCA J. Art & Ent. L.* 161, 164.

⁷³ *Coogan Law*, SAG AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law> [<https://perma.cc/Q7SY-4P2U>].

⁷⁴ Catherine Hays, *ARTICLE: CASHING IN ON CHILDREN: WHY KIDFLUENCERS AND CHILD ACTORS NEED FEDERAL LABOR PROTECTIONS*, 14 *Ariz. St. Sports & Ent. L.J.* 259, 275 (2025).

⁷⁵ *Id.*

⁷⁶ *Coogan Law*, SAG AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law> [<https://perma.cc/Q7SY-4P2U>].

⁷⁷ Catherine Hays, *ARTICLE: CASHING IN ON CHILDREN: WHY KIDFLUENCERS AND CHILD ACTORS NEED FEDERAL LABOR PROTECTIONS*, 14 *Ariz. St. Sports & Ent. L.J.* 259, 275 (2025).

⁷⁸ *Coogan Law*, SAG AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law> [<https://perma.cc/Q7SY-4P2U>].

⁷⁹ *Id.*

The employer must deposit the child's earning within fifteen days of being informed by the parents of the child's block trust account.⁸⁰ Additionally, the Coogan Law establishes that there is a default block trust account that an employer could put the child's earning in cases where a parent has not established a trust.⁸¹

B. How the Coogan Law Informs Illinois Child Labor Laws

As a result, the landmark Coogan Law was utilized by Illinois legislators as a portion of the foundation of the amendments to the Illinois Child Labor Law to protect child influencers. Illinois legislators utilized the trust account to be accessed by the star at the age of eighteen requirement. The Illinois legislators not only expanded the child labor protections to include child influencers alongside child actors, they also made the amount to be put into the trust account "the percentage of total gross earnings on any video segment including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor" in comparison to the fifteen percent required by the Coogan Law.⁸² Additionally in comparison to the original Coogan Law with its authority over child actors, the Illinois Child Labor Law has familial implications and thus, the Illinois legislators outlined that gross earnings of multiple minors within vlogs must be divided equally despite any differing percentages of minor's presences in said vlogs.⁸³ Thus, the Coogan Law was a baseline standard that was built upon to create the Illinois amendments that protect child influencers.

After Illinois amended their Child Labor Law in 2023, this caused a ripple effect across the nation. Many states, including California, decided to amend or create new child labor laws to

⁸⁰Catherine Hays, ARTICLE: CASHING IN ON CHILDREN: WHY KIDFLUENCERS AND CHILD ACTORS NEED FEDERAL LABOR PROTECTIONS, 14 *Ariz. St. Sports & Ent. L.J.* 259, 275 (2025).

⁸¹ *Id.*

⁸² *Id.* But see 820 ILCS 205/12.6(a) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

⁸³ See 820 ILCS 205/12.6(a)(2) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

protect child influencers involved in vlogging content on online platforms to mimic Illinois' actions.⁸⁴ California amended the Coogan Law through a bill called S.B. 764.⁸⁵ This bill was made effective January 1, 2025.⁸⁶ This bill expanded the protections contained within the Coogan Law to minors within monetized vlogging content on online platforms, often social media posts created by parents or guardians.⁸⁷ This bill also outlined the accounting and trust accounts requirements for child influencers.⁸⁸ This bill was sponsored by Senator Padilla.⁸⁹ AB 1880 was also enacted at the same time to explain the definition of an "online platform" and "content creators."⁹⁰ These definitions are extremely similar to the definitions of an "online platform" and "vlogger" in the Illinois Child Labor Law.⁹¹ Both California and Illinois' legislation protects content created within that specific state and excludes minors that create their own vlogging content.⁹² Both California and Illinois said that vlogging content that qualified under their child influencer protections as when at least thirty percentage of the content created in the past thirty day period featured the minor and the content reached the threshold for the online platform's compensation or the content was compensated for at least \$.10 per view.⁹³ But California allowed for content that was compensated at least \$1,250 in the month period in the

⁸⁴ Katie Lee & Erin Twomey, *From Likes to Laws: State Legal Protections for Child Influencers*, CSG SOUTH, (May 20, 2025) <https://csgsouth.org/policies/from-likes-to-laws-state-legal-protections-for-child-influencers/> [<https://perma.cc/Y5QU-M64D>].

⁸⁵ Catherine Hays, ARTICLE: CASHING IN ON CHILDREN: WHY KIDFLUENCERS AND CHILD ACTORS NEED FEDERAL LABOR PROTECTIONS, 14 *Ariz. St. Sports & Ent. L.J.* 259, 275 (2025).

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ S.B. 764, 2004 Leg., Reg. Sess. (Cal. 2004); see also S.B. 764, 2024 Leg., Reg. Session (Cal. 2024).

⁹⁰ Jeremy Mittman & Eric Engelman, Ready, Set, Vlog! New California Laws Protect the Rights of Child Vloggers, MSK, (Dec. 5, 2024) <https://www.msk.com/newsroom-alerts-child-vlogger-law> [<https://perma.cc/XQT9-K4T5>].

⁹¹ *Id.* See also 820 ILCS 205/2.6(a)(1) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

⁹² Jeremy Mittman & Eric Engelman, Ready, Set, Vlog! New California Laws Protect the Rights of Child Vloggers, MSK, (Dec. 5, 2024) <https://www.msk.com/newsroom-alerts-child-vlogger-law> [<https://perma.cc/XQT9-K4T5>]. See also 820 ILCS 205/2.6(a)(1) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

⁹³ Jeremy Mittman & Eric Engelman, Ready, Set, Vlog! New California Laws Protect the Rights of Child Vloggers, MSK, (Dec. 5, 2024) <https://www.msk.com/newsroom-alerts-child-vlogger-law> [<https://perma.cc/XQT9-K4T5>]. See also 820 ILCS 205/2.6(a) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

qualification for the Coogan Law.⁹⁴ Thus, the Illinois Child Labor Law and the Coogan Law now closely mirror each other due to the steps that Illinois legislators took to pioneer child influencer protections with SB1782.

III. THE SUPPORT AND PROGRESSION OF THE ILLINOIS LEGISLATION

In this section, I will discuss the advocates for the expansion of the protection of child influencer protections in Illinois. This section will discuss the youth that initially noticed the financial exploitation of child influencers and took steps to facilitate changes in the law. This section will discuss the multiple nonprofits that supported the passage of Illinois legislation for child influencer protections. This section will also discuss how these nonprofits continue to advocate for change across the nation. Finally, the section will explain the progression of the expanded legislation resulting in the approval of Gov. JB Pritzker.

A. The Advocates for the Illinois Legislation

There were many advocates for legislation within the child influencer realm. One of these advocates was only thirteen years old at the time, named Shreya Nallamothe, when she came up with the idea through a research project.⁹⁵ This research project arose out of Nallamothe scrolling through social media applications like TikTok, Instagram, and YouTube during the pandemic.⁹⁶

⁹⁴Jeremy Mittman & Eric Engelman, Ready, Set, Vlog! New California Laws Protect the Rights of Child Vloggers, MSK, (Dec. 5, 2024) <https://www.msk.com/newsroom-alerts-child-vlogger-law> [<https://perma.cc/XQT9-K4T5>].

⁹⁵Kalhan Rosenblatt, *Efforts to protect child influencers will continue to ramp up in 2024*, NBC NEWS, (Dec. 26, 2023, 6:20 AM), <https://www.nbcnews.com/tech/child-influencer-family-vlogger-protection-laws-rcna127674> [<https://perma.cc/N9UD-Q4EZ>]; Team GI Youth, The Accidental Advocate: How Shreya Nallamothe paved the way for child influencer protections, THE GLOBAL INDIAN, (March 7, 2025), <https://www.globalindian.com/youth/story/cover-story/the-accidental-advocate-how-shreya-nallamothe-paved-the-way-for-child-influencer-protections/> [<https://perma.cc/3CPV-LAV7>].

⁹⁶ Team GI Youth, The Accidental Advocate: How Shreya Nallamothe paved the way for child influencer protections, THE GLOBAL INDIAN, (March 7, 2025), <https://www.globalindian.com/youth/story/cover-story/the-accidental-advocate-how-shreya-nallamothe-paved-the-way-for-child-influencer-protections/> [<https://perma.cc/3CPV-LAV7>].

After seeing these children of a variety of ages raking in millions of dollars in revenue, she was concerned about where these children's earnings were landing in the end.⁹⁷ Nallamothu decided to write a letter to her own Illinois State Senator David Koehler in which she outlined the rampant financial exploitation that was occurring and requested that the law change.⁹⁸ She wanted the legislation to mirror the protections provided by the Coogan Act for child actors.⁹⁹ Nallamothu's passion for public policy and the impacts of online safety led to her working on the passage of the nation's first legislation to protect child influencers with Illinois State Senator David Koehler.¹⁰⁰ One cold call from one concerned child, Nallamothu, was the spark that started a wave of child influencer protections across the country. But initially when Illinois expanded their child labor laws, some believed the protections were "too little, too late."¹⁰¹

Multiple organizations were also a pivotal part of pioneering the protections for child influencers. The Family Online Safety Institute and its founder and CEO, Stephen Balkam supported the legislation because it aligned with their mission of collaborating with leaders in the nonprofit and government sectors to curate a culture of online responsibility and "digital citizenship."¹⁰² Balkam also believes that parents have the right to exert control to protect their children, but once these children get to middle school and high school they should also have rights and protections.¹⁰³

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Kalhan Rosenblatt, *Efforts to protect child influencers will continue to ramp up in 2024*, NBC NEWS, (Dec. 26, 2023, 6:20 AM), <https://www.nbcnews.com/tech/child-influencer-family-vlogger-protection-laws-rcna127674> [https://perma.cc/N9UD-Q4EZ].

¹⁰⁰ Shreya Nallamothu, FOSI, <https://fosi.org/people/shreya-nallamothu/> [https://perma.cc/MC9W-Z4W7].

¹⁰¹ Kalhan Rosenblatt, *Efforts to protect child influencers will continue to ramp up in 2024*, NBC NEWS, (Dec. 26, 2023, 6:20 AM), <https://www.nbcnews.com/tech/child-influencer-family-vlogger-protection-laws-rcna127674> [https://perma.cc/N9UD-Q4EZ].

¹⁰² About Us, FOSI, <https://fosi.org/about-us/> [https://perma.cc/YZN9-BE69]. See also Kalhan Rosenblatt, *Efforts to protect child influencers will continue to ramp up in 2024*, NBC NEWS, (Dec. 26, 2023, 6:20 AM), <https://www.nbcnews.com/tech/child-influencer-family-vlogger-protection-laws-rcna127674>, [https://perma.cc/N9UD-Q4EZ].

¹⁰³ Kalhan Rosenblatt, *Efforts to protect child influencers will continue to ramp up in 2024*, NBC NEWS, (Dec. 26, 2023, 6:20 AM), <https://www.nbcnews.com/tech/child-influencer-family-vlogger-protection-laws-rcna127674>, [https://perma.cc/N9UD-Q4EZ].

The nonprofit Quit Clicking Kids also supports legislation to protect child influencers in respect to their financial freedoms and right to privacy.¹⁰⁴ The executive director and founder of Quit Clicking Kids, Chris McCarty, started the nonprofit in his senior year of high school when he realized child influencers did not have the same protections and rights afforded to them as child actors.¹⁰⁵ Quit Clicking Kids has worked to imitate legislative change in many states like Oregon, Washington, and Minnesota.¹⁰⁶ Similarly to Nallamothe, McCarty helped with getting legislation introduced in multiple states by cold calling and cold emailing public officials; specifically, he contacted Washington legislators leading to House Bill 2032 being introduced to protect the “privacy and property rights” of children with families that generate revenue through vlogging content.¹⁰⁷ Thus, advocates for children and children themselves have been the catalyst for change in the protection of exploited children.

B. The Progression the Illinois Legislation

The expansion of current child labor legislation into online content quickly progressed through both the Illinois Senate and House with its initial introduction occurring in February 2023 by Senate David Koehler.¹⁰⁸ In the initial introduction, House Bill SB1782 amended the previous child labor laws to provide protections for minors within vlogging content with privacy and financial protections upon turning eighteen.¹⁰⁹ The initial bill outlined that minors that were within the vlogging content of their parent or guardian, that they were compensated for, have the right to request the deletion of this content specifically “any video segment including the

¹⁰⁴ About, QUIT CLICKING KIDS, <https://quitclickingkids.com/about/> [https://perma.cc/4QEW-J7LD].

¹⁰⁵ Chris McCarty, FORBES, <https://www.forbes.com/profile/chris-mccarty/> [https://perma.cc/AQL6-HYVN].

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [https://perma.cc/6XBY-7JT3].

¹⁰⁹ *Id.*

likeness, name, or photograph” of the minor child permanently upon reaching the age of majority.¹¹⁰ The initial introduction also outlines that parents or guardians that make revenue of their children through vlogging content should be mandated to put aside a certain amount of money to ensure the parent’s financial rights upon turning eighteen years old.¹¹¹ But the bill that was introduced was not fully approved for the final form.¹¹² Illinois State Senator of the 46th District David Koehler introduced SB 1782 on February 9, 2023.¹¹³ In the same month, the bill was assigned to the Labor division of the 103rd General Assembly, which was composed of twelve Democrats and five Republicans in the 2023-2024 session.¹¹⁴

The first extensive Senate Floor Amendment was brought forth by Senator David Koehler on March 23, 2023.¹¹⁵ The amendment completely removed the language around allowing a minor to request the permanent deletion of their likeness from online platforms, which parents or guardians received revenue from a minor’s participation in vlogging content.¹¹⁶ This section of the amendment was ill-advised because despite any implementation difficulties that may result, an eighteen year old should be able to reflect upon the family vlogging content they were in through a newly obtained adult lens and ask to have it removed. The amendment also eliminates

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>]; David Koehler (D) - 104th General Assembly (2025-2026), ILGA, <https://www.ilga.gov/senate/members/details/3271?Gald=18> [<https://perma.cc/WA9W-FL3E>].

¹¹⁴ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>]; Labor - 103rd General Assembly (2023-2024), ILGA, <https://www.ilga.gov/senate/committees/members/2914> [<https://perma.cc/2552-Y6MQ>] (Lisa Holmes was added as a Chief Co-Sponsor alongside many Senators who became Co-Sponsors including Sen. Napoleon Harris, Sen. Michael W. Halpin, Sen. Javier L. Cervantes, Sen. Meg Loughran Cappel, and Sen. Laura Ellman, Sen. Laura M. Murphy, Sen. Ann Gillespie, Sen. Christopher Belt, Sen. Suzy Glowiak Hilton, Sen. Laura Fine, Sen. Elgie R. Sims, Jr., Sen. Mary Edly-Allen, Sen. Rachel Ventura, Sen. Karina Villa, Sen. Sara Feigenholtz, and Sen. Adriane Johnson.)

¹¹⁵ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>].

¹¹⁶ *Id.*

language that discussed a requirement of a contract between an online platform (social media platform) and a vlogger that outlines the platform must obtain permission for use of content featuring the minor and also notifies the platform of the minor's future privacy rights. In my view, this type of provision may be more successfully implemented within a federal framework because of the need to enforce it with platforms worth billions. Replaced a provision allowing a minor to participate in vlogging if their privacy rights are protected along with them being compensated with a provision that outlines specific information that the vlogger is required to report to the Department of Labor annually.¹¹⁷

Senator Floor Amendment No. 1 provides that a vlogger must annually report information such as “(i) the name and documentary proof of the age of the minor engaged in the work of vlogging; (ii) the number of vlogs that generated compensation during the reporting period; and (iii) the total number of minutes each minor was featured in vlogs during the reporting period.”¹¹⁸ When parents are choosing to guide a child into a certain profession, they should be require to document each aspect to ensure that all of the laws surrounding that labor are being followed. The amendment also permits a minor to commence a lawsuit if the vlogger fails to fully and accurately report the required information or if the vlogger “knowingly or recklessly violates certain provisions that require a vlogger to set aside a minor's earnings from video content in an established trust account.”¹¹⁹ If a minor is successful in their lawsuit about misappropriated funds for their trust account they can be paid for the cost of the suit and can be awarded for both actual and putative damages.¹²⁰ If this provision that gives these children the

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>].

right to sue upon turning eighteen was not removed, it makes one question why the provision around the children’s right to “permanent deletion” was removed because both provide rights after reaching the age of majority.

The House also amended the bill twice.¹²¹ The first amendment excluded any child under sixteen years old who curates their own content, or vlogs, from the meaning of a “vlogger.”¹²² In my view, this distinction is important because teenagers should be permitted to utilize social media as a “fun” high school job similarly to working at fast food joint without their parents being required to follow this Act. This amendment also alters a “vlogger’s minor child” to a “minor child.”¹²³ This amendment also alters the definition of “family” to “a group of persons related by blood or marriage, including civil partnerships, or whose close relationship with each other is considered equivalent to a family relationship by the individuals.”¹²⁴ In my view, the language that expands the definition of “family” to a “close relationship” is very important because not all familial relationships are due to blood or marriage; families are often broad, amorphous relationships that can be chosen. The second amendment asserts that this bill is altering Child Labor Law.¹²⁵ The second amendment continues to change the phrase of a “vlogger’s minor child” to “minor.”¹²⁶ The Chief Sponsor of the bill was Sharon Chung.¹²⁷ House Amendment No. 2 and House Amendment No. 3 were adopted May 16, 2023.¹²⁸ The

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹²⁵ *Id.*

¹²⁶ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>].

¹²⁷ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>]; Sharon Chung (D) - 104th General Assembly (2025-2026), ILGA, [].

¹²⁸ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>].

Senate concurred and the bill passed in both Houses on May 19, 2023.¹²⁹ The bill reached Governor JB Pritzker's desk on June 16, 2023 with him approving it on August 11, 2023.¹³⁰ Public Act 103-0556 was effective July 1, 2024.¹³¹

IV. A ROADMAP OF THE SUBSEQUENT PUBLIC ACT

After Gov. JB Pritzker signed Bill SB1782 into law August 11, 2023, Public Act 103-0556 was made effective July 1, 2024.¹³² Public Act 103-0556 added Section 2.6 and Section 12.6 and altered Section 0.5 and 9 in order to amend Section 5 of the Child Labor Law.¹³³ This section will discuss all four sections of 820 ILCS 205 that the Public Act 103-0556 amended.¹³⁴ These sections discuss the definitions, rules for minors involved in vlogging and their exemptions, and an explanation of the trust fund requirement.¹³⁵

A. 820 ILCS 205/0.5: Definitions

Section 0.5 of the Act outlines the definitions that will apply to the remaining parts of the 820 ILCS 205.¹³⁶ Four of the seven definitions total are altered within Section 0.5.¹³⁷ This section had already laid out the definitions of “District Superintendent of Schools,” “Duty authorized by agent,” and “Regional Superintendent of Schools.”¹³⁸ This section broadly defines “family” as a “close relationship” between people that the individual considers to be familial in

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹³² Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>].

¹³³ Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

addition to familial relationships through marriage or blood.¹³⁹ It also defines an “online platform” as a “any public-facing website, web application, or digital application, including a mobile application. . . a social network, advertising network, mobile operating system, search engine, email service, or Internet access service.”¹⁴⁰ It also defines a “vlog” as content curated and distributed through an online platform for profit.¹⁴¹ The definition of a vlogger is an “an individual or family that creates video content, performed in Illinois, in exchange for compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or family for the purposes of that content creation.”¹⁴² It exempts children under the age of sixteen who curate their own content from this definition.¹⁴³ This exclusion is a great addition in order to ensure that teens, like Charli D’Amelio, can use social media as a job to amass their own wealth.¹⁴⁴

B. 820 ILCS 205/2.6 and 820 ILCS 205/9: Minors in Vlogging and Exemptions

Section 2.6 of the Act outlines what exactly clarifies as a minor engaged in vlogging activities in Illinois in the past twelve months.¹⁴⁵ The Act applies if thirty percent of the vlogger’s compensated content produced within a thirty-day timeframe contains “likeness, name, or photograph” of the child as a visual segment or oral component in comparison to the vlogger’s total content segment.¹⁴⁶ The vlogger’s content must also surpass the required threshold to obtain

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁴⁴ See generally Cassidy George, *How Charli D’Amelio Became the Face of TikTok*, THE NEW YORKER, (Sept. 5, 2020) <https://www.newyorker.com/culture/cultural-comment/how-charli-damelio-became-the-face-of-tiktok> [https://perma.cc/6R3A-J3WX].

¹⁴⁵ *Id.*

¹⁴⁶ 820 ILCS 205/2.6(a)(1) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

compensation per video segment by the online platform or the vlogger receives at least \$0.10 per view of profit for the videos.¹⁴⁷

The vlogger must maintain extensive records that are accessible to the minor.¹⁴⁸ This records should contain information such as the name and age of the minor, the number of vlogs and the exact minutes that the minor participated in as explained 820 ILCS 205/2.6(a), the exact amount of minutes of a vlog that the vlogger was compensated for in the timeframe, the amount of compensation received for the content featuring the minor, and the amount deposited into the trust account for the minor in the vlogs as required by 820 ILCS 205/12.6.¹⁴⁹ If Jackie Coogan had access to this type of documentation, the gruesome legal battle with his mother may not have occurred because he would have been aware of the exact amount of earnings he was entitled to.¹⁵⁰ If the vlogger does not maintain the proper records, the minor may bring forth a civil action to enforce the maintenance of records.¹⁵¹ Again, minors under the age of sixteen who engage in their own content creation do not fall under this Act.¹⁵² Under 820 ILCS 205/9, minors shall not be gainfully employed unless the employer maintains an employment certificate except for minors qualified under 820 ILCS 205/2.6 and minors engaged in agricultural work.¹⁵³

C. 820 ILCS 205/12.6: Trust Funds

Section 12.6 is a new amendment that outlines the trust fund requirements for minors that are involved in vlogging.¹⁵⁴ Vloggers must properly compensate a minor by setting aside gross

¹⁴⁷ 820 ILCS 205/2.6(a)(2) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁴⁸ 820 ILCS 205/2.6(c) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁴⁹ 820 ILCS 205/2.6(c) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵⁰ *See generally* Neil A. Grauer, The Very Sad Story of Jackie Coogan, American Heritage, (Dec. 2000), <https://www.americanheritage.com/very-sad-story-jackie-coogan> [].

¹⁵¹ 820 ILCS 205/2.6(d) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵² 820 ILCS 205/2.6(b) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵³ 820 ILCS 205/9 Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵⁴ 820 ILCS 205/12.6 Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

earnings from the vlogs in a trust account to obtained at the age of eighteen for the child's participation, or use of their "likeness, name, or photograph," in their vlog.¹⁵⁵ The distribution of the compensation is outline below:

- (1) "where only one minor meets the content threshold described in Section 2.6, the percentage of total gross earnings on any video segment including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in Section 2.6; or
- (2) where more than one minor meets the content threshold described in Section 2.6 and a video segment includes more than one of those minors, the percentage described in paragraph (1) for all minors in any segment must be equally divided between the minors, regardless of differences in percentage of content provided by the individual minors."¹⁵⁶

The trust fund that must be maintained by the vlogger must satisfy multiple requirements.¹⁵⁷ The trust fund must only be accessible to the child in the vlogs and upon them reaching the age of eighteen or becoming emancipated.¹⁵⁸ The trust account must be within "a bank, corporate fiduciary, or trust company."¹⁵⁹ The Illinois Uniform Transfers to Minors Act must be followed in relation to the trust accounts.¹⁶⁰ Under 820 ILCS 205/12.6(c), a minor satisfying the requirements outlined under 820 ILCS 205/2.6(a) is permitted to bring forth a civil action against a vlogger who is not maintaining a proper trust account under 820 ILCS 205/12.6.¹⁶¹ If the minor's action is successful, the court may award "(1) actual damages; (2) punitive damages; and (3) the costs of the action, including attorney's fees and litigation costs."¹⁶² Other laws can be utilized to bring forth a claim outside of 820 ILCS 205/12.6(c).¹⁶³ The provisions contained within 820 ILCS 205/12.6(c) only applies to the minors and vloggers engaged in vlogging for

¹⁵⁵ 820 ILCS 205/12.6(a) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵⁶ 820 ILCS 205/12.6(a)(1)-(2) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵⁷ 820 ILCS 205/12.6(b) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ 820 ILCS 205/12.6(c) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁶² 820 ILCS 205/12.6(c) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁶³ 820 ILCS 205/12.6(d) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

compensation.¹⁶⁴ These requirements for a trust account would ensure that parents like Ami and Justin McClure, the parents of the McClure Twins who have many followers across platforms including 4.5 subscribers for their own YouTube channel, cannot monetize their children in a variety of ways like a Nike brand deal for \$150,000 and only provide them with \$500,000 when they turn eighteen as McClure parents plan to.¹⁶⁵

V. RECOMMENDATIONS TO IMPROVE THE LEGISLATIVE FRAMEWORK

This section will outline the alterations that I recommend Illinois legislators take to ensure that the state is protecting these child influencers from a multitude of harms by utilizing a more comprehensive scheme. After I lay out my recommendation, I will provide scenarios that influencers have faced that exemplify the need for each recommendation. This section will discuss one example for each respective recommendation, but there is an abundance of scenarios that can fit each that one can find with their own exploration into the subject. In this section, I will also be supporting some of these recommendations with legislation that mirrors the underlying issue implicated. Due to the novelty of these regulations, there may not be an exact legislative replica for each recommendation. Each recommendation put forth in this note is discussed for the express purpose of protecting child influencers from the many possible harms they can face outside of mere financial harms. Alterations to the statute should include subsections that state:

¹⁶⁴820 ILCS 205/12.6(e) Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

¹⁶⁵ Zoey Lyttle, *Mighty McClures Dad Reveals How Much Money He's Set Aside for Kids from YouTube Income (and Why Not Any More Than That)*, PEOPLE MAGAZINE, (July 10, 2025 02:48PM EDT) <https://people.com/might-mcclures-dad-reveals-how-much-money-he-s-set-aside-for-kids-from-youtube-income-11769912> [<https://perma.cc/VT7E-X3MX>].

1. A minor shall not participate in any collaborations, which are not for the express purpose of education, with any adult vloggers outside of their family.

When child influencers collaborate with adults outside of their family through vlogging content for entertainment purposes, there is the unsettling probability that the child's boundaries will be dismissed due to the opportunity for monetary growth. Due to these children being below the age of majority, the children do not have the ability to personally consent to these collaborations; many of the parents to child influencers may be choosing to disregard the dangers of these vlogs due to their children's wishes or the possibility of immense financial results from the vlogs.

The infamous YouTube creator Shane Dawson has had multiple incidents within vlogging content with child influencers that exemplifies the need for this provision. Since the beginning of Shane Dawson's YouTube career in 2005, he has developed a reputation of behaviors indicative of racism, pedophilia, and bestiality.¹⁶⁶ Despite this horrendous reputation, Shane collaborated with multiple children in this timeframe including Baby Ariel who was fifteen years old during their collaboration.¹⁶⁷ A singer who became famous at a young age due to her popular song *Friday*, Rebeca Black said after growing up she realized that her collaboration with Shane Dawson (then late 20s) at the age of sixteen was extremely inappropriate and resulted in "brutal" public backlash.¹⁶⁸

¹⁶⁶ Sarah White, *The Rise and Fall of Shane Dawson*, Medium, <https://medium.com/digital-society/the-rise-and-fall-of-shane-dawson-2956f94a92dc> []; Carmen McAuliffe, The Dark Side of Shae Dawson, ELON UNIVERSITY, (Nov. 26, 2021) <https://student.elon.edu/cmcauliffe3/ShaneDawsonCrisisPlanAnalysis>

¹⁶⁷ Baby Ariel, *TEACHING SHANE DAWSON HOW TO MAKE A MUSICAL.LY*, YOUTUBE (Oct. 9, 2016) <https://www.youtube.com/watch?v=nCenyHFzG8U> [<https://perma.cc/44HQ-HWZE>].

¹⁶⁸ Adam McIntyre, Rebecca Black SPEAKS UP Against Shane Dawson, YouTube, (Feb. 23, 2023) <https://www.youtube.com/watch?v=494mUYHYEzs> [<https://perma.cc/5QWG-UK5W>].

In order to successfully intergrade this provision into the statute would require that the legislature also introduce an additional definition of “educational content” within the definition section (820 ILCS 205/0.5). The United Nations Organization UNESCO defines educational content as “materials designed to facilitate learning and enhance knowledge across various subjects.”¹⁶⁹ The Illinois legislature may allow for a built-in exception for educational content because this type of content may have extensive value for both children and adults. For example, Ms. Rachel’s educational collaboration with a three-year-old from Gaza raised awareness for an ongoing tragedy.¹⁷⁰ Therefore, the Illinois legislature should add this provision into the statute to ensure that the parents that may be more concerned with the temporary nature of their children’s happiness and their current financial success are not able to make collaboration decisions that could result in negative mental illness effects.

This mirrors a recent development in the life of Piper Rockelle. As discussed in the Introduction section, Piper Rockelle visited a content creation house for OnlyFans creators called the BOP House at the age of seventeen.¹⁷¹ In my view, Rockelle’s integration into inherently explicit and inappropriate adult spaces resulted in her being primed, or groomed, to follow a particular pathway in her adult life. Rockelle took her first major step into this pathway by creating an OnlyFans account right when she turned eighteen.¹⁷² In her first twenty-four hours on the platform, she accumulated over 2.9 million through subscriptions, messages, and tips.¹⁷³ Although Rockelle may believe this step changed her life positively now¹⁷⁴, we are unaware of

¹⁶⁹ Educational Content, The UNESCO Courier, <https://www.unesco.org/en/query-list/e/educational-content> [https://perma.cc/PU6B-85DP].

¹⁷⁰ YouTube star Ms. Rachel sings with 3-year-old double amputee from Gaza, CNN, <https://www.youtube.com/watch?v=qtq-yOsToXk>

¹⁷¹ Fortesa Latifi, ROLLING STONE, *supra* note 12, at 3.

¹⁷² *Teen influencer Piper Rockelle says OnlyFans changed her life after eye-watering day one earnings*, THE INDEPENDENT, (Jan. 6, 2026, 15:49 EST) https://www.the-independent.com/life-style/piper-rockelle-onlyfans-earnings-b2894262.html?test_group=lighteradlayout

¹⁷³ *Id.*

¹⁷⁴ *See Id.*

how exactly this type of involvement in adult content as child will go on to impact her in the future. As discussed in Part V, the legislature has a duty to protect children in times and places that their parents are unable to; here, parents like Tiffany Smith are allowing their children to be in unpredictable and inappropriate spaces for profits despite the immense possibility for resulting mental illness impacts. Therefore, the Illinois legislature should insert a provision within the current child labor laws to ensure these child influencers are not permitted to collaborate with adults for non-educational purposes because the research into its long-term effects is still in its embryonic stages. Illinois would once again be a pioneer within the child influencer legal environment because other states have not taken the steps to protect child influencers from adult collaborations.¹⁷⁵

2. A vlogger shall not utilize a minor that is within the foster care system in their vlogging content.

Children in the foster care system are already in an extremely vulnerable position because they are at the behest of a group of strangers and a system that they may feel exploited by. Often these children are in the foster care system for inherently traumatizing reasons like abuse and neglect.¹⁷⁶ These children are usually experiencing concerns about their uncertain futures because of the continuous moves and familial separation they are faced with.¹⁷⁷ Thus, a foster

¹⁷⁵ Marissa Edmund, *The Coming Wave of Child Influencer Regulation*, Tech Policy Press, (July 25, 2025)

<https://www.techpolicy.press/the-coming-wave-of-child-influencer-regulation/>

¹⁷⁶ *Reasons Why Kids enter the Foster Care System*, FOSTER VA, <https://www.fosterva.org/blog/reasons-why-kids-come-into-foster-care> [<https://perma.cc/VJP9-VSQB>].

¹⁷⁷ *Benefits of Becoming a Foster Parent: Everything You Should Know*, THE UP CENTER, (Oct. 6, 2025)

<https://theupcenter.org/foster-care/benefits-of-becoming-a-foster-parent-everything-you-should-know/> [<https://perma.cc/575G-SL3K>].

parent's roles in a child's life can be crucial because "[F]ostering is not only about providing a roof and meals. It's about stepping in at a critical moment in a child's life and offering a safe place when they need it most."¹⁷⁸ A sense of "normalcy" and "stability" is a critical aspect of the creation of the safe space for these children.¹⁷⁹ In respect to minors in vlogging content, we must ask ourselves, "Can foster care children in vlogging content be considered a type of action that is curating a "sense of normalcy?"

In my view, the quick and simple answer to this question is an unequivocal, "No." Due to the extreme power imbalance, children may not feel comfortable with expressing their discomfort with the actions of their temporary caregivers. For example, a minor may not feel safe physically or mentally with telling their caseworkers that they are uncomfortable with their foster parents discussing them on social media for a variety of reasons. Additionally, no matter how common content creation is becoming, it will never be normal for a child to be a miniature version of Truman Burbank of *The Truman Show* fame. This is compounded by the fact the children in the foster care system may require more routines and stability than the average child.

Because one can become a foster parent at the age of twenty-one¹⁸⁰, it is possible that they will want to become vloggers as the push for social media content creation continues to become more prevalent.¹⁸¹ The need for a provision prohibiting the presence of foster child in vlogs is perfectly encapsulated by the foster care experience of Christian influencer Brittany Dawn.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ Foster Care, DCFS, <https://dcfs.illinois.gov/loving-homes/fostercare.html> [<https://perma.cc/2FUK-EN8R>].

¹⁸¹ Gili Malinsky, *57% of Gen Zers want to be influencers—but 'it's constant, Monday through Sunday,' says creator*, CNBC, (Sep. 14, 2024 10:00 AM EDT) <https://www.cnbc.com/2024/09/14/more-than-half-of-gen-z-want-to-be-influencers-but-its-constant.html> [<https://perma.cc/4FNB-RW44>].

Brittany Dawn Nelson, previously Brittany Dawn Davis (“Brittany Dawn”), is a Texan YouTube influencer who obtained her fame through fitness content; as of 2023, she had 1.3 million TikTok followers and 500,000 followers on Instagram.¹⁸² Many of these followers accrued from giving health advice while discussing her struggle with an eating disorder.¹⁸³ Brittany Dawn has been in a lot of controversies that might make someone contemplate the ethicality of having foster children on her platform. In 2023, her local Attorney General’s Office brought suit against her under a deceptive trade practices act due to her scamming customers out of fitness plans and consultations they rightfully paid for, ranging from “\$92 to \$300.”¹⁸⁴ In a final judgement, she was ordered to pay \$300,000 in civil penalties and \$100,000 in restitution in a three period.¹⁸⁵

Additionally, she experienced a controversy involving animals. In 2021, she posted a quick video discussing that her dog had passed away.¹⁸⁶ Brittany Dawn and her husband, Jordan, had come home to find that their family dog had gotten out and was hit by a car.¹⁸⁷ After they realized the dog was harmed and basically “decapitated,” Jordan rushed her into the house.¹⁸⁸ He then shot their dog Brodie to ensure he was no longer suffering.¹⁸⁹ This post on social media resulted in the public debating about the legality and ethics of Jordan’s actions.¹⁹⁰ Some

¹⁸² Paul Wedding & William Joy, North Texas fitness influencer ordered to pay \$400,000 as part of settlement, WFAA, (June 7, 2023 2:32 PM CDT) <https://www.wfaa.com/article/news/local/north-texas-fitness-influencer-pay-more-than-500000-part-settlement/287-3d410af8-7508-4ecc-a780-ad87016e3f44> [<https://perma.cc/4GTG-EPKN>].

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ Alexandra Schonfeld, nflencer’s Husband Shoots Pet Dog After Couple Finds It Hit by Car, Newsweek, (Oct. 19, 2021 12:30 PM EDT) <https://www.newsweek.com/influencers-husband-shoots-pet-dog-after-couple-finds-it-hit-car-1640474> [<https://perma.cc/7Q9B-JNYX>].

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

considered Brittany and Jordan's actions to be a form of animal abuse.¹⁹¹ Brittany went on to be accused of multiple other animal abuse allegations in the past few years.¹⁹²

After all of these controversies, Brittany Dawn went on to become a foster parent.¹⁹³ She had been very transparent about her fertility concerns.¹⁹⁴ One of the ways she shared her foster parent journey was by posting when she passed her background check.¹⁹⁵ Social media platforms, like the r/Brittany Dawn Reddit page, discussed the public's concerns about Brittany's posts about her foster child.¹⁹⁶ Brittany posted about the exact baby monitor, car seat, and stroller she would be utilizing.¹⁹⁷ She also disclosed and monetized personal sensitive information about the foster child by discussing that the child was "suffering from substance withdrawals."¹⁹⁸ After hosting a "foster care baby shower," she posted a "family" picture with the foster child, although their face was obscured.¹⁹⁹ Some may argue that the blurring of the foster child's face is sufficient protection, but the fact that a reddit snark page had extensive discussions about this incident illustrates how the mere pixelation of a photo was not enough to protect Brittany's foster child.

These individuals already receive a monetary incentive for being foster parents.²⁰⁰ If financial incentives are one of the motives for a foster parent, they may also see the potential in

¹⁹¹ See The Dad Challenge Podcast, *Brittany Dawn In Another Animal Abuse Scandal | She Needs To Be In Prison*, YOUTUBE, <https://www.youtube.com/watch?v=NzyuHHSv0UM> [<https://perma.cc/53EZ-MFWS>].

¹⁹² *Id.*

¹⁹³ Geoff Weiss, Christian influencer Brittany Dawn defends her foster parent journey amid criticism of her past, monetized baby posts, Business Insider, (Dec. 14, 2022 3:45PM CST) <https://www.businessinsider.com/christian-influencer-brittany-dawn-criticism-foster-parent-journey-2022-12>.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ Geoff Weiss, Christian influencer Brittany Dawn defends her foster parent journey amid criticism of her past, monetized baby posts, Business Insider, (Dec. 14, 2022 3:45PM CST) <https://www.businessinsider.com/christian-influencer-brittany-dawn-criticism-foster-parent-journey-2022-12>.

¹⁹⁹ *Id.*

²⁰⁰ AUTHORIZED CHILD CARE PAYMENTS April 30, 2024 – PT 2024.05, DCFS, <https://dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/about-us/policy-rules-and-forms/documents/procedures/procedures-359.pdf>.

monetizing the foster child's presence in their home through social media. Brittany Dawn's foster care experience demonstrates the need for a provision eliminating the possibility of foster care children being monetized due to the possible dangers that can result when they are already in an extremely vulnerable space. The U.S. Children's Bureau says that foster parents can protect the child's confidentiality and privacy by "not identify[ing] a child or youth as a foster child or post[ing] their full name or address on a social media network. Never discuss[ing] case information in an online forum."²⁰¹ An accidental slip of a simple detail about a foster child can result in the complete eradication of their privacy and confidentiality as technology continues to evolve. Despite the slight possibility of benefit that a foster parent's social media post about *their* foster care journey can pose²⁰², this minimal benefit does not outweigh the harms that could result.²⁰³ These children often are extremely uncomfortable in their positions with loyalty to their families and place delicate trust in their foster parents; breaking this trust can be detrimental.²⁰⁴ So why risk the erosion of the trust just for the monetization of these children's stories when they are under the age of majority?

The monetization of a foster child contradicts multiple of the caregiver responsibilities outlined by the Illinois Department of Children and Family Services. The responsibilities of "[r]espect[ing] the confidentiality of information about the child and his family," "[t]reat[ing] the child and his or her family with dignity, respect and consideration," and "[r]ecogniz[ing] the impact of foster care on relationships and take steps to minimize stress as much as possible" are

²⁰¹ *Social Media: Tips for Foster Parents and Caregivers*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, CHILDREN'S BUREAU, (Oct. 2022) https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/smtips_parent.pdf.

²⁰² *See id.*

²⁰³ The Forgotten Podcast, *Episode 57: Confidentiality in Foster Care: Why It Matters*, (Sept. 10, 2018) <https://theforgotteninitiative.org/s5e7/> [<https://perma.cc/S38Q-QGGV>].

²⁰⁴ *Foster Parent Homework 3: Confidentiality*, SUMMIT COUNTY CHILDREN SERVICE, <https://www.summitkids.org/resources/caregiver-resources/foster-parent-resources/foster-parent-homework-3/> [<https://perma.cc/ECC9-NUBL>].

being fundamentally disregarded because when a foster parent is monetizing a child's story they are broadcasting confidential information that ignores parental dignity while increasing stress levels.²⁰⁵ Because vlogging in these scenarios can result in harms and is fundamentally misaligned with the responsibilities of caregivers, these possible negative impacts can never override the benefits that are temporary in nature. The main goal of foster care is reunification after a *temporary* placement.²⁰⁶ It is completely unfathomable that a foster parent can profit from a child's story under the guise of "education" even after the goal of reunification has been achieved with the child and family trying to step forward into their futures. Thus, the Illinois legislature needs to be protecting foster children and their futures through an additional provision under 820 ILCS 205/2.6 and 820 ILCS 205/9.

3. A vlogger shall not utilize their adopted minor within their vlogging content for a five-year period after the adoption has been made official.

In a similar fashion to the previous recommendation, this provision would be enacted to ensure the protection of the child presently and in the future. As established throughout this article, vlogs are a snapshot of one's life that encapsulates the individual's present moments; but the Illinois legislature should consider whether the "present moments" being captured and profited off of will be traumatizing to an adopted child in the future. According to the National Institute of Health, adoptive children often experience trauma especially due to the early experiences prior to adoption like "neglect, abuse, multiple caregivers, and institutional rearing,"

²⁰⁵ *FOSTER PARENTS RIGHTS AND RESPONSIBILITIES*, ILLINOIS DCFS, <https://dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/loving-homes/foster-care/documents/foster-parents-rights-and-responsibilities-english.pdf> [<https://perma.cc/7P6V-J37P>].

²⁰⁶ Foster Care, ILLINOIS DCFS, <https://dcfs.illinois.gov/loving-homes/fostercare.html> [<https://perma.cc/Q9X5-5A7U>].

which can result in impacts on their brain, functioning, relationships, and long-term development.²⁰⁷ It also established that recovery from adoption trauma is unpredictable saying, “even when children are placed in well-resourced and nurturing families [. . .] recovery is uneven across areas of functioning, depending on age of adoptive placement and the extent of preadoption adversity.”²⁰⁸ Recovering from adoption trauma is already a tumultuous and precarious experience, and now America is experiencing an issue with adoptive parents “re-homing” their adopted children.²⁰⁹

Re-homing is typically a term to refer to unwanted pets that has been repurposed to refer to a process where adoptive parents give their children to virtual strangers, found through online platforms, after experiencing adoption regret.²¹⁰ They do so through notarized documentation of power of attorney.²¹¹ International adoptions experience these re-homing tragedies at a concerning rate in comparison to American adoptions and “the needs of parents are put ahead of the welfare of the orphans they brought to America.”²¹²

The Stauffer family exemplifies the need for an additional provision within the Act barring the use of adopted minors in vlogs in a family vlogger for a specific period of time. Popular family vlogging influencers Myka and James Stauffer adopted a two-year old boy named Huxley from China in October 2017.²¹³ Throughout the sharing of their adoption journey, they disclosed that they were aware of Huxley’s special needs and Myka also discussed that “[her]

²⁰⁷ David Brodzinsky, Megan Gunnar, & Jesus Palacios, *Adoption and Trauma: Risks, Recovery, and the Lived Experience of Adoption*, NATIONAL INSTITUTE OF HEALTH, (Aug. 2022) <https://pmc.ncbi.nlm.nih.gov/articles/PMC8926933/#S17> [].

²⁰⁸ *Id.*

²⁰⁹ *Americans use the Internet to abandon children adopted from overseas*, REUTERS, <https://www.reuters.com/investigates/adoption/#article/part1> [<https://perma.cc/Q9HH-8P9S>].

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ Rebecca Aizin, *Why Did Myka and James Stauffer Rehome Their Adopted Son? Revisiting the YouTubers' 2020 Controversy*, PEOPLE MAGAZINE, (June 10, 2024) <https://research.ebsco.com/c/ma7lcz/viewer/html/77jp2exbh5>

child is not returnable."²¹⁴ In May 2020, the Stauffers made a video announcing that they had “dissolved” Huxley’s adoption, who was 4 ½ at the time, after their audience had noticed some changes in their content.²¹⁵ They made content on their page featuring Huxley private.²¹⁶ These videos included a video documenting the day Huxley was diagnosed with Autism, a video titled “5 Things I Didn’t EXPECT About Our China ADOPTION!,” and even a video with a Dreft laundry detergent brand deal featuring Huxley.²¹⁷ In another video, Myka discussed how they were going to “downgrade” Huxley’s treatments and therapy due to expenses despite wearing a \$6,000 Cartier Love bracelet in the video.²¹⁸ In a now deleted video, they explained that Huxley had special needs they were not informed of and they could not handle.²¹⁹ Some more reasons that they gave for the re-homing was lack of preparation, naivety, and even medical professionals’ recommendations.²²⁰

The Stauffers illustrate the need for this provision. Although many people go into the process of adoption extremely informed, their story shows how people can go into this process with “a lack of knowledge” and try to completely erase their actions despite profiting off of it. Although the Stauffers went on a prolonged hiatus²²¹, they could have chosen to keep these videos to profit off of them. One could make the assumption that the naivety that the Stauffers experienced was not necessarily due to lack of education, but due to a lack of wanting to be informed when profits and attention were on the table. When “parents” are willing to re-

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Zoey Lyttle, *Where Is Myka and James Stauffer's Adopted Son Huxley After They Rehomed Him? What They've Said About His New Life*, PEOPLE MAGAZINE, (Jan. 16, 2025, 10:57AM EST) <https://people.com/where-is-huxley-stauffer-now-after-myka-james-stauffer-adoption-scandal-8774707>

²¹⁸ *Id.*

²¹⁹ Rebecca Aizin, *Why Did Myka and James Stauffer Rehome Their Adopted Son? Revisiting the YouTubers' 2020 Controversy*, PEOPLE MAGAZINE, (June 10, 2024) <https://research.ebsco.com/c/ma7lcz/viewer/html/77jp2exbh5>

²²⁰ *Id.*

²²¹ *Id.*

home a child due to foreseeable difficulties, the child may have been a prop the entire time. The Illinois legislature should be protecting these children from the possibility of re-homing, but as they make strides in that arena they also need to protect adopted children from their names, stories, likeness, and photographs being used for profit for the same people who could turn around and re-home them as if they were an unwanted dog.

4. A vlogger shall not utilize a minor within their vlogging content when the vlogger is fulfilling a position as the minor's teacher in their school.

The primary focus of a school should be to be an educational environment. Teachers should not split their focus in these environments between the primary focus and entertainment for the masses. Even with parental consent from a fraction of the children in the classroom, a camera can be a distraction for the entire classroom because it is like bringing a parade of random strangers tramping through their educational safe space. There are examples of teachers recording the classroom with their cameras facing themselves and their students being heard auditorily as if it is a standup comedy show.²²² Additionally, there are entire podcasts focused on telling the experiences of teachers by utilizing the stories of their minor students.²²³ A Mississippi substitute teacher's viral video also exemplifies why there is a need for the addition of this provision.

A twenty-four-year-old substitute teacher, Miata Borders, was fired after one day in the position.²²⁴ While she was vlogging a day in her life where she kicked her feet up on the desk,

²²² marcus.bornslater, *This is a teachers attempt to get his student's attention* 🤪 #teachersoftiktok #teacherlife, TIKTOK (Jan. 14, 2023) <https://www.tiktok.com/@marcus.bornslater/video/7188698599428181294> [<https://perma.cc/5YPP-3HMY>].

²²³ Teachers of Duty Podcast, <https://www.teachersoffduty.com/> [<https://perma.cc/ZF2G-9KM9>].

²²⁴ Nicholas McEntyre, *Mississippi substitute teacher fired on first day for recording, calling female student 'shorty' in viral TikTok video*, THE NEW YORK POST, (Oct. 25, 2025, 1:32 AM ET) <https://nypost.com/2025/10/25/us-news/mississippi-substitute-teacher-miata-borders-fired-for-calling-high-schooler-shorty-in-viral-tiktok/> [<https://perma.cc/6ET6-SJ82>].

she said she had obtained a “new hustle” by becoming a substitute teacher.²²⁵ At one point of her vlog, she recorded children headed to a pep rally where she said, “‘Damn, shorty, sheesh,’ and “‘Man, I gotta get up after these school kids tryna take me down.’”²²⁶ She also recorded other children subtly in this vlog.²²⁷ After her firing due to backlash, she gave a variety of excuses for her actions while posing as the victim including that the administration was aware of her content creation and a lack of awareness of a rule about no recording.²²⁸

In order to successfully intergrade this provision into the statute, the Illinois legislature must also add the definitions of a “teacher” and a “school” within the definition section (820 ILCS 205/0.5). The Illinois legislature can borrow inspiration for these definitions from the federal government by utilizing a variation of the following definitions from 20 USCS §7943:

(4) School. The term “school” means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

[. . .]

(6) Teacher. The term “teacher” means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)

(I) in the employee’s job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety;²²⁹

The Illinois legislature needs to protect these minors in their educational safe space for their stories and likeness being monetized for profit for a teacher they may only have for a year. Due to these children being below the age of majority, in order to protect them to the fullest extent the

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ 20 USCS § 7943 (LexisNexis. Current through Public Law 119-69, approved January 14, 2026, with a gap of Public Law 119-60.).

legislature must put themselves in these children's shoes. Imagine you had a horrible day at school, which resulted in behavioral issues due to your age, development, or homelife, and you go home to scroll on social media to see your teacher has "anonymously" told your story. The world may not know that the story is about you, but you do; how would that effect you? Additionally, the teachers may be profiting off stories that are not theirs. The Illinois legislature should take the incentive to add a provision barring vloggers from utilizing minors in their content when they are the minor's teacher because children's safety and privacy should be prioritized as these instances are becoming more prevalent.

5. The language regarding permanent deletion that was removed in the first Senate Amendment should be reinserted into the statute.

The Illinois legislature should take action to protect children's privacy, safety, and digital footprint, and they can do so through the reintroduction of the "permanent deletion" provision with the statute. The Senate Floor Amendment No.1 of the bill "[r]emove[d] language permitting any minor engaged in the work of vlogging to request the permanent deletion of any video segment that includes the minor's likeness, name, or photograph from any online platform that provided compensation to the minor's parent in exchange for the video content."²³⁰ The language mirrors the "right to be forgotten," which is a right to data protection and deletion that was established in a 2014 case, *Google Spain SL v. Agencia Española de Protección de Datos (AEPD)*, in the European Union and further solidified in *Google Inc. v Commission nationale de*

²³⁰ Bill Status of SB1782, ILGA, <https://www.ilga.gov/Legislation/BillStatus?DocNum=1782&GAID=17&DocTypeID=SB&LegId=146603&SessionID=112> [<https://perma.cc/6XBY-7JT3>].

l'informatique et des libertés (CNIL).²³¹ These cases and the General Protection Data Regulation (GDPR) defines the “right to be forgotten” as “The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay.”²³²

Currently, vloggers are able to post their children in any manner or fashion and these vloggers can take advantage of the lack of regulation by posting inappropriate content of their children that blurs the line between entertainment and exploitation. Wren Eleanor exemplifies the need for the “permanent deletion” provision. Jacquelyn, who was twenty-seven in 2024, became a stay-at-home mother in 2020.²³³ She was a typical mommy vlogger on TikTok where most of her content feature her daughter Wren Eleanor.²³⁴ In 2024, she had accrued 17 million TikTok followers.²³⁵ The controversy began on Reddit (r/WrenEleanor), when viewers began to notice that some of the TikToks featuring Wren, who was only two years old, were receiving abnormal saving patterns.²³⁶ Jacquelyn posted extremely inappropriate videos featuring Wren Eleanor.²³⁷ One of these highly viewed videos featured Wren holding a razor and tampon and simulating some of the broad gestures associated with those items.²³⁸ Another example is a TikTok slideshow where Jacquelyn captions a photo of Wren Eleanor to say, “Do you want to

²³¹ *Right to be Forgotten Overview*, GOOGLE, <https://support.google.com/legal/answer/10769224?hl=en> [<https://perma.cc/E9TE-VPKX>]; Case C-131/12, <https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=163494&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=10850128> []; Document 62017CJ0507, EUR-LEX, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62017CJ0507> [<https://perma.cc/S84B-M4V8>].

²³² Everything you need to know about the “Right to be forgotten,” GDPR.EU, <https://gdpr.eu/right-to-be-forgotten/> [<https://perma.cc/A8AE-RV79>].

²³³ Jessica Danielle, *Wren Eleanor Deep Dive + Parents In The USA Forced To Pay Their Children.*, YOUTUBE, 1:48 (Mar. 11, 2024) <https://www.youtube.com/watch?v=rut23BUGrHs> [<https://perma.cc/EMD6-GF3F>].

²³⁴ *Id.* at 2:02.

²³⁵ *Id.* at 5:41

²³⁶ iNabber, *WREN ELEANOR: The TikTok Mom Who Is Exploiting Her Child For Predators.*, YOUTUBE, 2:53, 7:50, 8:28, (Mar. 27, 2024) https://www.youtube.com/watch?v=PA4DH7Cs_M&t=116s [<https://perma.cc/T8LY-R9D9>].

²³⁷ *Id.* at 16:18.

²³⁸ *Id.* at 18:09.

drink my booby milk?”²³⁹ These TikToks would receive extremely inappropriate comments like “Blue eyed Blondie perfect body,” “Please make another bath video with daughter but less bathing suit,” and “Age is just a number right.”²⁴⁰ There were an abundance of fan accounts on different platforms dedicated to Wren Eleanor with many of them also being inappropriate.²⁴¹ After two responses to the backlash, one in which she claimed the FBI did an investigation on the people saving her daughter’s content and found no issue, this all accumulated in Jacquelyn turning off duets, downloads, and comments, and making their Instagram account private in 2024.²⁴²

These issues are becoming increasingly prevalent and if the platforms and parents will not take action the legislature must.²⁴³ To completely bar parents from posting videos that could possibly be misconstrued as inappropriate would be extremely time consuming, expensive, and even a form of an overreach because social media posts can be interpreted differently dependent upon the view. Thus, the Illinois legislature is not being asked to become the Big Brother from George Orwell’s *1984* by barring the social media posts before they occur because it does not have the resources to do so. But the Illinois legislature can take steps to protect the child retroactively by ensuring the child has the right to request the content containing their likeness be removed upon them reaching the age of majority. The Illinois legislature may have removed the language because concerns of its “overly broad” geographical nature,²⁴⁴ but credible entities like Google Inc. and the University of North Carolina College of Law have provided commentary

²³⁹ *Id.* at 21:16.

²⁴⁰ *Id.* at 11:51, 12:24, 13:04.

²⁴¹ iNabber, *WREN ELEANOR: The TikTok Mom Who Is Exploiting Her Child For Predators.*, YOUTUBE, 26:00-37:10, (Mar. 27, 2024) https://www.youtube.com/watch?v=PA4DHZ7Cs_M&t=116s [<https://perma.cc/T8LY-R9D9>].

²⁴² *Id.* at 37:30, 41:43, 49:06, 1:13:10.

²⁴³ *Id.* at 0:58.

²⁴⁴ *The French Court Case That Threatens to Bring the “Right to be Forgotten” Everywhere*, (Apr. 19, 2017 11:00 AM) <https://www.cfr.org/articles/french-court-case-threatens-bring-right-be-forgotten-everywhere> [<https://perma.cc/4XNQ-P27K>].

and guidelines on how to successfully intergrade the “right to be forgotten.”²⁴⁵ Additionally, if this is the Illinois legislature’s main concern, they can remedy this by explicitly limiting the scope of the “permanent deletion” provision to Illinois data and Illinoian users. If the Illinois legislature is concerned about the burden that would be placed on these large, extremely profitable social media companies, the legislature must balance whether the protection of children is of greater importance than a burden that has been effectively mitigated in other regions like the European Union.²⁴⁶ Therefore, the Illinois legislature needs to reintegrate the “permanent deletion” provision of the statute to ensure the protection of child influencers’ safety and futures.

VI. ADDRESSING A PARENTAL CONSTITUTIONAL CONCERN

There is one major possible constitutional concern for both the Illinois legislature and Illinois judiciary regarding the expansion of child influencer protections. Supporters of this type of expansion may be wary due to the major emphasis upon a parent’s fundamental right to direct their children’s upbringing within the United States.²⁴⁷ The right to raise one’s child as they see fit has deep roots within the fabric of the United States’ legal culture.²⁴⁸ The concern about a parental right to make decisions about the rearing of their children has continued to be prevalent within the prominent modern conservative minds of today like with Justice Thomas and Justice

²⁴⁵ Sam Wrigley & Anne Klinefelter, *Google LLC v. CNIL: The Location-Based Limits of the EU Right to Erasure and Lessons for U.S. Privacy Law*, 22 N.C. J.L. & TECH. 681 (2021) <https://scholarship.law.unc.edu/ncjolt/vol22/iss4/4> [<https://perma.cc/BJJ4-92L6>]; See also *Right to be Forgotten Overview*, GOOGLE, <https://support.google.com/legal/answer/10769224?hl=en> [<https://perma.cc/E9TE-VPKX>].

²⁴⁶ See generally *Right to be Forgotten Overview*, GOOGLE, <https://support.google.com/legal/answer/10769224?hl=en> [<https://perma.cc/E9TE-VPKX>].

²⁴⁷ See John DeWitt Gregory, *THE PUBLIC AND PRIVATE FACES OF FAMILY LAW: ARTICLE: Redefining the Family: Undermining the Family*, 2004 U Chi Legal F 381 *, 388, (2004).

²⁴⁸ See *Meyer v. Nebraska*, 262 U.S. 390, 399–402 (1923), *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 530–35 (1925), *Troxel v. Granville*, 530 U.S. 57, 65 (2000), *In re N.G.*, 2018 IL 121939, ¶¶ 24-25,

Alito.²⁴⁹ It is also becoming more prevalent in left leaning spaces, for example, the Democrats for Education Reform are pushing for school choice.²⁵⁰ Despite these concerns having historical constitutional significance, these implications do not bar the expansion of child influencer protections. The United States' comprehensive history in implementing regulations for the purpose of protecting children shows how the protection of children has deeply rooted history and tradition in the United States. Also, the Illinois Supreme Court has asserted that a parent's right to raise their child as they see fit is impacted by whether the demonstrated action itself is a fundamental right.²⁵¹ Additionally, an expansion of Illinois' child influencer protections would survive a rational basis standard, which it will most likely be evaluated on.²⁵² Advocates for the expansion of child influencer protections should ensure they are fully informed about the possible constitutional implications, but they should be aware that these constitutional implications resemble mere factors instead of complete barriers.

A. Historical Parental Regulations

The United States has an extensive history with increasing regulations in order to ensure that children in our nation are adequately protected. For example, the right to vote, which has major importance in American culture, is restricted for individuals who are under the age of eighteen.²⁵³ Since the first United States Presidential election in 1989, there has been restrictions

²⁴⁹ See 604 U. S. Parents Protecting Our Children, *UA v. EAU Claire Area School District, Wisconsin, et al.* (2024) (Alito, J., dissenting) (Writ of Certiorari) (a dissent criticizing a denial of Writ of Certiorari on the basis of standing for a case that poses an important question of a parent's fundamental right to raise their children as they see fit when "it encourages a student to transition to a new gender or assists in that process.")

²⁵⁰ Jorge Elorza, *It's Time For The Left To Come to the School Choice Table*, DFER, (July. 1, 2025) <https://dfer.org/2025/07/01/its-time-for-the-left-to-come-to-the-school-choice-table/> [<https://perma.cc/3SEH-JFMT>].

²⁵¹ See *People v. Legoo*, 2020 IL 124965 ¶31- ¶36.

²⁵² See *United States v. Skrametti*, 605 U.S. 495 (2025); *FCC v. Beach Communications, Inc.*, 508 U. S. 307, 313, 113 S. Ct. 2096, 124 L. Ed. 2d 211 (1993).

²⁵³ Why Voting Is Important, NATIONAL GEOGRAPHIC, <https://education.nationalgeographic.org/resource/why-voting-important/> [<https://perma.cc/4KDM-S5P8>], The Twenty Sixth Amendment, National Constitution Center, <https://constitutioncenter.org/the-constitution/amendments/amendment-xxvi/interpretations/161>, p- [<https://perma.cc/D895-FZB4>], NOTE: THE TWENTY-SIXTH AMENDMENT AND PROTECTING THE YOUTH VOTE, 25 N.Y.U. J. Legis. & Pub. Pol'y 168, 179 (2023).

upon younger individuals, under the age of twenty-one, in voting.²⁵⁴ Illinois' Liquor Control Act of 1934 imposed regulations upon minors for their protection, where a child under the age of twenty one receives a Class A misdemeanor if they are found to be in possession of an alcoholic beverage in a space that is open to the public.²⁵⁵ This statute also restricts parental control because parents cannot assist their children with obtaining a motel or hotel for the underlying purpose to violate the statute by engaging in underage drinking.²⁵⁶ In contrast, a minor can lawfully engage in underage drinking in the home with the express permission of their parent or guardian.²⁵⁷ When the main purpose of this statute is to “keep[ing] alcoholic liquor out of the hands of minors and intoxicated persons,” one may deduce that the distinguishing factor between these two parental restrictions is the *public* dangers proposed by children engaging in this specific activity.²⁵⁸ Here, this mirrors child influencer protections where more stringent regulations of parental control in public spaces, like social media, may be found to be constitutional. There are many other areas where a parent's right to raise their children as they see fit is not absolute such as mandatory school attendance, mandatory vaccinations, and limitations in child labor.²⁵⁹ Therefore, in the United States, and especially Illinois, the extensive history of regulating parental autonomy for the protection of child welfare emphasizes the likelihood of an expansion of child influencer protections being found constitutional.

²⁵⁴ Voting Resources, American University Washington College of Law, <https://wcl.american.libguides.com/voting/history/timeline> [<https://perma.cc/GB62-TA5Q>]; NOTE: THE TWENTY-SIXTH AMENDMENT AND PROTECTING THE YOUTH VOTE, 25 N.Y.U. J. Legis. & Pub. Pol'y 168, 179 (2023).

²⁵⁵ 235 ILCS 5/6-16(a)(iii).

²⁵⁶ 235 ILCS 5/6-16(a-1).

²⁵⁷ *People v. Christopherson*, 231 Ill. 2d 449, 458 (2008).

²⁵⁸ *People v. Christopherson*, 231 Ill. 2d 449, 455 (2008).

²⁵⁹ See 105 ILCS 5/26-1 (LexisNexis 2024); 820 ILCS 206/15 (LexisNexis 2024); *Prince v. Massachusetts*, 321 U.S. 166-67 (1944); *Wis v. Yoder*, 406 U.S. 205, 230 (1972).

B. Illinois Supreme Court's Thoughts

In *Legoo*, the defendant was charged with a misdemeanor after, as a sex offender, he decided to ride his bike to retrieve his son that was watching a baseball game at their local public park.²⁶⁰ The defendant alleged he had no one else to get his son from the park.²⁶¹ The trial court sentenced the defendant with 30 days in jail, which appellate court affirmed.²⁶² The appellate court affirmed the defendant's conviction because it asserted that the exception contained within 720 ILCS 5/11-9.3(a-10) which permits a sex offender to communicate with a child under the age of eighteen in a public park if their child is also present, does not need to be applied to 720 ILCS 5/11-9.4-1(b), which explicitly outlaws the presence of sex offenders in public parks.²⁶³ The defendant contends that the appellate court not permitting the exception within 720 ILCS 5/11-9.3(a-10) to be read into 720 ILCS 5/11-9.4-1(b) eroded his fundamental right "to raise and care for" his son.²⁶⁴ The Illinois Supreme Court held that the defendant was properly convicted for being a sex offender in a public park because he did not have a right to enter into a public park as a sex offender as an aspect of his fundamental right to raise his child as he sees fit.²⁶⁵

A statute that implicates a parent's "right" to enter a public park in order to raise his child mirrors a parent's "right" to post his child on social media. The Illinois Supreme Court reasoned that if a parent does not have the fundamental right to engage in the underlying action, for example entering a public park, the parent does not have the right to engage in that action in order to exercise their fundamental right to raise and care for their child.²⁶⁶ A parent does not have the fundamental right to post their child on social media, free of restrictions, in any manner

²⁶⁰ People v. Legoo, 2020 IL 124965, ¶¶3, 5.

²⁶¹ *Id.* ¶7.

²⁶² *Id.* ¶¶8, 9.

²⁶³ *Id.* ¶¶8, 9.

²⁶⁴ *Id.* ¶ 12.

²⁶⁵ People v. Legoo, 2020 IL 124965 ¶32.

²⁶⁶ *Id.*

that may harm the child.²⁶⁷ Like a parent does not have the “right” to enter at public park, a parent does not have the “right” to post their child on social media in order to raise and care for them. Although, Illinois’ expansion of its child influencer protections impacts a parent’s liberty interest in raising their child, this liberty is not absolute in the context of social media expression because the state’s priority is to prevent the harm of children. Similarly, Illinois courts have often asserted that in cases where a gag order is being imposed on a parent, requiring them to refrain from posting their child on social media, to determine whether the order is constitutional it must examine whether the parent’s First Amendment right to free speech outweighs the proposed dangers that the child may face.²⁶⁸ These “dangers” include emotional trauma and negative impacts on their privacy.²⁶⁹

C. A Constitutional Rational Basis Review Analysis

In this section, I will analogize the constitutionality of the expansion of child influencer protections with the constitutionality of the transgender medical procedure ban imposed in Tennessee. In *Skrmetti*, the Supreme Court discussed the Equal Protection Clause implications of a Tennessee law that restricted the medical transition of transgender minors through medical interventions like puberty blockers and hormones.²⁷⁰ In Justice Barret’s concurrence, she elaborated on why transgender minors do not classify as a suspect class because the majority did not discuss it when finding that the statute did not classify on a suspect class.²⁷¹ A law that imposes regulations on specific groups of people are “presumed to be constitutionally valid, and a legislative classification will be upheld ‘so long as it bears a rational relation to some legitimate

²⁶⁷ See *In re J.S.*, 267 Ill. App. 3d 145, 150 (2d. 1994); *People v. Christina H.*, 2023 IL App (1st) 231349 ¶¶37-42.

²⁶⁸ See *In re J.S.*, 267 Ill. App. 3d 145, 150 (2d. 1994); *People v. Christina H.*, 2023 IL App (1st) 231349 ¶¶37-42;

²⁶⁹ See *In re J.S.*, 267 Ill. App. 3d 145, 150 (2d. 1994); *People v. Christina H.*, 2023 IL App (1st) 231349 ¶¶34-42;

²⁷⁰ *United States v. Skrmetti*, 605 U.S. 495, 507-11 (2025).

²⁷¹ *Id.* at 548.

end.”²⁷² Exceptions to the presumption of constitutionality within rational basis review are very rare and require classifications against a suspect class.²⁷³ In order to determine whether a statute classifies upon a “suspect class,” a court will utilize the criteria established in an infamous footnote within *United States v. Carolene Products Co.*, which states “prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.”²⁷⁴ Members of a suspect class are often minorities or politically powerless with immutable or obvious traits.²⁷⁵ Justice Barret asserted that transgender minors are not suspect class because their traits are not immutable when dysphoria was not explicitly identifiable at birth.²⁷⁶ Similarly, child influencers are not a suspect class because they do not have immutable characteristics. Child influencers are not automatically born as monetized entities and can often leave the influencer industry after entering adulthood. Additionally, Justice Barret said that transgender minors are not a part of a discrete group because the criteria to be included within that group “are not defined by an easily ascertainable characteristic that is fixed and consistent across the group.”²⁷⁷ The child influencer industry mirrors the minor transgender community because there is a wide range of niches that children can occupy within the influencer industry in order to be considered an influencer.²⁷⁸ Therefore, because the expansion of child influencer protections does not classify upon a suspect class, “legislatures have many valid reasons to make policy in these areas, and so long as a statute is a

²⁷² *Id.* (quoting *Romer v. Evans*, 517 U. S. 620, 631 (1996).)

²⁷³ *See United States v. Skrametti*, 605 U.S. 495, 548 (2025).

²⁷⁴ *United States v. Skrametti*, 605 U.S. 495, 548 (2025) quoting *United States v. Carolene Products Co.* 304 U. S. 144, 152-153, n. 4 (1938).

²⁷⁵ *United States v. Skrametti*, 605 U.S. 495, 550 (2025).

²⁷⁶ *United States v. Skrametti*, 605 U.S. 495, 550-1 (2025).

²⁷⁷ *United States v. Skrametti*, 605 U.S. 495, 551 (2025).

²⁷⁸ *See generally* Quinn Schwartz, *Top 30 Kid Influencers of 2024*, GRIN, <https://grin.co/blog/kid-influencers/>, [https://perma.cc/Y5AP-AWX7].

rational means of pursuing a legitimate end, the Equal Protection Clause is satisfied.”²⁷⁹ The protection of children who are not yet able to consent to such drastic worldwide public exploitation is a “legitimate end.”²⁸⁰

VII. CONCLUSION

In conclusion, the Illinois legislature needs to continue to be the pioneer it has always been with respect to the protection of child influencers. Youth and advocates for youth encouraged Illinois legislators to see the steadily creeping in dangers that could befall Illinoian child influencers, which led to them quickly taking action in manner that seemingly mirrored California’s Coogan Law for the protection of child actors. This Act was quick and effective for what was required and known at the time about the dangers that could result from vloggers monetizing their children. For the monetization of children’s everyday lives and experiences, the automatic concern may have been about what exactly was being done with the money. For example, in the instance of child influencer exploitation mentioned in this article, Piper Rockelle, her fellow Squad members not receiving adequate pay for the content they were in illustrated the financial exploitation concerns.²⁸¹ This concern is addressed in the trust account section of the Act (820 ILCS 205/12.6), which requires vloggers to maintain a trust account for minors under certain circumstances.²⁸²

While this type of financial exploitation is extremely concerning, there are many other dangers that could result from a child’s life being broadcast to the entire world for monetization purposes. There are a variety of provisions that need to be enacted to ensure Illinois continues to

²⁷⁹ United States v. Skrametti, 605 U.S. 495, 552 (2025).

²⁸⁰ United States v. Skrametti, 605 U.S. 495, 540-3 (2025).

²⁸¹ Jennifer Savin, *Every single Piper Rockelle Squad member who quit and filed a lawsuit alleging abuse*, COSMOPOLITAN, (Apr. 10, 2025), <https://www.cosmopolitan.com/uk/reports/a64441633/piper-rockelle-original-squad/> [https://perma.cc/GU59-BVXJ].

²⁸² 820 ILCS 205/12.6 Public Act 103-0556, ILGA, <https://www.ilga.gov/Legislation/publicacts/view/103-0556> [].

be a pioneer for child influencer protections. As Illinoisans, we need to reflect upon how we want to protect children and balance whether the monetization of these children's lives outweighs the need to protect them through provisions that may seem difficult to implement. We must reflect upon who should be around these children, who should be permitted to monetize these children, and what rights these children should have when they realize the scope of the content they were in. In closing, while Illinois has been a trailblazer in child influencer protections, it needs to continue to improve these protections as the dangers continue to evolve.