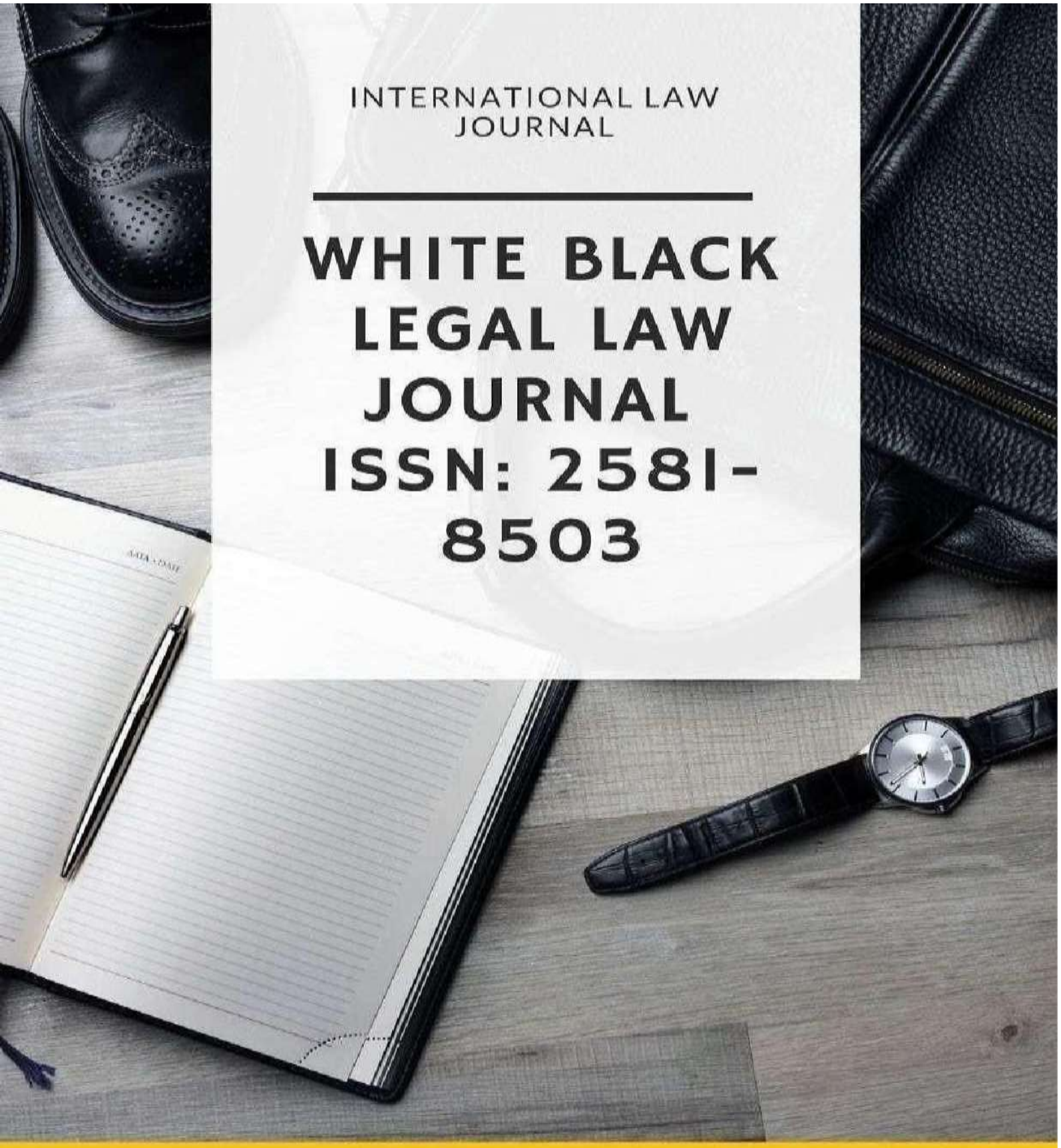

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

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PROTECTING MINORS IN DIGITAL CONTENT CREATION: LEGAL AND ETHICAL DIMENSIONS

AUTHORED BY - ALEENA ELSA KURIAKOSE

Introduction

In today's digital world, childhood is no longer confined to playgrounds and classrooms—it unfolds on screens before millions of viewers. The rise of child influencers, or "kidfluencers," has turned children into some of the internet's most bankable celebrities. From unboxing toys to performing dance challenges, their content attracts massive audiences and fuels a multi-billion-dollar industry. Yet behind the likes, views, and brand deals lies a dangerous reality: these young creators are often treated less as children and more as commodities. Unlike traditional child actors who worked within regulated industries, kidfluencers often operate in legal grey zones, where parents or managers control their income, privacy, and even daily routines. This lack of strict regulation exposes them to financial exploitation, online harassment, and long-term psychological harm, raising questions about consent, safety, and dignity. Around the world, lawmakers and advocacy groups are beginning to respond—France, California, and Illinois have introduced pioneering protections, while countries like India are still struggling to catch up. At the same time, platforms and families face growing pressure to take responsibility. As society navigates this new frontier of digital childhood, the challenge is clear: how can we embrace innovation without sacrificing children's rights, well-being, and future autonomy?

Kidfluencers: Creativity, Commerce, and Child Rights

A **child influencer**, or **kidfluencer**, is a minor under the age of 18 who creates content on public platforms like YouTube, Instagram, or TikTok to build an online following. Their posts often feature toys, hobbies, challenges, pranks, or daily life, and many are used to promote products through brand partnerships. While some kids naturally gain popularity, most are encouraged by parents or guardians for financial gain, raising ethical concerns about whether the child truly benefits from this ordeal. This dynamic raises ethical and legal complications, as children may serve more as income sources than stakeholders in their own labour. Because children and their audiences often lack the media literacy to find authentic content from paid promotions, and because legal protections remain limited, child influencing continues to

provoke debates about labour rights, regulation, and the commodification of childhood.

The phenomenon of child influencers, also known as "Kidfluencers," reflects a history of children in entertainment and advertising that has evolved over the years. Historically, child actors like Jackie Coogan highlighted the risks of financial exploitation, leading to legal protections such as [1]the Coogan Act, while early television ads used children to engage young audiences. With the rise of the internet, smartphones, and platforms like YouTube and Instagram, content creation has been democratized, allowing children to share hobbies, daily life vlogs, and product promotions, often under parental supervision. This shift has created a money-making [2]$8 billion industry, but it raises deep ethical and legal concerns regarding exploitation, consent, and the emotional well-being of the child. While countries like France and U.S. states such as California have begun implementing laws to protect child influencers and secure portions of their earnings. Many countries, including India, still lack comprehensive legal frameworks. There is an urgent need to reconcile digital innovation with child protection, labour rights and to uphold ethical standards.

Monetisation of Childhood

Child influencers are particularly vulnerable to various forms of exploitation, primarily driven by the monetisation of their digital identities by adults. This exploitation manifests across financial, psychological, and safety domains, often exacerbated by inadequate legal protection and the distinctive characteristics of online content creation.

Child influencers are frequently used by adults for financial gain, exploiting them more as income sources than as stakeholders in their own work. The lack of regulation regarding earnings often results in parents or guardians controlling the revenue generated from partners, sponsorships, and advertising, reminiscent of historical cases such as Jackie Coogan, whose childhood earnings were misappropriated by his own parents. Young audiences and child influencers alike typically lack the media literacy required to distinguish sponsored content from original material, enabling deceptive marketing practices in which paid promotions are disguised as authentic reviews or commentary. In some cases, children are pressured to produce content according to strict deadlines set by brand partnerships, effectively transforming play

[1] Cal. Fam. Code §§ 6750–6753 (West 2025)
[2] M.A. Masterson, *When Play Becomes Work: Child Labor Laws in the Era of Kidfluencers*, 168 U. Pa. L. Rev. 1725, 1729 (2020).

into labour. Moreover, some parents exploit their children as the faces of merchandise, orchestrate meet-and-greet events, collaborations with other content creators as monetization opportunities, or even develop commercial enterprises around their children's personal experiences, including medical conditions, to generate income.

Emotional and Psychological Exploitation

Children are often incapable of providing informed consent for participation in content creation or data sharing, particularly those under the age of seven. Consequently, they frequently agree with parental direction without fully understanding the consequences of online exposure. This exposure may include the broadcasting of distressing or private moments, such as crying or struggling with food, tantrums, or other personal issues or private moments, which can result in mental and emotional harm. Child influencers are also subject to online harassment, cyberbullying, and negative public commentary, bullying from contemporaries, potentially leading to long-term psychological consequences, including identity issues, anxiety, depression, diminished autonomy, and social vulnerability. Furthermore, children may be coached to perform scripted behaviours or staged situations, often for shock value, while simultaneously being encouraged to seek validation from their online audiences. Parents may also overshare sensitive personal information, such as details regarding their child's health or daily routines, heightening the risk of emotional and social harm and compromising the safety of the child.

Safety and Privacy Challenges in the Digital Sphere

Child influencers are vulnerable to a range of safety and privacy risks due to the highly public and permanent nature of online content. The visibility of children's lives on social media platforms exposes them to potential physical threats, including cyberbullying, stalking, harassment, and even kidnapping. Public appearances, such as meet-and-greet events or fan interactions, often lack sufficient safety protocols or age restrictions, leaving children physically accessible to strangers of any age and elevating their vulnerability to exploitation or harm. Online, child influencers may encounter inappropriate, sexually suggestive, or predatory commentary, which can be psychologically damaging and difficult for parents to fully monitor or manage. Furthermore, the digital footprint created is virtually permanent; personal details, locations, routines, or sensitive health information are often overshared, enabling long-term tracking or targeting by malicious persons. Parents sometimes unintentionally expose the child

to such risks by oversharing information or by posting content that exposes children in private or distressing moments for views and likes. Certain forms of content, such as extreme pranks, staged conflicts, and inappropriate challenges, may intentionally put children at risk to generate higher viewership, blurring the line between entertainment and abuse. The contributory effect of these exposures is compounded by the lack of strong platform-level safety measures specifically catered to minors, including inadequate moderation of comments, insufficient age-verification procedures, and minimal enforcement of restrictions on interactions with potential risk. Consequently, child influencers face not only immediate physical and psychological threats but also privacy risks that may affect their future well-being, digital reputation, and personal security and identity issues.

Reimagining Child Rights in the Digital Age

The digital labour performed by child influencers often falls outside the existing ambit of legal frameworks. Jurisdictions such as India lack binding legislation specifying remuneration or working conditions for digital child performers, and traditional child labour protections, such as the Coogan Act or the Child and Adolescent Labour (Prohibition and Regulation) Act of 1986, do not cover the present demand for protection of minors' digital performances conducted from home. Subsequently, child influencers are frequently subjected to unregulated working conditions, with no legal oversight regarding the hours or intensity of work. Additionally, because minors are generally unable to enter into legally binding contracts according to the [3]Indian Contract Act of 1872, parents or digital managers control financial and operational decisions, resulting in diminished autonomy and frequent financial dependency.

The exploitation of child influencers emerges from the integration of a highly lucrative industry and the inherent vulnerabilities of minors, who often lack the capacity for informed consent or self-protection. The financial, emotional, psychological, and safety risks that come with pervasive online exposure undermine the urgent need for comprehensive regulatory frameworks that safeguard the rights, welfare, and autonomy of child content creators.

The rise of child influencers has generated particular concern, particularly as well-documented legal cases demonstrate how commercial gain often comes at the cost of children's rights and well-being. Examining these cases, alongside historic lawsuits over child earnings and

[3] Indian Contract Act, 1872, § 11 (India).

emerging international regulations, provides a clearer understanding of the systemic lacuna within this industry.

Some Documented Cases of Child Influencer Exploitation

Several cases highlight the tangible risks of child influencer culture. In the United States, **Ryan Kaji's YouTube channel with over 39.9 million subscribers and 3,337 videos, Ryan's World, became the subject of a 2019 complaint to the Federal Trade Commission (FTC) by the** advocacy group *Truth in Advertising* for embedding undisclosed paid promotions in videos targeted at children. [4]This complaint contributed to YouTube's broader **$170 million COPPA settlement** with the FTC and New York Attorney General, marking one of the first major regulatory interventions involving child-focused influencer content.

In South Korea, [5]the case of **Boram** raised international concern when Save the Children filed a **court petition in 2019** alleging psychological harm caused by videos depicting unsafe behaviour. The Seoul Family Court ordered the removal of harmful videos and required parental counselling, underscoring the role of child protection organizations in mitigating exploitative practices.

[6]The **Piper Rockelle case** further illustrates systemic issues of abuse and exploitation. In 2022, **11 former child performers** filed a **civil lawsuit in Los Angeles** against Rockelle's mother, Tiffany Smith, alleging physical and emotional abuse, coercion, and financial exploitation. The case concluded in **October 2024 with a $1.85 million settlement**, although liability was not formally admitted.

Some cases have led to direct criminal proceedings. [7]The parents behind the **DaddyOFive channel** were **convicted of child neglect in 2017** after posting extreme prank videos that inflicted emotional distress on their children; they received probation and temporarily lost custody.

[4] Truth in Advertising, *FTC Complaint Regarding Ryan's World YouTube Channel*, TubeFilter (Sept. 5, 2019), https://www.tubefilter.com/2019/09/05/ryan-toysreview-ftc-complaint/

[5] Save the Children, *Boram Case: Court Orders Removal of Harmful Videos* (2019), https://globalnews.ca/news/5697098/boram-10-million-property/.

[6] People Staff, *Settlement Reached in Child Abuse Lawsuit Against YouTube Star Piper Rockelle's Mother*, People (Oct. 2024), https://people.com/settlement-reached-in-child-abuse-lawsuit-against-youtube-piper-rockelle-mom-tiffany-smith-8725209/.

[7] Time Staff, *DaddyOFive Parents Lose Custody After YouTube Prank Videos*, Time (Aug. 2017), https://time.com/4763981/daddyofive-mike-martin-heather-martin-youtube-prank-custody/.

In an even more severe instance, [8]**Machelle Hobson,** creator of the **Fantastic Adventures channel,** was **arrested in 2019** on multiple counts of child abuse and exploitation, including allegations of starvation and forced labour of her adopted children to produce content. The channel was permanently removed, and Hobson died in custody before trial.

Finally, [9]the case of **Lil Tay (Claire Hope)** demonstrates how family disputes over control of child influencers can spiral into legal battles. Multiple **custody disputes in Canadian courts** involved allegations of parental and sibling manipulation for monetary gain, reflecting the perils of safeguarding children's earnings and autonomy in influencer culture.

Collectively, these cases reveal recurring patterns of abuse, coercion, financial mismanagement, and privacy violations that extend beyond controversies and into the realm of documented legal harm.

Legal Precedents: Children Suing for Earnings

The issue of financial exploitation among child performers has a historical precedent. A landmark example is **Jackie Coogan,** a silent film actor in the early 20th century whose parents misappropriated his substantial earnings. His lawsuit resulted in the passage of the **California Child Actor's Bill (1939),** more commonly known as the *Coogan Act*, which mandated that a portion of a child actor's income be preserved in trust. This precedent illustrates the need of legislative intervention to protect children's financial interests when guardians manage their labour and earnings

Countries Beginning to Regulate Child Influencers

In response to rising concerns, many countries have begun introducing frameworks to regulate child influencer labour**. France** was the first nation to enact comprehensive legislation through [10]the **Studer Bill (Law No. 2020-1266),** mandating prior authorisation for monetised deals, limiting working hours, and requiring a significant portion of earnings to be deposited into a

[8] Time Staff, *Arizona Mother Arrested for Abusing Adopted Children to Produce YouTube Content*, Time (2019), https://time.com/5554798/arizona-mother-abuse-adopted-children-youtube/.
[9] Lil Tay (Tay Tian), *Lil Tay's Parents Reach Custody Agreement That Could "Advance Her Career" After Death Hoax*, Page Six (Aug. 18, 2023), https://pagesix.com/2023/08/18/lil-tays-parents-reach-custody-agreement-that-could-advance-her-career-after-death-hoax/.
[10] Loi n° 2020-1266 du 9 octobre 2020 relative à la protection des enfants dans le cadre des activités économiques et médiatiques, J.O. 10 oct. 2020, p. 17712 (Fr.).

state-controlled trust. In the **United States**, where no federal law exists, states have adopted different approaches. **California's 2024 amendment** extended [11]Coogan protections to digital influencers, while [12]**Illinois (2024)** and [13]**Minnesota (2025)** implemented new laws requiring parental liability for compensation, trust creation, and even granting minors the right to request deletion of their content. [14]Other states, such as New York, Louisiana, and New Mexico, enforce versions of the Coogan Act, though not always inclusive of online labour.

In **India,** despite the absence of binding legislation, the **National Commission for Protection of Child Rights (NCPCR)** issued [15]guidelines in 2023 extending some labour protections to digital influencers. These provisions restrict working hours, require permission from district magistrates, and mandate that 20% of earnings be deposited into fixed deposits until the child turns eighteen. However, the guidelines' legal enforceability remains ambiguous, underscoring the urgent need for strict laws.

These legal cases, historic precedents, and emerging regulations together demonstrate the inherent risks in the child influencer industry. They highlight recurring patterns of financial exploitation, emotional and psychological harm, and safety violations, solidified by inconsistent or absent regulation. Where protections have been implemented, such as in France, California, and Illinois, they represent critical steps toward recognizing child influencers as labourers deserving of safeguards. Nevertheless, the global disparity in legal frameworks undermines the urgency of establishing comprehensive, enforceable protections that balance children's rights, parental responsibilities in digital media.

Ensuring Safe Digital Participation: Pathways to a Safer Environment for Child Influencers

The emergence of child influencers has transformed the digital economy, blurring the lines between play, work, and performance. Unlike traditional child actors who operated within regulated industries, today's "kidfluencers" often participate in content creation without clear labour protections. This new form of visibility has raised concerns about privacy, exploitation,

[11] Cal. Fam. Code §§ 6750–6753 (West 2025).
[12] Ill. Comp. Stat. Ann. ch. 820, § 175/1–15 (2024).
[13] Minn. Stat. § 326B.42 (2025).
[14] N.Y. Lab. Law § 137 (McKinney 2025); La. Rev. Stat. Ann. § 23:1061 (2025); N.M. Stat. Ann. § 50-7-1 (2025).
[15] National Commission for Protection of Child Rights, *Guidelines for Digital Child Influencers* (2023), https://ncpcr.gov.in/guidelines-digital-child-influencers.

and the long-term well-being of the child. Trying to overcome these challenges, governments, platforms, and families are experimenting with innovative solutions aimed at safeguarding children while allowing them to benefit from opportunities online. There is a need to examine those solutions, highlighting legal frameworks, platform interventions, and family- as well as society-based strategies designed to protect minors in the influencer economy.

Legal and Regulatory Measures

One of the most significant developments in addressing the risks encountered by child influencers has been the creation of legal protections modelled on existing child labour laws. France became the first country to enact a comprehensive law in 2020, known as the "Studer Bill," which requires government authorisation for children under 16 to appear regularly in monetised online videos. The law also mandates that a portion of a child's earnings be deposited into a protected account until they reach majority, and that platforms remove content if requested by the child once they turn 18. In the United States, protections originally designed for child actors under the Coogan Act have been expanded in states such as California, Illinois, and Minnesota to include digital creators. These reforms ensure children receive a share of profits and introduce rights to request the deletion of content they no longer wish to go public. India has also moved toward regulation through guidelines issued by the National Commission for Protection of Child Rights (NCPCR), which recommend limits on working hours, parental registration, and the deposit of earnings into secure accounts, although these remain non-binding until further legislative action. Together, these measures demonstrate the potential of law to adapt to the new realities of digital labour.

Platforms' Responsibility in Addressing Child Influencer Exploitation

Social media platforms have also taken steps to mitigate risks associated with child influencer culture. [16]Following a $170 million settlement with the Federal Trade Commission in 2019 for violating the Children's Online Privacy Protection Act (COPPA), YouTube introduced stricter data collection policies, disabled targeted advertising on children's content, and created the YouTube Kids app as a safer alternative. Platforms have also implemented comment restrictions to reduce exposure to online predators and harassment, a crucial step in addressing privacy and safety concerns. However, enforcement remains inconsistent, and many argue that

[16] Press Release, Fed. Trade Comm'n, *YouTube to Pay $170 Million for Alleged Violations of Children's Online Privacy Protection Act* (Sept. 4, 2019), https://www.ftc.gov/news-events/press-releases/2019/09/youtube-pay-170-million-alleged-violations-childrens-online-privacy.

platforms should take a more active role in monitoring financial exploitation and requiring proof of compliance with local child labour laws.

Parental and Guardian Responsibility in Ensuring Child's Well-Being

While legal and corporate measures are essential, parents and guardians remain the primary gatekeepers of a child influencer's well-being. In many documented cases, the child faces exploitation directly from parental mismanagement of earnings, overexposure, or coercion into creating content. Solutions at the family level include transparent financial practices, such as placing all income into trust accounts, setting firm boundaries around work and leisure, and following them, also ensuring children have the autonomy to decline participation. Parents should also safeguard privacy by limiting the disclosure of sensitive personal information and disabling features, such as geolocation, that may expose children to risks. More importantly, encouraging open conversations with children about digital safety and consent empowers them to understand and manage their online presence effectively.

Cultural Awareness and Collective Responsibility

Finally, addressing the challenges of child influencers requires collective cultural awareness. Audiences play a role in shaping demand for exploitative content, and greater public literacy around the ethical risks of influencer culture can discourage harmful practices. Schools and community organisations can contribute by providing media literacy in education, teaching young people to critically engage with digital platforms and recognise manipulative advertising, and identify potential dangers. Civil society organisations can also advocate for stronger international standards to ensure that children are protected regardless of jurisdiction, recognising that digital content often transcends national borders.

The rise of child influencers reflects both the opportunities and dangers of the digital age. While these young creators can enjoy visibility, income, and creative expression, they also face serious risks of exploitation, privacy invasion, and other emotional turmoil. Solutions must therefore operate on multiple levels: through strict laws that guarantee labour protections and earnings security, platform policies that prioritize child safety, family practices that emphasize responsibility and consent, and a broader cultural shift toward media literacy and ethical consumption. Only by addressing the issue from these perspectives can society provide a

balance between enabling children to thrive in digital spaces and safeguarding their fundamental rights.

Conclusion

In an era where a child's smile or toy unboxing can generate millions of views and dollars, the line between childhood and labour has become disturbingly thin. Kidfluencers are navigating a world where creativity is currency, and play often becomes performance. While the allure of fame and financial opportunity is real, the risks are equally evident: emotional strain, privacy invasion, exploitation, and long-term psychological consequences loom behind every viral video. Stories of exploited children—from manipulated content to coerced performances—reveal a sobering truth: the digital spotlight can shine too brightly on those least able to protect themselves.

Legal reforms, such as France's Studer Bill and California's expansion of Coogan protections, demonstrate that regulation can create a safer space for young creators, ensuring earnings are secured and exposure is controlled. Yet legislation alone cannot safeguard childhood. Social media platforms must take responsibility through stricter moderation, child-specific safety features, and transparent content policies. Parents are gatekeepers, tasked with balancing opportunity with protection, allowing their children agency while shielding them from harm. Beyond laws and policies, society must challenge the culture that glorifies exploitation, encouraging media literacy, ethical consumption, and a re-evaluation of what success actually means for children in the digital age.

If we fail, childhood risks becoming a transactional performance; if we act, it can remain a space of growth, creativity, and genuine expression. The future of kidfluencers—and childhood itself—depends on whether we prioritise profit over protection, or empowerment over exploitation. Ensuring that children remain children, even in the age of screens and sponsorships, is a responsibility that extends far beyond parents or platforms: it is a societal obligation.