

TRUSTING REMEDIES FOR THE CHILD INFLUENCER SPACE: BLOCKED TRUST ACCOUNTS AND CHILD BENEFICIARIES

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ABSTRACT

Child influencers—or digital entertainers—can generate millions of dollars each year. These children are unprotected by federal labor laws, and they receive little oversight from any other source. A number of scholars have proposed remedies to both the privacy and financial exploitation problems, and states are beginning to enact legislation in this area. In the financial context, these remedies typically take the form of recommending “blocked trusts,” or a similar mechanism, essentially trusting parents to serve as the primary financial custodians for their children. The model for these laws is the decades-old economic protections for child actors, so-called Coogan accounts. Coogan statutes generally require that “blocked trusts” be set up for child actors to protect their earnings. In this context, the term “blocked trusts” refers to trusts that cannot be accessed until a child reaches the age of majority or is emancipated.

Coogan accounts have been explored in the child labor context, and, building on that scholarship, this symposium Essay instead analyzes Coogan accounts from the perspectives of trust law and children’s rights as beneficiaries pursuant to trust law and wealth inequality. Accordingly, the Essay examines the fiduciary obligations of the settlors and trustees and the rights of the beneficiary-children, briefly comparing and contrasting the trusts to the more conventional Uniform Transfers to Minors Act accounts. The Essay then provides

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suggestions for future direction to protect children who are actors as well as those who appear in the child influencing context. While this Essay is limited to an exploratory survey of the financial issues involved in child influencing, the solutions to prevent child exploitation must involve the broader context that frames the existence and practice of sharenting—and, even more comprehensively, the challenges to recognizing children's interests and rights.

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INTRODUCTION

The United States has hundreds of millions of smartphones and internet users.¹ Parents may be the most likely demographic to use social media,² and, after the child tax credit, their top internet searches relate to shopping.³ Mothers are more likely than fathers to use social media both to give and to receive support, and to get useful information.⁴ Parents may share photos and other data about their children online;⁵ most distribute pictures of their children to people whom they have met.⁶ A smaller group of parents have taken the next step beyond this type of sharing⁷ and have monetized their children's behavior through video blogging (vlogging), or more generally,

1. Federica Laricchia, *Number of SmartPhone Users by Leading Countries in 2022*, STATISTA (Sept. 25, 2024), <https://www.statista.com/statistics/748053/worldwide-top-countries-smartphone-users/> [https://perma.cc/9XQ5-2R2Q]; Ani Petrosyan, *Number of Internet Users in the United States from 2015 to 2024*, STATISTA (Oct. 10, 2024), <https://www.statista.com/statistics/276445/number-of-internet-users-in-the-united-states/> [https://perma.cc/R9BP-6GWM].

2. Ani Petrosyan, *Parents Online – Statistics and Facts*, STATISTA (Feb. 29, 2024) [hereinafter Petrosyan, *Parents Online – Statistics and Facts*], <https://www.statista.com/topics/2525/parents-online/#topicOverview> [https://perma.cc/8MCC-6CYE]; Molly E. Waring, Loneke T. Blackman Carr & Grace E. Heersping, *Social Media Use Among Parents and Women of Childbearing Age in the US*, PREVENTING CHRONIC DISEASE, Feb. 2023, at 1, 2 (“We found social media use to be higher among US parents than US adults generally . . .”).

3. Tiago Bianchi, *Most Popular Parenting-Related Searches in the United States in March 2022, by Average Monthly Searches*, STATISTA (Apr. 8, 2025), <https://www.statista.com/statistics/1154067/most-searched-parenting-keywords-in-the-uNus/> [https://perma.cc/6EV7-D5ZS].

4. MAEVE DUGGAN, AMANDA LENHART, CLIFF LAMPE & NICOLE B. ELLISON, PEW RSCH. CTR., PARENTS AND SOCIAL MEDIA 2–3 (2015).

5. Stacey B. Steinberg, *Sharenting: Children's Privacy in the Age of Social Media*, 66 EMORY L.J. 839, 841–42 (2017); Andrew Limbong, *Why You Should Think Twice Before Posting That Cute Photo of Your Kid Online*, NPR (May 20, 2024), <https://www.npr.org/2024/05/20/1251819597/why-you-should-think-twice-before-posting-that-cute-photo-of-your-kid-online> [https://perma.cc/KE2B-7ASQ]. For further discussion of parents' sharing, see, for example, Alexa K. Fox & Mareia Hoy, *Smart Devices, Smart Decisions? Implications of Parents' Sharenting for Children's Online Privacy: An Investigation of Mothers*, 38 J. PUB. POL'Y & MKTG. 414 (2019); Alexa K. Fox, Mariea Grubbs Hoy & Alexander Carter, *An Exploration of First-time Dads' Sharenting with Social Media Marketers: Implications for Children's Online Privacy*, 31 J. MKTG. THEORY & PRAC. 185 (2022).

6. Aliza Vigderman, *Parents' Social Media Habits: 2021*, SECURITY.ORG (July 16, 2024), <https://www.security.org/digital-safety/parenting-social-media-report> [https://perma.cc/DF9Y-DQN2] (reporting that 65% of parents have met at least 75% of their followers).

7. See LEAH A. PLUNKETT, SHARENTHOOD: WHY WE SHOULD THINK BEFORE WE TALK ABOUT OUR KIDS ONLINE 55–57 (David Weinberger ed., 2019).

sharenting, momfluencing, child digital entertainers, or child influencing (childfluencing).⁸

These two different types of parental actions, sharing typically benign photos with small circles of family members, friends, and acquaintances, to kidfluencing, earning money from social media posts with their children making some type of appearance, are at different points on a continuum, with a number of places in between.⁹ They raise overlapping issues of child privacy: parents are exposing their children's lives without, in most cases, the ability to ensure their children's consultation and consent, in potentially embarrassing and compromising ways, and, more insidiously, sometimes exposing them to predators.¹⁰ Child digital entertainers raise the issue of

8. The terminology in this area is not uniform. "Sharenting" is a portmanteau of "sharing" and "parenting," and "vlogging" (which can take the form of sharenting) is an abbreviation for "video-led blogging." Faith Karimi, *The First Social Media Babies Are Adults Now. Some Are Pushing for Laws to Protect Kids from Their Parents' Oversharing*, CNN, <https://www.cnn.com/2024/05/29/us/social-media-children-influencers-cec/index.html> [<https://perma.cc/S7YW-V69Z>] (May 29, 2024, 8:59 AM). Other terms include "child digital entertainers" and "kidfluencers." For further discussion, see L. Lin Ong, Alexa K. Fox, Laurel Aynne Cook, Claire Bessant, Pingping Gan, Mariea Grubbs Hoy, Emma Nottingham, Beatriz Pereira & Stacy Barell Steinberg, *Sharenting in an Evolving Digital World: Increasing Online Connection and Consumer Vulnerability*, 56 WILEY J. CONSUMER AFFS. 1106, 1107–11 (2022); Valeriya Safronova, *Child Influencers Make Big Money. Who Gets It?*, N.Y. TIMES, <https://www.nytimes.com/2023/10/10/style/children-influencers-money.html> [<https://perma.cc/4GTJ-356K>] (Oct. 13, 2023); Jennifer Valentino-DeVries & Michael H. Keller, *A Marketplace of Girl Influencers Managed by Moms and Stalked by Men*, N.Y. TIMES, <https://www.nytimes.com/2024/02/22/us/instagram-child-influencers.html> [<https://perma.cc/77ZH-KQBJ>] (Feb. 25, 2024) (describing child influencers and how the New York Times found "disturbing insights into how social media is reshaping childhood," including "troubling interactions on Instagram"). In these situations, parents (or other adults) are featuring children, and it is the children who are "generating interest." *About*, QUIT CLICKING KIDS, <https://quitclickingkids.com/about/> [<https://perma.cc/Z8P6-84XK>] (last visited Apr. 14, 2025). Quit Clicking Kids, an advocacy group focused on protecting children, focuses on what it labels "the Monetization of Minors on Social Media." *Id.*

9. See PLUNKETT, *supra* note 7, at 59 (discussing variations just in commercial sharenting alone). Plunkett also distinguishes between various types of "mommy bloggers who create web logs called blogs," which "include vloggers (people who video log their content), Instagrammers, and creators of other types of digital content who are presenting in their role as mothers." *Id.* at 60.

10. E.g., Lucy Battersby, *Millions of Social Media Photos Found on Child Exploitation Sharing Sites*, SYDNEY MORNING HERALD, <https://www.smh.com.au/national/millions-of-social-media-photos-found-on-child-exploitation-sharing-sites-20150929-gjxe55.html> [<https://perma.cc/8RBS-328J>] (Sept. 30, 2015, 12:23 PM) ("Innocent photos of children originally

financial exploitation of children, with brands paying for endorsements.¹¹

Sharenting occurs in the shadow of our constitutional canons on parent-child relationships and privacy. Perhaps the most fundamental of such canons protects parents' rights to the care, custody, and control of their children and presupposes great deference to parents to oversee and promote their children's wellbeing.¹² The state defers to parents and intervenes in the family in certain defined contexts but does set minimal limits on child labor, education, online privacy policies, and abuse and neglect.¹³ Moreover, federal child labor laws do not cover vlogging, and federal and state privacy statutes rely on parental consent;¹⁴ parents, however, are often the ones who are engaged in using children as influencers.¹⁵ By contrast with the type of regulation and parental oversight in the public welfare context, parents in this "private" system of child digital entertainers are subject to little oversight—even as they publicize their

posted on social media and family blogs account for up to half the material found on some paedophile image-sharing sites, according to Australia's new Children's eSafety Commissioner."); see *What You Need to Know About "Sharenting,"* UNICEF, <https://www.unicef.org/parenting/child-care/sharenting> [<https://perma.cc/9R2N-PML9>] (last visited Apr. 14, 2025) ("Sharing [online] can never be 100 per cent safe." (quoting Stacey Steinberg)). Steinberg notes the paradoxical nature of parental oversight: "Parents are both the gatekeepers and gate openers of their children's personal information. When parents share personal details about their children's lives with friends and family—no matter how small the audience—they take away children's ability to narrate their lives on their own terms." Stacey Barell Steinberg, *Children Seen but Not Heard*, 66 ARIZ. L. REV. 147, 181 (2024); see Clare Ryan, *The Public/Private Home*, 110 CORNELL L. REV. (forthcoming 2025) (manuscript at 42) (on file with author). On the dangers of internet sharing generally, see DANIELLE KEATS CITRON, *THE FIGHT FOR PRIVACY: PROTECTING DIGNITY, IDENTITY, AND LOVE IN THE DIGITAL AGE* (2022) [hereinafter CITRON, *THE FIGHT FOR PRIVACY*]; Danielle Keats Citron, *The Surveilled Student*, 76 STAN. L. REV. 1439 (2024) [hereinafter Citron, *Surveilled Student*].

11. E.g., Safronova, *supra* note 8. For an alternative view by a former child influencer, see Jennifer Valentino-DeVries & Michael H. Keller, *She Was a Child Instagram Influencer. Her Fans Were Grown Men*, N.Y. TIMES (Nov. 10, 2024), <https://www.nytimes.com/2024/11/10/us/child-influencer.html> [<https://perma.cc/8RX8-SAG2>] ("[The influencer] decries online child exploitation, blaming parents as much as the leering men, but proudly proclaims that she has turned the web's ever-present male gaze to her advantage.").

12. See *infra* Part III.

13. See *infra* Part I (discussing child labor laws).

14. See *infra* Section I.A.

15. PLUNKETT, *supra* note 7, at 55–57.

children's lives.¹⁶ This dual system of parental monitoring in other contexts has been the subject of scholarship for more than fifty years, and childfluencing provides yet another example of how this system operates.¹⁷ The privacy canon affects not just familial relationships but also, albeit ineffectively, social media presence.¹⁸

A number of scholars have proposed remedies to both the privacy and financial exploitation problems, and states are beginning to regulate in this area, enacting protection for children featured as social media entertainers.¹⁹ In the financial context,

16. See Melanie N. Fineman, Note, *Honey, I Monetized the Kids: Commercial Sharenting and Protecting the Rights of Consumers and the Internet's Child Stars*, 111 GEO. L.J. 847, 885 (2023) ("[C]ommercial sharenting has been difficult to regulate, particularly as an activity parents do in the privacy of the home.").

17. On the dual system, see, for example, Jacobus tenBroek, *California's Dual System of Family Law: Its Origin, Development, and Present Status* (pts. 1–3), 16 STAN. L. REV. 257 (1964), 16 STAN. L. REV. 900 (1964), 17 STAN. L. REV. 614 (1965). tenBroek wrote that

[W]e have two systems of family law . . . : different in origin, different in history, different in substantive provisions, different in administration, different in orientation and outlook. One is public, the other private. One deals with expenditure and conservation of public funds and is heavily political and measurably penal. The other deals with the distribution of family funds, focuses on the rights and responsibilities of family members, and is civil, nonpolitical, and less penal. One is for underprivileged and deprived families; the other for the more comfortable and fortunate.

tenBroek (pt. 1), *supra*, at 257–58. For further discussion of the dual system, see, for example, Allison Tait, Assoc. Dean, Univ. Rich., *Family Money: Repair and Managing Wealth Management*, Presentation at Drexel Law Review Symposium: Inheritance & Inequality (Sept. 27, 2024) (on file with the law review); Naomi Cahn & June Carbone, *The Blue Family Constitution*, 35 J. AM. ACAD. MATRIM. LAWS. 505, 518–25 (2023) (contextualizing privacy in the dual system). For further analysis, see DOROTHY ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE* 173–74, 180 (2002) [hereinafter ROBERTS, *SHATTERED BONDS*]; DOROTHY ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD* 52–53 (2022) [hereinafter ROBERTS, *TORN APART*]; S. Lisa Washington, *Survived & Coerced: Epistemic Injustice in the Family Regulation System*, 122 COLUM. L. REV. 1097, 1162–63 (2022).

18. E.g., CITRON, *THE FIGHT FOR PRIVACY*, *supra* note 10, at 1–2.

19. Naomi Cahn & Leah Plunkett, *Teens on Social Media: Red, Blue and Purple States Are All Passing Laws to Restrict and Protect Adolescents*, THE CONVERSATION (Jan. 31, 2025, 8:55 AM), <https://theconversation.com/teens-on-social-media-red-blue-and-purple-states-are-all-passing-laws-to-restrict-and-protect-adolescents-245916> [https://perma.cc/BA8K-J2RM]. Vlogging covers only one kind of what Stacey Steinberg deems going "beyond sharenting." Stacey Barell Steinberg, *Beyond Sharenting*, 99 SO. CAL. L. REV. (forthcoming 2025) (manuscript at 30) (on file with author). A new Uniform Law Commission drafting committee has been established to consider model legislation for state adoption in this area. See *Child Digital Entertainers Committee*,

these remedies generally take the form of recommending “blocked trusts,” or a similar mechanism, typically trusting parents to serve as the financial custodians for their children.²⁰ The model for these laws is the decades-old economic protections for child actors, so-called Coogan accounts.²¹ Coogan statutes typically require that “blocked trusts” be set up for child actors to protect their earnings.²²

Coogan accounts have been explored in the child labor context, and, increasingly now, in the child influencing context, and

UNIF. L. COMM’N, <https://www.uniformlaws.org/committees/community-home?CommunityKey=c9b45313-8cf8-4494-a04f-01948aa53caa> [<https://perma.cc/FX5A-QCR5>] (last visited Apr. 14, 2025) (listing the members and the structure of the newly formed committee). The committee focuses on financial aspects of children as digital entertainers. See Katie Robinson, *New ULC Study and Drafting Committees to be Appointed*, UNIF. L. COMM’N (Jan. 16, 2025, 10:44 AM), <https://www.uniformlaws.org/discussion/new-ulc-study-and-drafting-committees-to-be-appointed#:~:text=The%20new%20drafting%20committee%20is,pri-privacy%20rights%20of%20child%20entertainers>. There is also a Study Committee on Definition and Protection of a Child’s Interest in the Child’s Name, Image, Likeness and Other Intellectual Property. Katie Robinson, *New Study and Drafting Committees*, UNIF. L. COMM’N (Jan. 24, 2024, 10:30 AM), <https://www.uniformlaws.org/discussion/new-study-and-drafting-committees-1> [<https://perma.cc/H433-BQKC>].

20. E.g., Ana Saragoza, Comment, *The Kids Are Alright? The Need for Kidfluencer Protections*, 28 AM. U. J. GENDER SOC. POL’Y & L. 575, 599 (2020).

21. Legislation has been enacted in a few states. Kanita Tariq, *Family Vlogging and “Kidfluencers” Are Big Business. Can These New Laws Protect Children from Exploitation?*, ANALYSTNEWS (Oct. 4, 2024), <https://www.analystnews.org/posts/family-vlogging-and-kidfluencers-are-big-business-can-these-new-laws-protect-children-from-exploitation> [<https://perma.cc/Y8NJ-5CW6>] (mentioning California and Illinois); see *infra* Section I.B.

22. The term “blocked trusts” appears primarily in the Coogan legislation context to refer to trusts that cannot be accessed until a child reaches the age of majority or is emancipated. E.g., CAL. FAM. CODE § 6753(b) (West 2024) (stating that withdrawal from a Coogan Trust account requires consent from the superior court); Wendy S. Goffe, *An Introduction to Lesser-Known but Useful Trusts—Part 2*, EST. PLAN. J., Aug. 2010, at 3, 10 (“[M]ost child actors who work under short-term agreements for commercials or single television show appearances do not fall under the laws’ coverage.”). There are a few other legal contexts in which the term “blocked trusts” appears, and what unifies them with Coogan trusts is the prohibition against withdrawals. A search of the term “blocked trusts” in all states on Westlaw resulted in 13 cases. Screenshot (Oct. 13, 2024) (on file with author). See, e.g., *Lieberman v. Golden*, 545 So. 2d 304, 305 (Fla. Dist. Ct. App. 1989) (“[Testator] purposely set up blocked trust accounts for the individual foreign relatives so that they could receive their bequests if the legal impediments to a distribution were removed”); *Perera v. Windsor*, No. B156357, 2003 WL 22725660, at *1 (Cal. Ct. App. Nov. 20, 2003) (funds placed into a blocked trust during pendency of proceedings); *Firth v. Lu*, 49 P.3d 117, 119 (Wash. 2002) (en banc) (describing purchase money that was placed into blocked trust).

banks and trust companies offer them.²³ Building on that scholarship, this Essay analyzes Coogan accounts from the perspectives of trust law and children's rights as beneficiaries pursuant to trust law and wealth inequality. While this Essay is limited to an exploratory survey of the financial issues involved in kidfluencing, the solutions to prevent child exploitation must involve broader issues surrounding the existence and practice of sharenting—and, even more comprehensively, the recognition of children's interests and rights. Accordingly, the Essay examines the fiduciary obligations of the settlors and trustees and the rights of the beneficiary-children, briefly comparing and contrasting the trusts to the more conventional Uniform Transfers to Minors Act accounts. The Essay then provides suggestions for future direction to protect children who are actors as well as those who appear in the kidfluencing context. Potential solutions include moving away from a private law focus to more public regulation.²⁴

Part I looks at existing laws and nascent efforts to address child influencing. As this part notes, Coogan laws have been touted as a model, and states have begun to apply Coogan accounts to the child influencer space. Part II analyzes the relevance of trust law to child beneficiaries, exploring doctrines on how to protect children. Part III points the way forward, hoping to spark additional legal attention not just to protect children used as influencers, but also to develop further safeguards in conventional trust law for minor beneficiaries, recognizing the context of the dual system applicable to parental financial accounting.

23. See *Coogan Accounts*, ACTORS FED. CREDIT UNION, <https://actorsfcu.com/youth-accounts/coogan-accounts> [<https://perma.cc/LS9J-V7J4>] (last visited Apr. 14, 2025); *Coogan Accounts: Protecting Your Child Star's Earnings*, MORGAN STANLEY (Oct. 2023), <https://advisor.morganstanley.com/the-yellowstone-group/articles/global-sports-and-entertainment/protecting-your-child-star-s-earnings> [<https://perma.cc/C666-Y46E>].

24. See Jana B. Singer, *The Privatization of Family Law*, 1992 WIS. L. REV. 1443, 1567 (1992); Elizabeth A. Rowe, *Private Law in Unregulated Spaces*, 99 N.Y.U. L. REV. 249, 281 (2024).

I. PROTECTING CHILDREN?

Various sets of laws could apply to children appearing on social media, with the two primary sources consisting of privacy protections and labor standards.²⁵ As this section will show, however, neither offers adequate protection. The effort to protect child actors, which grew out of the inadequacies of labor law,²⁶ offers additional possibilities, and this part shows how states have considered adapting the child actor laws to the kid-fluencer context.

A. *Privacy and Labor Laws*

On the one hand, Congress has enacted limited child privacy legislation designed to protect children's online safety interests by imposing limits on how internet providers interact with children under the age of thirteen.²⁷ The Department of Justice maintains a website that is filled with safety tips for children.²⁸ Children under thirteen are not permitted to sign away privacy rights (without parental consent), and under the

25. Other laws, such as child abuse or even the First Amendment, are also in play. See *Sharenting: What Parents Should Consider Before Posting Their Children's Photos Online*, KASPERSKY, [https://usa.kaspersky.com/resource-center/threats/children-photos-and-online-safety?](https://usa.kaspersky.com/resource-center/threats/children-photos-and-online-safety?https://perma.cc/JD27-A4RY) [https://perma.cc/JD27-A4RY] (last visited Apr. 14, 2025) (discussing the DaddyFive case where YouTube content of the family was used as evidence of abuse resulting in two of the children being removed from the home); Celine Simone, *When Parents Decide That All the World's a Stage: Expanding Publicity Rights to Protect Children in Monetized Social Media Content*, 58 COLUM. J.L. & SOC. PROBS. 47, 77 & n.152 (2024) (discussing First Amendment application to child influencers and their parents).

26. Indeed, Coogan laws may be embedded in a state's child labor provisions. See e.g., KAN. STAT. ANN. § 38-615 (2024).

27. 15 U.S.C. §§ 6501–06; 16 C.F.R. pt. 312 (2024); Ashley Peterson, Note, *The Kids Are Not Alright: Negative Consequences of Student Device and Account Surveillance*, 99 WASH. L. REV. 235, 258–59 (2024); Zahra Takhshid, *Children's Digital Privacy and the Case Against Parental Consent*, 101 TEX. L. REV. 1417, 1424–26 (2023).

28. *Keeping Children Safe Online*, U.S. DEP'T OF JUST., <https://www.justice.gov/coronavirus/keeping-children-safe-online> [https://perma.cc/WGS8-ZNBR] (May 12, 2023); see Ellen Walker, *Nothing Is Protecting Child Influencers from Exploitation*, WIRED (Aug. 25, 2022, 9:00 AM), <https://www.wired.com/story/child-influencers-exploitation-legal-protection/> [https://perma.cc/7Z67-BCAC].

common law doctrine of infancy, children can disaffirm contracts.²⁹ States have also enacted additional child-focused social media protections.³⁰ The privacy laws, however, have no impact on kidfluencers because parents can consent to privacy waivers and bind their children under certain types of contracts.³¹

The Fair Labor Standards Act (“FLSA”) does not cover actors or child influencers.³² In addition, children working for parent-owned businesses have virtually no protection from anything but the most dangerous of occupations.³³

29. E.g., Natalie M. Banta, *Minors and Digital Asset Succession*, 104 IOWA L. REV. 1699, 1711 (2019). Indeed, the minor can void the contract “within a reasonable period after attaining the age of majority.” RESTATEMENT OF THE L.—CHILD. & THE L. § 20.20 (AM. L. INST. 2024). Emancipation prior to the legal age of majority means that a child has attained adult status. *Id.* § 4.10.

30. See, e.g., Lindsey Tonsager, Jenna Zhang & Diana Lee, *State and Federal Developments in Minors’ Privacy in 2024*, COVINGTON (Aug. 9, 2024), <https://www.insideprivacy.com/childrens-privacy/state-and-federal-developments-in-minors-privacy-in-2024/> [https://perma.cc/PK8Z-ABPR].

31. Steinberg, *supra* note 5, at 872–73 (opining that while COPPA requires third parties to obtain parental consent before obtaining children’s personal information, it is essentially irrelevant for kidfluencers, whose parents have consented for them to be on social media); Leah Plunkett, *To Stop Sharenting & Other Children’s Privacy Harms, Start Playing: A Blueprint for a New Protecting the Private Lives of Adolescents and Youth (PPLAY) Act*, 44 SETON HALL LEGIS. J. 457, 475 (2020) (“COPPA is built around a flawed premise: that parents can be the strongest protectors of their children’s data privacy.”). On state protections, see, for example, Stacey Steinberg, *The Myth of Children’s Online Privacy Protection*, 77 SMU L. REV. 441, 459–62 (2024).

32. See 29 C.F.R. § 570.125 (2024); Fineman, *supra* note 16, at 878–79; Caroline Waldo, Note, *Don’t Forget to Like, Follow, and Regulate: An Argument for the Expansion of Protections for Child Social Media Influencers*, 57 U. MICH. J.L. REF. 537, 548 (2024); see also Erica Siegel, Note, *When Parental Interference Goes Too Far: The Need for Adequate Protection of Child Entertainers and Athletes*, 18 CARD. ARTS & ENT. L.J. 427, 443 (2000) (“[T]here is no uniform set of laws for children in the entertainment industry, and the laws vary widely from state to state.”). Some states do require work permits and have set other limitations on the actual work. See 2022 - *Child Entertainment Laws*, U.S. DEP’T. OF LABOR, <https://www.dol.gov/agencies/whd/state/child-labor/entertainment/2022> [https://perma.cc/4PAX-VUGV] (Jan. 1, 2022). In the absence of federal oversight, some states have developed their own regulations. Hours and working conditions, however, remain within the purview of the individual vlogger. See, e.g., 29 C.F.R. § 570.126 (2024) (allowing children to work any time for any number of hours for their parents, the vlogger).

33. Children under sixteen who work for their parents (in most occupations) are permitted to do so at any time of the day for unlimited numbers of hours. See Naomi Cahn, Maxine Eichner & Mary Ziegler, *Children at Work, Parental Rights—and Rhetoric*, 77 ARK. L. REV. 257, 270 (2024).

B. Blocked Trusts for Actors

In the absence of federal protection for child digital entertainers, advocates have looked to the limited number of state laws designed to protect child actors.³⁴ Many are based on California's "Coogan" law, which was originally enacted in 1939.³⁵ California's legislation, as subsequently amended, applies to minors engaged in "artistic or creative services."³⁶ It is designed to protect children's economic interests while also ensuring the validity of child performer contracts.³⁷ It requires that special accounts, "Coogan Trusts," be established by the trustee, typically presumed to be the parent or legal guardian.³⁸ The California Coogan Trusts are funded by employer deposits.³⁹ Once an employer deposits funds in the trust, however, it has no further duties; instead, the trustees are responsible for monitoring the funds and providing a yearly accounting in compliance with probate code provisions.⁴⁰ In recognition of the importance of

34. E.g., CAL. FAM. CODE §§ 6750–53 (West 2024); see Siegel, *supra* note 31, at 443–44 (discussing state variation); see also Adam Epstein, Nathaniel Grow & Kathryn Kisska-Schulze, *An Evolving Landscape: Name, Image, and Likeness Rights in High School Athletics*, 77 VAND. L. REV. 845, 882–83 (2024) (discussing states and suggesting comparable legislation for high school athletes). For a sample of such laws, see Appendix 1. Overall, "thirty-three states have some form of regulation on children participating in the entertainment industry, and twenty-six states require work permits for child entertainers . . . [and] ten states currently require a trust account for child actors." Katherine Wirvin, Note, *A Star Is Born: Lack of Income Rights for Entertainment's Newest Stars, "Kidtubers"*, 76 FED. COMM. L.J. 61, 66 (2023).

35. See Ailbhe Rogers, *More Than Pocket Money: A History of Child Actor Laws*, LIBR. CONG. BLOGS (June 1, 2022), <https://blogs.loc.gov/law/2022/06/more-than-pocket-money-ahistory-of-child-actor-laws> [<https://perma.cc/ERG4-NP2M>]; *Coogan Law*, SAG-AFTRA, <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law> [<https://perma.cc/MB8W-D9BB>] (last visited Apr. 15, 2025).

36. CAL. FAM. CODE § 6750(a)(1) (West 2024).

37. If a court approves a contract, then the contract cannot be disaffirmed. *Id.* § 6751.

38. See *id.* §§ 6752–53.

39. *Id.* § 6752(b)(4). There is no reference to a "settlor" in California Family Code sections 6750–53 (the chapter applicable to minors who are employed to provide "artistic" or "creative" services per section 6750(a)). That is in contrast to Uniform Trust Code section 103(15), which provides: "Settlor means a person, including a testator, who creates, or contributes property to, a trust." Indeed, throughout the Coogan-like legislation, there is little conventional trust terminology.

40. See *id.* § 6752(b)(6). The law contemplates court approval in some context. Once the court approves the contract, then it must mandate that a parent or legal guardian serve as trustee,

protecting minors' earnings, New Mexico provides that a blocked trust account *must* be established for children employed under a contract for one thousand dollars or more.⁴¹ The minor's earnings are considered the separate property of the minor.⁴² Once established, Coogan accounts actually are blocked; in a challenge to Bank of America's withdrawal of service fees from these accounts, it lost.⁴³

Other states set out comparable requirements.⁴⁴ Custodians must typically open trust accounts, often of a type that complies with the Uniform Transfers to Minors Act ("UTMA").⁴⁵ Louisiana requires that 15% of a minor's gross earnings be placed in a "blocked" trust fund account.⁴⁶

unless that is inappropriate. *Id.* § 6752(b)(2). The law also requires that the "annual accounting of the funds held in" the Coogan trust account trust be provided "in accordance with Sections 16062 and 16063 of the Probate Code." *Id.* § 6752(b)(6). In turn, the referenced Probate Code provisions simply require an accounting "to each beneficiary to whom income or principal is required or authorized in the trustee's discretion to be currently distributed," CAL. PROB. CODE § 16062(a) (West 2024), and such accounting must include a variety of items, including compensation received by the trustee. *Id.* § 16063(a). Consequently, the trustees need not provide the accounting until the minor turns eighteen, as that is when Coogan trust assets or income can (and must) be distributed. *See* CAL. FAM. CODE § 6752(9)(C) (West 2024).

41. N.M. STAT. ANN. § 50-6-19(I) (2023). For further information, see N.M. DEP'T WORKFORCE SOLS., CHILD EMPLOYMENT ENTERTAINMENT LAW (2019), https://www.dws.state.nm.us/Portals/0/DM/LaborRelations/Child_Employment_Entertainment_Law.pdf (providing guidelines from New Mexico's labor department regarding child employment in the entertainment sector).

42. *E.g.*, KAN. STAT. ANN. § 38-617 (2025).

43. *Bank of America Loses Appeal over Unauthorized Withdrawals from Child Accounts*, DAILY BREEZE, <https://www.dailybreeze.com/2015/04/30/bank-of-america-loses-appeal-over-withdrawals-from-child-accounts/> [<https://perma.cc/Z28J-TZAD>] (Sept. 6, 2017, 5:59 AM).

44. *See, e.g.*, N.Y. EST. POWERS & TRS. L. § 7-7.1(2)(b) (West 2024) (requiring the child's custodian to establish trust accounts, which are in turn governed by New York's UTMA statute, sections 7-6.1 through 7-6.26). *See generally* Maggioni C. Casseus, Note, *Mom's Social Media Account Featuring Her Kids: New York's Amended Coogan Act Exemplifies the Method to Regulate Parental Exploitation*, 52 HOFSTRA L. REV. 753, 771-74 (2024) (discussing flaws in the law as applied to kidfluencers). The child's parent or legal guardian can serve as the custodian. EST. POWERS & TRS. § 7-7.1(2)(b).

45. *See e.g.*, EST. POWERS & TRS. § 7-6.2(c). *See generally* UNIF. TRANSFERS TO MINORS ACT § 5 (UNIF. L. COMM'N, amended 1986).

46. "Monies placed in a trust fund . . . shall be placed in a blocked account . . ." LA. STAT. ANN. § 51:2133(A)(1)-(2) (2024); *see* Ariel Tacher, Note, *The Real World: Child Labor and Reality Television*, 20 CARDOZO J.L. & GENDER 489, 506 (2014). Unlike California, Louisiana permits funds to be withdrawn if "the minor is determined to be in necessitous circumstances by a court of competent jurisdiction." § 51:2133(A)(2). The parents are the presumptive trustees. § 51:2133(C). Many other states require 15%. *E.g.*, N.M. STAT. ANN. § 50-6-19 (2024); *see* Katherine

These laws are designed to protect children, but compliance and enforcement questions remain. Although the laws empower parents to protect their children, they do not address the problem of when the parent is the abuser.

No centralized data collection process exists, and there are few reported cases involving Coogan laws.⁴⁷ Notwithstanding the lack of data, anecdotes show the need to ensure (and improve) compliance.⁴⁸ For example, a Deadline investigation of a comparable law that requires publicists, managers, acting coaches, and headshot photographers to pass an FBI background check to screen out registered sex offenders before they can be issued a Child Performer Services Permit found little compliance.⁴⁹

C. UTMA

Many of the Coogan and proposed child digital entertainer laws reference UTMA,⁵⁰ which has been enacted in every state.⁵¹ UTMA allows for a custodian to manage property on behalf of a minor, and it requires the custodian—who is a fiduciary—to

LePage, *From Playtime to Paychecks: How Parents of Child Influencers Continue to Evade Child Labor Laws*, 24 J. HIGH TECH. L. 741, 755 (2023) (“[E]ach state has enacted similar versions of Coogan’s Law to ensure that child performers receive a minimum of fifteen percent of their earnings, [but] Coogan’s Law still allocates the remaining eighty-five percent of the child’s earnings to their parents, affording them the liberty to spend the money however they please.”).

47. The Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) keeps a list of the laws. *Coogan Law*, *supra* note 35 (listing five states with such laws; it does not list lawsuits). As the New Mexico labor department explains, it is the parents’ obligation to protect their children. N.M. DEP’T WORKFORCE SOLS., *supra* note 41.

48. *E.g.*, Tacher, *supra* note 46, at 506–07 (discussing a Pennsylvania Labor Department investigation of the Gosselin children, where the parents were able to abuse the state’s broad standard that allowed parents to withdraw money for their children’s “safety, education, welfare, or health” from protective trusts).

49. See David Robb, *Hollywood Child Protection Act Ignored; Here’s Why It Is Important*, DEADLINE (Apr. 30, 2018, 12:38 PM), <https://deadline.com/2018/04/hollywood-child-labor-law-california-permit-database-ignored-1202379257/> [<https://perma.cc/F9WV-429Y>] (discussing how California’s legislation “designed to protect child actors from sexual predators” has been unenforced).

50. See *infra* Part III.

51. See UNIF. TRANSFERS TO MINORS ACT (UNIF. L. COMM’N, amended 1986). There is some variation between states on issues such as duration of the account. See, *e.g.*, Susan Gary & Nancy Schurtz, *Nontax Considerations in Testamentary Transfers to Minors*, in TAX, ESTATE, AND LIFETIME PLANNING FOR MINORS 335, 366 app.9-C (Carmina D’Aversa ed., 2d ed. 2019).

transfer the property to the minor at age twenty-one.⁵² Prior to that time, the custodian must “keep” records, including those that have information related to the minor’s income tax returns, and make the records available “at reasonable intervals” to the minor’s parent or other representative; once the minor turns fourteen, the minor is able to inspect them as well.⁵³ UTMA accounts are subject to both Financial Industry Regulatory Authority (“FINRA”) and Federal Deposit Insurance Corporation (“FDIC”) guidance.⁵⁴ Unlike Coogan accounts,⁵⁵ however, UTMA accounts are not blocked, and the custodian is able to expend funds for the minor.⁵⁶ Moreover, the custodian of a UTMA account can charge “reasonable compensation.”⁵⁷

The Uniform Law Commission is considering revisions to UTMA that would allow an increase in the age at which funds are distributed, although they would not address compliance

52. UNIF. TRANSFERS TO MINORS ACT § 20 (UNIF. L. COMM’N, amended 1986) (the custodianship might also end for minors who have attained majority under state law); see Stephanie E. Heilborn & Jonathan G. Blattmachr, *Planning with UTMA Accounts and Other Transfers to Minors*, EST. PLAN., Dec. 2007, at 3, 3. Some states explicitly allow for earlier ages for the payout. *Id.* at 6; e.g., N.Y. EST. POWERS & TRUSTS LAW § 7-6.21 (2024).

53. UNIF. TRANSFERS TO MINORS ACT § 12(e) (UNIF. L. COMM’N, amended 1986). The comments do not specify the length of time for which records must be kept, notwithstanding the later provision that does allow for requests for accounting. *Id.* § 19. The Act mentions the possibility of breach once. *See id.* § 13(b). While a custodian has broad powers, those must be exercised in accordance with a “prudent person” standard under section 12. *Id.* § 12(b). Further, a minor who is at least fourteen, accompanied by the minor’s representative, can go to court to request an accounting. *Id.* § 19.

54. E.g., *Uniform Transfers to Minors Act (UTMA) and Uniform Gifts to Minors Act (UGMA) Accounts*, FINRA (Oct. 16, 2019), <https://www.finra.org/rules-guidance/guidance/reports/2019-report-exam-findings-and-observations/utma-and-ugma> [<https://perma.cc/3A3Q-6NUV>]; 12 C.F.R. § 330.6 (2024).

55. *See e.g.*, CAL. FAM. CODE § 6753(b) (West 2024) (exemplifying that “blocked trusts” in the Coogan legislation refers to trusts that cannot be accessed until a child reaches the age of majority or is emancipated).

56. UNIF. TRANSFERS TO MINORS ACT § 14(a) (UNIF. L. COMM’N, amended 1986) (allowing custodian not only to pay account funds to the minor but also “expend for the minor’s benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor”).

57. *Id.* § 15.

and enforcement.⁵⁸ As is true with the Coogan laws,⁵⁹ under UTMA, parents are responsible for protecting their children, but they do not guard against a parent who abuses them.⁶⁰

D. New Child Influencing Law and Proposals

While legislation has been introduced in many states,⁶¹ Illinois became the first one to include children on social media in the state's Child Labor Law, effective July 2024.⁶² Children aged sixteen and under must be "compensated if, within a [thirty]-

58. UNIF. TRANSFERS TO MINORS ACT § 20 (UNIF. L. COMM'N, Draft Nov. 23, 2024). The Commission is considering other revisions as well. *See id.* The revisions do not, however, address issues such as the remedy for not providing appropriate accounting or turning over the records when the minor reaches the appropriate age. *Id.*

59. *See, e.g.*, CAL. FAM. CODE § 6752(b)(2) (West 2024) (providing that parents are responsible for their child's protection when they are appointed as trustee of their child's funds).

60. *See, e.g.*, UNIF. TRANSFERS TO MINORS ACT § 12(b), (e) (UNIF. L. COMM'N, amended 1986) (providing that parents are responsible for their child's protection when they keep record of all transactions and are held to only a "prudent person" standard as a custodian).

61. *E.g.*, Leah Plunkett, Appendix B: Child Digital Entertainer State Legislation Tracker—Table (Oct. 18, 2024) [hereinafter Plunkett, Appendix B] (unpublished draft) (on file with author); *see* Leah Plunkett, Jenn Louie, Kristine Reeves, Dave Koehler, Chris McCarty & Shreya Nallamothu, *The Young and the Influential: Labor Law Reform to Protect Kid-Influencers*, BERKMAN KLEIN CTR., at 26:03, <https://cyber.harvard.edu/events/young-and-influential> [<https://perma.cc/8VDH-EDNV>] (May 30, 2024) (noting that the reason for referring to Coogan laws is "because people understand [them]").

62. 820 ILL. COMP. STAT. ANN. 206/95 (West 2024); 820 ILL. COMP. STAT. ANN. 206/100(b) (West 2024).

[T]rust account[s] . . . must provide, at a minimum, the following:

(1) that the funds in the account shall be available only to the minor engaged in the work of vlogging;

(2) that the account shall be held by a bank, corporate fiduciary, or trust company, as those terms are defined in the Corporate Fiduciary Act;

(3) that the funds in the account shall become available to the minor engaged in the work of vlogging upon the minor attaining the age of 18 years or upon the minor being declared emancipated; and

(4) that the account meets the requirements of the Illinois Uniform Transfers to Minors Act.

820 ILL. COMP. STAT. ANN. 206/100(b) (West 2024). For further commentary, see Katie Kinde-lan, *Illinois Becomes 1st State to Regulate Kid Influencers: What to Know About the Law* (Aug. 14, 2023, 5:36 PM), <https://abcnews.go.com/GMA/Family/illinois-1st-state-regulate-kid-influencers-law/story?id=102259218> [<https://perma.cc/WS6H-AAF4>]. The meaning of the obligation to meet UTMA is somewhat unclear, given the differences between the two acts. *Compare* UNIF. TRANSFERS TO MINORS ACT § 14(a) (UNIF. L. COMM'N, amended 1986), *with* CAL. FAM. CODE § 6753(b) (West 2024) (forbidding the beneficiary or any other individual or entity to withdraw funds before beneficiary reaches maturation).

day period, they are in at least 30% of a video or online content for which the adult, whether a parent or caregiver, is being paid.”⁶³ The money must be put into a “blocked trust account,” defined as one to which no one, including the child, has access.⁶⁴ The account must also satisfy conditions the Illinois version of UTMA sets forth.⁶⁵ The obligation to set aside gross earnings in the trust account rests with the person making the vlogs in which the child appears, and that person is also responsible for maintaining records and providing them “on an ongoing basis” to the minor.⁶⁶ That is, the law relies on the parent or caregiver to set aside the appropriate funds for their child and allows the child to take legal action, if necessary, to recover actual and punitive damages as well as costs for the knowing or reckless violation of the law.⁶⁷

California subsequently enacted two pieces of legislation: one expands Coogan laws to include minors who are employed as content creators, while the second applies to vloggers who include minors in at least 30% of their content, mandating that 65% of the earnings be set aside for the minor.⁶⁸ This latter

63. Kindelan, *supra* note 62.

64. 820 ILL. COMP. STAT. ANN. 206/100(a)–(b) (West 2024). Like other proposals in this area, the Illinois legislation has different provisions for minors who are themselves engaged in the influencing. 820 ILL. COMP. STAT. ANN. 206/95(b) (West 2024) (excluding “minors engaged in the work of vlogging” from the law).

65. 820 ILL. COMP. STAT. ANN. 206/100(b)(4) (West 2024); *see* 760 ILL. COMP. STAT. ANN. 20/1–24 (West 2024) (enacting UTMA provisions).

66. 820 ILL. COMP. STAT. ANN. 206/95(c) (West 2024). The minor can sue to enforce this provision. 820 ILL. COMP. STAT. ANN. 206/100(c) (West 2024). In a conversation about the law, the bill sponsor mentioned that income tax records could provide an additional source of information. Vt. L. & Graduate Sch., *Safeguarding Tomorrow: Labor Law Panel*, YOUTUBE (Oct. 10, 2024), <https://www.youtube.com/live/E-fg3T1Z8Xk> [<https://perma.cc/2RC4-AU8K>] (remarks of Sen. Koehler at 1:36:30). For discussion of comparable requirements to provide information to beneficiaries in the trust context, *see infra* notes 85–87. Those engaged in vlogging are not, unlike those engaged in other forms of child labor, required to have employment certificates. 820 ILL. COMP. STAT. ANN. 205/9 (West 2024).

67. 820 ILL. COMP. STAT. ANN. 206/100(c) (West 2024).

68. *See* CAL. FAM. CODE § 6750(a), (c) (West 2024); *id.* §§ 6651, 6652(f); *see also* David González, *New California Laws Protect ‘Child Influencers’ from Financial Abuse*, ABC (Sept. 26, 2024), <https://abc7news.com/post/new-california-laws-backed-singer-demi-lovato-protect-child-influencers-financial-abuse/15360950/> [<https://perma.cc/AX9U-TN2B>]. California Family Code

California law requires the vlogger to maintain records of the number of vlogs generating compensation and the number of minutes during which a minor was included.⁶⁹ While the enacted version states that the records must be provided to the minor upon request, an earlier version of the bill required that the records be provided every month.⁷⁰ Further, under the California law, only a minor can maintain an action for damages.⁷¹

Other states are moving forward as well, requiring the establishment of “trusts” for minors engaged in child influencing.⁷² The legislation varies in the level of detail concerning the requisite trusts.⁷³ The legislation might simply provide, for example, that a trust be established without further explanation.⁷⁴

section 6650 defines vlogger as “a parent, legal guardian, or family residing in California that creates image or video content that is performed in California in exchange for compensation. ‘Vlogger’ does not include any person under 18 years of age who produces their own content.” CAL. FAM. CODE § 6650(h) (West 2024). Unlike Coogan laws, which require that a set percentage of a contract be set aside, the vlogging-specific legislation specifies that “the minor shall receive a percentage of total gross earnings on any image or video segment . . . that is in proportion to the minor’s appearances in vlogging content during an applicable reporting period.” *Id.* § 6653(a)(1).

69. CAL. FAM. CODE § 6652. Where the parent or guardian obtains court approval for the vlogging, however, there is no need to comply with the statute. *Id.* § 6656.

70. S. 764, 2023-24 Leg., Reg. Sess. (Ca. 2024).

71. See CAL. FAM. CODE § 6654.

72. See, e.g., Plunkett, Appendix B, *supra* note 61; Leah Plunkett, Appendix C: Child Digital Entertainer State Legislation Narrative Overview (Oct. 21, 2024) [hereinafter Plunkett, Appendix C] (unpublished draft) (on file with author); see also *State-by-State Progress, QUIT CLICKING KIDS*, <https://quitclickingkids.com/state-by-state-progress/> [<https://perma.cc/7KPY-SGYJ>] (last visited Apr. 15, 2025) (listing efforts in states from Arizona to Washington). In Washington, for example, the legislation requires the vlogger to “set aside gross earnings on the video content . . . in a trust, to be preserved for the benefit of the minor upon reaching the age of majority.” H.R. 1627, 68th Leg., Reg. Sess. § 3(3) (Wash. 2023).

73. Minnesota’s legislation (effective July 1, 2025) provides that a trust account: (1) be available only to the minor once the minor turns eighteen or is emancipated; (2) be held by a “bank, corporate fiduciary, or trust company;” and (3) comply with UTMA. H.R. 3488, 93rd Leg., Reg. Sess. § 3(a)(2), (b) (Minn. 2024). It also requires that the content creator retain extensive records until the minor turns twenty-one. *Id.* § 2. The remedy available under the chapter is for the “minor” to sue, although that is in addition to any other remedies. *Id.* § 3(c), (d).

74. See, e.g., H.R. 2565, 56th Leg., 2d Reg. Sess. § 1(B) (Ariz. 2024) (requiring a vlogger to set aside a percentage of gross earnings “in a trust to be preserved for the benefit of the minor child on reaching the age of majority”); H.D. 645, 2024 Leg., Reg. Sess. § 19-1003 (Md. 2024) (requiring the establishment of a “separate trust”). Georgia’s proposed legislation requires that the funds be held by a “trust company,” and applies the state Transfer to Minors Act. H.R. 968, 157th Gen. Assemb., Reg. Sess. sec. 3, § 39-2-18.1(a)(3) (Ga. 2024).

The focus is not on how trust law might step in to protect the children who are the claimed beneficiaries of these trusts, but rather on the establishment and duration of these accounts.⁷⁵ Parents are typically designated as the trustees,⁷⁶ raising the same issues of monitoring compliance with, and enforcement of, Coogan and UTMA accounts.⁷⁷

II. TRUSTS AS THE SOLUTION?

Notwithstanding the decades-long existence of Coogan accounts, their structure raises a series of questions for the new generation of social media statutes to resolve. Accounts under both sets of law are typically labeled “trusts.”⁷⁸ If they are, indeed, trusts, then they should be subject to all other aspects of states’ trust laws, laws that set out both default and override provisions; otherwise, they are *sui generis*, with a lack of clarity on either default or override rules.

Assuming that Coogan-type accounts for both child actors and digital entertainers are treated like conventional trusts, then a well-defined body of law should apply to them. Trustees have a series of duties to the beneficiaries.⁷⁹ They are subject to accounting and reporting duties.⁸⁰ Where the beneficiary is a minor, there are special provisions to ensure their interests are

75. See generally Plunkett, Appendix C, *supra* note 72 (describing several state laws and trust requirements).

76. Georgia’s proposed legislation provides, for example, that “[a] blocked trust account required to be established by a child performer’s parent or legal guardian” H.R. 968, 2023-2024 Gen. Assemb., Reg. Sess. sec. 3, § 39-2-18.1(a)(3) (Ga. 2024).

77. See Casseus, *supra* note 44, at 770–74.

78. E.g., H.B. 2565, 56th Leg., 2d Reg. Sess. (Ariz. 2024); H.B. 968, 2023-2024 Gen. Assemb., Reg. Sess. sec. 3, § 39-2-18.1(a)(3) (Ga. 2024); see also *State-by-State Progress*, *supra* note 72 (providing a list of enacted child labor laws and proposed legislation labeling Coogan or UTMA accounts as “trust” accounts).

79. See Deborah S. Gordon, *Trusting Trust*, 63 U. KAN. L. REV. 497, 507 (2015) (the duty of loyalty requires the trustee to act in the sole interests of the beneficiaries).

80. See John H. Langbein, *Mandatory Rules in the Law of Trusts*, 98 NW. U. L. REV. 1105, 1125 (2004) (clarifying recent developments in mandatory trust rules); Mel M. Justak & Anne-Marie Rhodes, *Maintaining Client Privacy in an Increasingly Public World*, 47 ACTEC L.J. 65, 68–72 (2021) (describing the duty to inform and report in the Uniform Trust Code); Richard C. Ausness, *Beneficiaries as Trustees: Here’s the State of Things*, 36 QUINNIPIAC PROB. L.J. 277, 305–06 (2023) (discussing divided loyalties for trustees).

protected, but these typically take the form of using a representative with substantially similar interests.⁸¹ Moreover, in some states, the duties to inform—even outside of the Coogan-type accounts—have been relaxed because of settlors' interests in ensuring that beneficiaries' life choices are not unduly influenced.⁸²

Either way, given that the beneficiary will always be a minor, significant concerns arise about how best to protect the minor's interests as a beneficiary. In this symposium Essay, I do not outline all of those concerns, but suggest a few. The problems begin with ensuring the trust is established, then monitoring amounts that are transferred to it, checking on who is entitled to receive information to ensure ongoing oversight, and then developing appropriate remedies for breach that can protect assets before they are depleted. As an example of the type of problem that these trusts might present, and that might complicate oversight, consider that calculating the hours for "an edited toy review video hosted by a 5-year-old is dependent on mere guesswork," meaning that it will be difficult to ensure that the appropriate amount is placed in a trust account.⁸³

The first bucket of concerns relates to fiduciary obligations. While trustees have stringent fiduciary obligations, settlors do not, and for these accounts, it is the settlors (the vlogger, typically the parent or guardian, featuring the child influencer) who

81. UNIF. TR. CODE § 304 (UNIF. L. COMM'N, amended 2018) ("[A] minor, incapacitated, or unborn individual . . . may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute . . ."); cf. UNIF. PROB. CODE § 1-403(2)(B)(ii) (UNIF. L. COMM'N, amended 2019) (requiring that representation be adequate); Thomas E. Simmons, *Conflict-of-Interest-Infected Virtual Representatives and a Cure*, 64 S.D. L. REV. 1, 20 (2019) (discussing how minor beneficiaries may be represented by an individual with "substantially identical interests with respect to the particular question or dispute" (quoting UNIF. TR. CODE § 304 cmt. (UNIF. L. COMM'N, amended 2018))). Minors receive additional protections in other legal systems. See Frances H. Foster, *American Trust Law in a Chinese Mirror*, 94 MINN. L. REV. 602, 643 n.273, 651 (2010).

82. See Stewart E. Sterk, *Rethinking Party Autonomy in Trust Law*, 97 TUL. L. REV. 1097, 1115–16 (2023).

83. Ellen Walker, *Nothing Is Protecting Child Influencers from Exploitation*, WIRED (Aug. 25, 2022, 9:00 AM), <https://www.wired.com/story/child-influencers-exploitation-legal-protection/> [<https://perma.cc/3HU5-7Y3P>].

are responsible for setting up the blocked trusts and ensuring the appropriate flow of funds.⁸⁴ The remedies against the settlors thus do not involve a breach of fiduciary responsibility, although the statutes do provide various types of relief.⁸⁵

Moreover, while the Uniform Trust Code imposes obligations on trustees to inform and report, states vary as to whom such reports must be given,⁸⁶ and parents do not always comply.⁸⁷ Ensuring that the reports are provided on an ongoing basis to an independent third party could provide some checks against potential abuse of the minor. Once a representative is chosen to receive such accountings, that surrogate should be a fiduciary with responsibilities to act in the sole interests of the beneficiaries, just as is true for trustees.⁸⁸

The second bucket relates to remedies. A beneficiary can sue for breach of fiduciary obligations or for damages available under the relevant statute.⁸⁹ But that requires information about the operation of the trust as well as the contracts and endorsements that result in the funds obligated to flow into the trust.

84. See UNIF. TR. CODE § 801 (UNIF. L. COMM'N, amended 2018) (requiring the trustee to "administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries"). There is no similar requirement for the settlor. *E.g.*, 820 ILL. COMP. STAT. ANN. 206/100(a) (West 2024).

85. *E.g.*, 820 ILL. COMP. STAT. ANN. 206/100(c) (West 2024) ("If a vlogger knowingly or recklessly violates this Section, a minor . . . may commence an action to enforce the provisions of this Section . . .").

86. For example, Uniform Trust Code section 301(a) requires that, when the beneficiary is a minor, a trustee can provide the appropriate information to a representative of the beneficiary. UNIF. TR. CODE § 301(a) (UNIF. L. COMM'N, amended 2018); see BOGERT'S THE LAW OF TRUSTS AND TRUSTEES § 962, Westlaw (database updated July 2024). See generally RESTATEMENT (THIRD) OF TRUSTS §§ 82, 83 (2007) (setting out trustee's record-keeping and reporting duties). Section 82 allows for information to be provided to another person "whose concerns can be expected reasonably to coincide with those of the disabled [minor] beneficiary. *Id.* Some states allow "silent" trusts. See Justak & Rhodes, *supra* note 80, at 66. In addition to the possibility of "silent" trusts in some states, California requires that only beneficiaries entitled to a current distribution receive such reports. See CAL. PROB. CODE § 16062(a) (West 2024).

87. *E.g.*, *Whitman v. Whitman*, No. 5-11-20, 2012 WL 367055, at *25–28 (Ohio Ct. App. Feb. 6, 2012) (finding father-trustee-custodian in civil contempt in connection with failure to keep records). Other options include, as Stacey Steinberg suggests, child abuse laws. Steinberg, *supra* note 5, at 872.

88. For a listing of relevant questions, see Kevin D. Millard, *The Trustee's Duty to Inform Under the Colorado Probate Code*, COLO. LAW., Nov. 2009, at 69, 73–74.

89. *E.g.*, UNIF. TR. CODE § 1001 (UNIF. L. COMM'N, amended 2018).

Existing proposals raise a few concerns. As an initial matter, some are phrased to provide the “minor” with the right to sue.⁹⁰ They do not set out an extended statute of limitations⁹¹—that is, how much time after the minor turns eighteen (or twenty-one) does the minor have to sue? In other contexts, states have extended the statute of limitations for minors.⁹²

In addition, if the lawsuit must be brought during the child’s minority (or shortly thereafter), the child will need legal representation, and, under doctrines of infancy, an actual representative.⁹³ Most fundamentally, the child must not only know about their rights but will also need access to appropriate information to understand whether the trust has been operated according to fiduciary obligations. That might include income tax returns or endorsement contracts extending over numerous years, and there is no obligation on the settlors or trustees to maintain such extensive records.⁹⁴

Another bucket concerns the termination of the trust once the child reaches the age of eighteen. On the one hand, this is a recognition of the age of majority and the child’s ability to enter into their own contracts, so the termination age may well be justified.⁹⁵ On the other hand, that may place too much responsibility too quickly on the child. If the account truly is a trust, then it is subject to—depending on the state—the possibility of

90. E.g., 820 ILL. COMP. STAT. ANN. 206/100(c) (West 2024) (“If a vlogger knowingly or recklessly violates this Section, a minor . . . may commence an action to enforce the provisions of this Section . . .”).

91. E.g., *id.*

92. E.g., Samantha S. Rose, Note, *Vindication for Victims: A Proposal to Eliminate the Civil Statute of Limitations for Minor Sexual Abuse Claims in Iowa*, 108 IOWA L. REV. 957, 965–66 (2023) (discussing extension of statute of limitations expansion for criminal charges of sexual abuse involving a minor).

93. See Victoria Slade, Note, *The Infancy Defense in the Modern Contract Age: A Useful Vestige*, 34 SEATTLE U. L. REV. 613, 613–15 (2011); 43 C.J.S. *Infants* § 295, Westlaw (database updated Dec. 2024).

94. In many other types of trusts, there are adult beneficiaries who—presumably—have an incentive to protect their interests. See UNIF. TR. CODE § 813 (UNIF. L. COMM’N, amended 2018).

95. E.g., 23 PA. CONS. STAT. § 5101(a) (“Any individual 18 years of age and older shall have the right to enter into binding and legally enforceable contracts and the defense of minority shall not be available to such individuals.”); *id.* § 5101(b) (“[A]n individual 18 years of age and older shall be deemed an adult and may sue and be sued as such.”).

decanting into another trust before the beneficiary reaches the age of majority.⁹⁶ While that might serve a protective function for a beneficiary not yet ready to handle the assets it might provide additional opportunities for the parent-trustee to hide assets.

III. REALLY PROTECTING CHILDREN

Both acting and childfluencing are situations in which children earn money that they do not, and cannot, necessarily control and where the equal protection issues raised by distinctions between children and adults and the distinct autonomy claims for children all come together.⁹⁷ Notwithstanding the assumption that parents will act to promote children's wellbeing, children need recognition and protection of their own interests. The traditional image of a parent-child-state triad requires three independent axes, while the existing system often recognizes only two.⁹⁸ Most children are not influencers or actors, to be sure, but the treatment of these two categories shows longstanding tensions (and cracks) inherent in the parent-child-state triad.⁹⁹

The law has developed different, albeit overlapping, approaches to the legal rights of adults and children, and longstanding doctrine provides clear deference to parents,

96. E.g., UNIF. TR. DECANTING ACT (UNIF. L. COMM'N 2015).

97. See Anne Dailey, *In Loco Reipublicae*, 133 YALE L.J. 419, 427–28 (2023). And there may be some situations in children can “act free from parental control.” *Id.* at 427.

98. See Barbara Bennett Woodhouse, “Who Owns the Child?”: *Meyer and Pierce and the Child as Property*, 33 WM. & MARY L. REV. 995, 1057–58 (1992). Indeed, parents may feel insulted by Coogan laws. Harper Lambert, *Why Child Social Media Stars Need a Coogan Law to Protect Them from Parents*, HOLLYWOOD REP. (Aug. 20, 2019, 6:00 AM), <https://www.hollywoodreporter.com/business/digital/why-child-social-media-stars-need-a-coogan-law-protect-parents-1230968/> [<https://perma.cc/M595-GNNM>] (reporting that many parents feel Coogan laws are “anti-parent”). As Danielle Citron and Ari Ezra Waldman note in the comparable context of children's privacy, the parental control model “is erected in the name of children's privacy, but it mostly excludes youth and their privacy interests from the calculus.” See Danielle K. Citron & Ari Ezra Waldman, *Rethinking Youth Privacy*, 111 VA. L. REV. (forthcoming 2025) (manuscript at 4), <https://ssrn.com/abstract=5136373>.

99. See Cahn, Eichner & Ziegler, *Children at Work*, *supra* note 33, at 259–61; Naomi Cahn, Maxine Eichner & Mary Ziegler, “For Their Benefit”: *The Lost History of Parental Consent and Minors' Rights*, 114 CALIF. L. REV. (forthcoming 2026), <https://ssrn.com/abstract=5156787> or <http://dx.doi.org/10.2139/ssrn.5156787>.

based on an assumption that parents will act to promote their children's wellbeing and protect their vulnerabilities.¹⁰⁰ While this relationship is sometimes described as a triad, it often (effectively) collapses into a dyad, with parents given great autonomy within state-set limits on that autonomy.¹⁰¹ The diminution of children's rights in some contexts,¹⁰² or recognition of children's interests when they are in accord with their parents' claims,¹⁰³ means that their financial, autonomy, and privacy interests may not be recognized as distinct from their parents' interests, notwithstanding claims that the current system was seemingly designed to protect them.

Consequently, the question of how to protect these children remains. Trusts can provide a partial solution, but they need oversight from both within conventional trust law and outside. Existing FINRA and FDIC regulations for Coogan accounts should apply to the new social media accounts, and it might be appropriate for the FTC to become involved to check for unfair

100. "The Court long has recognized that the status of minors under the law is unique in many respects." *Bellotti v. Baird*, 443 U.S. 622, 633 (1979); see Naomi Cahn, *Revisioning Children's Rights in the Constitutional Canon*, DUKE J. CONST. L. & PUB. POL'Y SIDEBAR (forthcoming 2025) (on file with author); Clare Huntington & Elizabeth S. Scott, *Conceptualizing Legal Childhood in the Twenty-First Century*, 118 MICH. L. REV. 1371, 1448–49 (2020) (discussing rights that are "withheld from minors out of concern for their wellbeing," such as marriage); Dailey, *supra* note 97, at 424–25, 427 (discussing children's special status and advocating reforms); Catherine Smith, *Children's Equality Law in the Age of Parental Rights*, 71 U. KAN. L. REV. 539, 539 (2023) (calling for expanded respect for children's rights). See generally RESTATEMENT OF THE L.—CHILD. & THE L. (AM. L. INST. 2024) (setting out comprehensive approaches to numerous children's interests).

101. The limits for higher-income parents are state abuse and neglect laws. For lower-income parents, the same abuse and neglect laws apply, as do additional public welfare laws and other forms of scrutiny. See, e.g., ROBERTS, *SHATTERED BONDS*, *supra* note 17, at 186; ROBERTS, *TORN APART*, *supra* note 17, at 52–53; Washington, *Survived & Coerced: Epistemic Injustice in the Family Regulation System*, *supra* note 17, at 1162–63; Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. REV. L. & SOC. CHANGE 523, 526 (2019).

102. See, e.g., *Bellotti*, 443 U.S. at 622.

103. See Cahn, Eichner & Ziegler, *supra* note 33, at 276. This was true of the foundational cases establishing the parameters of children's rights. See, e.g., *In re Gault*, 387 U.S. 1, 57–58 (1967) (holding that juveniles have constitutional rights in delinquency proceedings); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 523–24 (1969) (recognizing limited First Amendment freedom of speech rights for minors).

trade practices.¹⁰⁴ States are taking a number of actions in other areas of children's online privacy, and those efforts are part of the patchwork designed to address children's interests in the internet age.¹⁰⁵

CONCLUSION

While parents can and should be expected to act in their children's best interest, and typically do have the right to make many decisions for their children, laws granting parents autonomy in the child actor and influencing context present numerous problems. First, they are inconsistent with the treatment of lower-income families.¹⁰⁶ That is, they show the existence of different systems of oversight and intervention, depending on income.¹⁰⁷

The deference given to parents, with blocked trusts as children's primary protection, contrasts with federal labor law regulations such as hours, the nature of work when third parties are the employer, and the requirements for cooperation (and

104. Saragoza, *supra* note 20, at 594–95 (discussing need for FTC enforcement). In its regulations on truth in endorsements, the FTC gives the following example, which indicates that a parent must disclose certain information about products featured in sharenting:

(iv) Assume that the consumer is the owner of a “dog influencer” (a dog with a social media account and a large number of followers). If the manufacturer sends the consumer coupons for a year's worth of dog food and asks the consumer to feature the brand in their dog's social media feed, any resulting posts that feature the brand would be considered endorsements even though the owner could have chosen not to endorse the product.

16 C.F.R. § 255(7)(iv) (2025).

105. For a careful discussion of some of the legislation and its constitutional limits, see, for example, Alex Chemerinsky & Erwin Chemerinsky, *Misguided Federalism: State Regulation of the Internet and Social Media*, 102 N.C. L. REV. 1, 30 (2023). For more information on the legislation, see, for example, *Children's Privacy*, NETCHOICE, https://netchoice.org/issue_area/childrens-privacy/ [https://perma.cc/EQU9-2AXF] (last visited Apr. 16, 2025). The mission of Netchoice is “to make the Internet safe for free enterprise and free expression.” *About Us*, NETCHOICE, <https://netchoice.org/about/#our-mission> [https://perma.cc/XEV2-LANT] (last visited Apr. 16, 2025).

106. See, e.g., tenBroek (pt. 1), *supra* note 17, at 310–11.

107. See, e.g., Tait, *supra* note 16.

corresponding lack of privacy) in the public welfare setting.¹⁰⁸ When a parent is in charge in the sphere of child influencing, the rules are different when it comes to ability to work and monitoring. Family privacy doctrines provide deference that may not be in children's best interest; of course, the dangers of intervention are evident in the disproportionate impact of the child abuse and neglect/family regulation system.¹⁰⁹

Second, even when laws defer to parental autonomy interests, they may instead be using the mantle of parental rights without prioritizing children's best interests.¹¹⁰ Here, regardless of whether parents are ensuring that their children receive appropriate financial set-asides in blocked trusts, the underlying question that goes well beyond the trusts and estates field remains whether parents should be able to feature their children in social media for monetary gain. That, in turn, raises not just financial concerns but also serious questions about children's privacy.

The developing public recognition that children need specific protection, and that child influencers can be "exploited by

108. "[W]e recognize the critical need to guard against the discrimination and surveillance experienced particularly by parents of color and low-income parents when the state has intervened in family life." Anne L. Alstott, Anne C. Dailey & Douglas NeJaime, *Psychological Parenthood*, 106 MINN. L. REV. 2363, 2439 n.332 (2022); see also Michele Estrin Gilman, *The Class Differential in Privacy Law*, 77 BROOK. L. REV. 1389, 1394 (2012) ("[L]ow-income Americans suffer tangible harms from government and corporate surveillance that go beyond discomfort. The privacy intrusions they face are often overt, and the harms are concrete.").

109. See CHILD'S BUREAU, CHILD WELFARE PRACTICE TO ADDRESS RACIAL DISPROPORTIONALITY AND DISPARITY 3 (2021); ROBERTS, TORN APART, *supra* note 17, at 35, 52–53; Courtney G. Joslin & Catherine Sakimura, *Fractured Families: LGBTQ People and the Family Regulation System*, 13 CAL. L. REV. 78, 83 (2022).

110. Naomi Cahn, *The Political Language of Parental Rights: Abortion, Gender-Affirming Care, and Critical Race Theory*, 53 SETON HALL L. REV. 1443, 1459 (2023); see Citron & Waldman, *supra* note 98, at 6 (arguing that the parental control model is a "wolf in sheep's clothing"). For further discussion of how claims to be acting in children's interests are used for other purposes, see, for example, Rita Koganzon, *Against Ventriloquizing Children: How Students' Rights Disguise Adult Culture Wars*, 134 YALE L.J. F. 76, 82 (2024), and, on the comparable effort to claim the cover of parental rights, see, for example, LaToya Baldwin Clark, *The Critical Racialization of Parents' Rights*, 132 YALE L.J. 2139, 2179–81 (2023); Mary Ziegler, Maxine Eichner & Naomi Cahn, *The New Law and Politics of Parental Rights*, 123 MICH. L. REV. (forthcoming 2025) (manuscript at 21–22), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4552363.

a parent or guardian,”¹¹¹ has resulted in a wide range of additional proposals that go far beyond Coogan-type laws. These proposals exist on a continuum. At one end is banning child influencing altogether, while at the other end is a continuation of the existing—and limited—patchwork of protections.¹¹² In between are a series of options that are outside of trust law. These include requirements that social media platforms revise their practices,¹¹³ limiting the number of hours per day that children can work on social media platforms in accordance with labor laws, applying child abuse and neglect laws more thoroughly and carefully to protect a greater amount of the money children make,¹¹⁴ and allowing them to request content be removed even before they reach the age of majority.¹¹⁵ Reforming the structure

111. Zoey Khamar, *Why ‘Kidfluencers’ Have So Few Protections—Even as Americans Support Regulating the Industry*, FIVETHIRTYEIGHT (Jan. 3, 2023, 11:33 AM), <https://fivethirtyeight.com/features/why-kidfluencers-have-so-few-protections-even-as-americans-support-regulating-the-industry/> [https://perma.cc/J7CF-G84Z]. According to two 2022 YouGov polls, not only do a majority of Americans believe that child labor laws should apply to child social media influencers, but also approximately two-thirds believe that exploitation happens “at least “somewhat” often.” *Id.*; *How Often, if at all, Do You Think Children Who Are Social Media Influencers Are Exploited by Their Employers or Guardians?*, YOUNGOV (Dec. 20, 2022), <https://today.yougov.com/topics/politics/survey-results/daily/2022/12/20/e82cd/2> [https://perma.cc/FVX2-WTKG]; *Do You Think Child Labor Laws Should Apply to Children Who Are Social Media Influencers?*, YOUNGOV (Dec. 20, 2022), <https://today.yougov.com/topics/politics/survey-results/daily/2022/12/20/e82cd/1> [https://perma.cc/D978-K3SR].

112. See *State-by-State Progress*, *supra* note 72.

113. Proposals include, for example, revising the YouTube monetization policy so it is “modeled after reality television standards, meaning children would be compensated for ‘the time during which [the child] is subject to control of [the creator], [including] all time [the child] is suffered or permitted to work, whether or not required to do so.’” Kylie Clouse, Note, *Cash Kid: The Need for Increased Financial Protections of Internet Child Stars on YouTube*, 65 WM. & MARY L. REV. 195, 216 (2023).

114. See Steinberg, *supra* note 5, at 872; cf. Charlotte Yates, Note, *Influencing “Kidfluencing”: Protecting Children by Limiting the Right to Profit from “Sharenting,”* 25 VAND. J. ENT. & TECH. L. 845, 867 (2023) (“[V]arious agencies whose missions are to protect children similarly would not have a natural role of controlling profitability of online content.”); Note, *Sharenting Is Here to Stay, So Now What?*, 45 SEATTLE U. L. REV. 1229, 1236 (2022) (“When it does not rise to the level of child abuse, the harm caused by sharenting is a gray area under the law and parents hold the rights to their children’s privacy. Thus far, the legislature and courts have failed to recognize and protect children from the harm that occurs through the exploitative nature of non-abusive sharenting.”).

115. See Keltie Haley, *Sharenting and the (Potential) Right to be Forgotten*, 95 IND. L.J. 1005, 1011–12 (2020). France has already implemented some of these limitations. *France Passes New*

of trusts established to safeguard children's money is one piece of this overall patchwork.

As this Essay shows, challenging the existing framework for child digital entertainers results in jurisprudential questions not just about protection of children's interests as beneficiaries under trust law but also about the scope of appropriate deference to parental control.

Law to Limit Child Influencers, BBC (Oct. 7, 2020), <https://www.bbc.com/news/world-europe-54447491> [https://perma.cc/FH3N-QBRH]. The French law allows for the right to erasure, administrative permission for videos that include children under the age of sixteen, and blocked trusts. Danya Hajjaji, *YouTube Lets Parents Exploit Their Kids for Clicks*, NEWSWEEK (Oct. 4, 2021, 9:00 AM), <https://www.newsweek.com/youtube-lets-lawless-lucrative-sharenting-industry-put-kids-mercy-internet-1635112> [https://perma.cc/3KMB-8ZLY]; *France: Parliament Adopts Law to Protect Child "Influencers" on Social Media*, LIBR. OF CONG. (Oct. 30, 2020), <https://www.loc.gov/item/global-legal-monitor/2020-10-30/france-parliament-adopts-law-to-protect-child-influencers-on-social-media/> [https://perma.cc/F5DY-3XT5]. Some of them appear in the legislation already introduced in the United States. See Stacey Steinberg, *How Europe's 'Right To Be Forgotten' Could Protect Kids' Online Privacy in the U.S.*, WASH. POST (July 11, 2018), <https://www.washingtonpost.com/news/parenting/wp/2018/07/11/how-europes-right-to-be-forgotten-could-protect-kids-online-privacy-in-the-u-s/> [https://perma.cc/5FD9-U4DT] (discussing the work of Amy Gajda on the right to be forgotten that is recognized in European courts). Australia is considering legislation that would ban teens from accessing social media. Eve Sampson, *Australia Moves to Ban Young Teens from Social Media*, N.Y. TIMES (Nov. 7, 2024), <https://www.nytimes.com/2024/11/07/world/australia/australia-teens-social-media.html> [https://perma.cc/2PRL-AYJG]. At least some of the child influencing that is done, however, is not from children's own accounts but from adults' accounts, so limits on child access would not regulate children who appear in others' social media feeds. See Stephanie Sy & Dorothy Hastings, *The Dangers of Parents Sharing Their Children's Lives on Social Media*, PBS (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/7L6K-7W4V].

APPENDIX 1 – SAMPLE COOGAN LAWS¹¹⁶

	California	Kansas	Louisiana	New Mexico	New York
What Kind of Account Must Be Opened	Blocked Trust Account. CA FAM § 6753(a)	A “trust fund or other savings plan...” KS ST 38-621(a).	Blocked Trust Account. LA R.S. 51:2133(A)(2).	A “trust account...” NM ST § 50-6-19(A).	“Child performer trust account.” (UTMA Account).
Who Can be the Trustees?	At least one parent or legal guardian required to be appointed as trustee, unless courts determine appointment of different individual is required	At least one parent or legal guardian is required to serve as trustee, unless the court determines the appointment of someone else is	Both parents shall serve as trustees unless otherwise provided in writing by both parents... or guardians. Any state or federally chartered financial institution operating	No statutory requirement.	The parent(s) or guardian(s) may serve as custodians, but once the balance of the trust exceeds

116. These sample laws all require 15% of earned income to be deposited. *See generally Child Entertainment Laws As of January 1, 2023*, U.S. DEP’T LABOR, <https://www.dol.gov/agencies/whd/state/child-labor/entertainment> (last visited May 11, 2025) (summarizing state laws on child labor, including requirements and exemptions for child actors). Special thanks to Anthony Freyre for work on this chart.

	in the best interest of the minor. CA FAM § 6752(b)(2)	required in the best interest of the minor child. KS ST 38-620(b)(2).	in LA through one or more branches may serve as trustee. LA R.S. 51:2133(C).		\$250,000, a trust company must be appointed as custodian of the account. 12 NY ADC 186-3.5.
Where must the account be opened?	A "bank, savings and loan institution, credit union, brokerage firm, or company registered under the Investment Company Act of 1940, that is located in the State of California	A "bank, savings and loan institution, credit union or brokerage firm or company registered under the investm	A "state or federally chartered financial institution, including trust companies, operating in [LA] through one or more branches." LA R.S. 51:2133(A)(1).	Within the child's state of legal residence. NM ST § 50-6-19(A).	No statutory requirement.

	...” CA FAM § 6753(a)	ent compan y act of 1940...” KS ST 38- 621(a).			
When must the accou nt be opene d?	Within seven business days after the minor’s contract is signed by the minor, the loan- out company, and the employer. CA FAM § 6753(a)	Within seven busines s days after the minor child’s contract is signed by the minor child and the employ er. KS ST 38- 621(a).	Must be opened <u>pri</u> <u>or</u> to the execution of the contract. LA R.S. 51:2133(D).	Within seven busines s days after the child’s employ ment contract is signed. NM ST § 50-6- 19(A).	<u>Prior</u> to the child’ s first instan ce of paid empl oyme nt as a child perfo rmer (12 NY ADC 186- 3.5(a)) or withi n 15 days of the com menc emen t of empl oyme nt (NY

					EST POW & TRST § 7- 7.1(2) (b)).
Comp ensati on Thres hold	None.	\$5,000 KS ST 38- 615(c).	\$500 LA R.S. 51:2132(A).	\$1,000. NM ST §50-6- 19(I).	None.
Other			In the event that a trust account is not established on behalf of a minor performer within thirty days of the last day of employe ment, the employer shall forward the minor's 15% to the treasurer of the state of Louisiana to hold in trust for the minor.	If a parent/ guardia n/truste e fails to provide the employ er with a trustee stateme nt within 90 days after the start of employ ment, the child's employ er shall refer the	Child Perfo rmer Permi t requir ed. 12 NY ADC 186- 3.2. Empl oyer Certif icate of Eligib ility Requi red. 12 NY ADC 186- 4.1(a).

			LA R.S. 51:2133€.	matter to the district court and a trustee shall be appoint ed for the child. NM ST § 50-6- 19(D).	
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