

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 1247 (Padilla)
Version: February 19, 2026
Hearing Date: April 21, 2026
Fiscal: No
Urgency: No
AWM

SUBJECT

Social media platforms: child influencers

DIGEST

This bill requires a family vlogger, at the request of a child influencer aged 18 or older who appeared in the vlogger’s paid content as a minor, to remove content featuring the child influencer, or edit the content to remove the child influencer, upon receipt of a request from the child influencer transmitted through the platform on which the content was posted; and permits a child influencer to seek damages from a family vlogger who fails to remove or edit content upon request.

EXECUTIVE SUMMARY

“Family vlogging” — the practice of posting videos documenting a family’s daily life, including their children, on social media — is undergoing a cultural and legal reckoning. While posting videos of precious moments might be great for engagement (and profit), broadcasting a child’s life online for the world to see can cause them embarrassment, put them at risk for harassment and identity theft, and hurt their job prospects as adults.

This bill is intended to give a child influencer — a child who appears in their family’s monetized content — some measure of control over their image once they reach adulthood. The bill requires a social media platform to establish a mechanism through which a child influencer aged 18 or older can submit a request for a family vlogger to remove content featuring the child influencer as a minor, or to edit the content to remove the child influencer. Once the platform passes the request on to the family vlogger, the vlogger must remove or edit the content within 10 business days. If the family vlogger fails to timely remove or edit the content, a child influencer may sue them for damages, including statutory damages of \$3,000 per day that the vlogger is in violation of the bill’s requirements. The author has agreed to minor amendments to clarify provision of the bill and to respond to stakeholder concerns.

This bill is sponsored by the author and is supported by Quit Clicking Kids, the SAG-AFTRA Child Protection Task Force, and 12 individuals. This bill is opposed by the Civil Justice Association of California. The Senate Privacy, Digital Technologies, and Consumer Protection Committee passed this bill with a vote of 9-0. Should the bill pass this Committee, it would then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that a minor is an individual who is under 18 years of age. (Fam. Code, § 6500.)
- 2) Provides that a minor's parent or guardian is entitled to the earnings of the minor, except as provided in 3), 4), and 6). (Fam. Code, § 7500.)
- 3) Provides that the parent or guardian of a minor who is emancipated – through marriage, serving on active duty with the Armed Forces of the United States, or a declaration of emancipation – is not entitled to the minor's earnings. (Fam. Code, §§ 7002, 7050.)
- 4) Provides, under "Coogan's Law," that the parent or guardian of a minor who enters into a contract for artistic or creative services, including online content creation, or for participating in or playing a sport, is not entitled to the minor's earnings when specified conditions are met. (Fam. Code, §§ 6750-6753.)
- 5) Defines the following relevant terms:
 - a) "Content" means statements or comments made by users and media that are created, posted, shared, or otherwise interacted with by users on an internet-based service or application, but does not include media put on a service or application exclusively for the purpose of cloud storage, transmitting files, or file collaboration.
 - b) "Family" means a group of persons related by blood or marriage, including civil partnerships, or whose close relationship with each other is considered equivalent to a family relationship by the individuals.
 - c) "Online platform" means any public-facing internet website, web application, or digital application, including a mobile application, and includes a social media platform, advertising network, mobile operating system, search engine, email service, or internet access service.
 - d) "Vlog" means content shared on an online platform in exchange for compensation.
 - e) "Vlogger" means a parent, legal guardian, or family residing in California that creates image or video content that is performed in California in

- exchange for compensation, but does not include any person under 18 years of age who produces their own content.
- f) “Vlogging” means the act of sharing content on an online platform in exchange for compensation. (Fam. Code, § 6650.)
- 6) Provides that, when at least 30 percent of a vlogger’s compensated content includes the likeness, name, or photograph of a minor, the vlogger must compensate the minor for their appearance in the content pursuant to a prescribed compensation formula, and the moneys must be held in trust for the minor until they reach the age of majority or are emancipated. (Fam. Code, § 6651-6653.)
- 7) Provides that, if a vlogger knows or should have known that they violated the provisions of 6), the minor appearing in the content may commence an action to enforce the requirements of 6) and may obtain actual damages, punitive damages, and attorney’s fees and costs. (Fam. Code, § 6654.)
- 8) Provides that 6) does not apply to a contract for vlogging services between a parent or guardian and a minor if the court has approved the contract pursuant to Coogan’s law. (Fam. Code, § 6656.)
- 9) Defines “social media platform” as a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
- a) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application; email or direct messaging services alone are insufficient to satisfy this criterion.
 - b) The service or application allows users to do all of the following: (1) construct a public or semipublic profile for purposes of signing into and using the service or application; (2) populate a list of other users with whom an individual shares a social connection within the system; and (3) create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. (Bus. & Prof. Code, § 22675(f).)

This bill:

- 1) Defines the following terms:
- a) “Child influencer” means a person who is at least 18 years of age who is featured as a minor in paid content on a social media platform.
 - b) “Paid content” means image or video content shared on a social media platform by a vlogger for which the vlogger receives compensation.
 - c) “Social media platform” has the same meaning as in section 22675 of the Business and Professions Code.

- d) “Vlogger” means a person who shares images or video content featuring a child influencer as a minor, who receives compensation for sharing that content on a social media platform, and who is a parent, guardian,¹ or family member of the child influencer.
- 2) Requires a social media platform to provide a clear and conspicuous mechanism by which a child influencer can request a vlogger to delete or edit paid content, pursuant to 4), that meets both of the following criteria:
 - a) The paid content is adequately identified by the child influencer so that the social media platform is able to notify the vlogger who is able to remove the paid content from the social media platform.
 - b) The paid content features the child influencer as a minor.
- 3) Requires a social media platform that receives a request through the mechanism in 2) to notify the vlogger of the request within three business days of receipt.
- 4) Requires a vlogger, within 10 business days of receipt of the notice in 3), to delete the identified paid content or edit the identified paid content in such a way that the child influencer is no longer featured in the paid content.
- 5) Provides that a child influencer may bring a civil action against a vlogger who violates 4) for all of the following relief:
 - a) Actual damages.
 - b) Statutory damages in the amount of \$3,000 for each day that the vlogger is in violation of 4).
 - c) Injunctive relief.
 - d) Reasonable attorney’s fees and costs.
- 6) Requires a court to consider all of the following in a civil action brought under 5):
 - a) Emotional harm or substantial embarrassment the paid content causes the child influencer.
 - b) Increased risk to the child influencer of harassment or compromised safety.
 - c) Loss of control of personal information.
 - d) Harm to future opportunities.

COMMENTS

1. Author’s comment

According to the author:

Children featured in family videos lose the ability to control their image at a young age and face privacy and security concerns growing up in the public eye.

¹ Going forward, this analysis uses “parent” to include “guardian.”

SB 1247 would give children who were monetized online the ability to exert privacy rights by giving child influencers the ability to delete content featuring them as minors once they reach adulthood.

2. Background on family vloggers and the harms inflicted on some child influencers

“For some children, their online footprint starts before they are even born when parents post and create content about pregnancy. ... Indeed, some child influencers have their very first moments on earth posted on YouTube for millions of subscribers to view.”² Some families with child influencers “have amassed millions of subscribers, chronicling their children’s morning routines, holiday traditions, and even visits to the emergency room.”³

Family vlogging can be lucrative for families⁴ and hugely invasive for child influencers. Although California law provides strong privacy protections, parental or guardian consent for children under age 13 overrides many of those protections.⁵ “[T]hose of us who were introduced to social media during adulthood were still able to carve out our online presence from scratch, whether it be as an anonymous lurker on Reddit or a brazen oversharer on Instagram. The next generation are not afforded this freedom of choice; they simply have to lie in utero and pray that the first thing they see upon exiting isn’t the glare of a smartphone camera lens, set to an ear-splitting shriek of, ‘Don’t forget to like and subscribe!’”⁶

In 2024, the Legislature enacted SB 764⁷ to protect the children appearing in their families’ monetized accounts from financial exploitation. SB 764 provided that, when a minor appears in at least 30 percent of the monetized video content created by their parent, and the content meets certain viewership and compensation thresholds, the parent must keep records relating to the minor’s appearances and compensate the minor with a specified percentage of the parent’s profits from the videos featuring the minor.⁸ SB 764 also requires that the minor’s share of the profits be held in trust for the

² Joss, *Likes, Camera, Action: Safeguarding ‘Child Influencers’ through Expanded Coogan Protections and Increased Regulation of Social Media* (2024) 15 Wm. & Mary Bus. L. Rev. 441, 450.

³ Ellen Walker, “Nothing Is Protecting Child Influencers From Exploitation” (Aug. 25, 2022) Wired, <https://www.wired.com/story/child-influencers-exploitation-legal-protection/>. All links in this analysis are current as of April 10, 2026.

⁴ See, e.g., Safronova, *Child Influencers Make Big Money. Who Gets It?* (October 10, 2023) New York Times, <https://www.nytimes.com/2023/10/10/style/children-influencers-money.html>.

⁵ Civ. Code, § 1798.120(c).

⁶ Walker, *supra*.

⁷ SB 764 (Padilla, Ch. 611, Stats. 2024).

⁸ Bus. & Prof. Code, §§ 6651-6653.

minor, as specified.⁹ Multiple other states now have similar laws requiring parent-vloggers to share their profits with their children featured in their online content.¹⁰

3. This bill permits a child influencer who was featured in monetized family vlogging content as a minor to demand that the content be taken down or edited to remove them, and provides a private right of action against a vlogger who fails to comply

While SB 764 provides a measure of financial protection to child influencers featured in monetized family vlogging content, it does not protect child influencers' privacy. This bill aims to add such protections by giving a child influencer, after they have turned 18, the right to demand that a family vlogger remove or edit content in which the child influencer appeared as a minor. Specifically, the bill requires the following:

- A social media platform must provide a mechanism by which a child influencer can request a vlogger to delete or edit paid content, provided that the content is clearly identified and features the child influencer as a minor.
- Upon receipt of such a request, the platform must forward the request to the vlogger within three business days of the receipt.
- Within ten business days of receiving the request, the vlogger must delete the paid content or edit the content in such a way that the child is no longer featured.

As currently in print, the bill extends to any minor featured in paid content on a social media platform. Because this definition would allow removal requests for incidental appearances, the author has agreed to amend the bill to provide that a minor must have appeared in 30 percent of the family vlogger's content in order to be able to request a removal. The definition of "vlogger" includes the requirement that the content creator is the parent, legal guardian, or family member of the child influencer, thereby ensuring that this bill is limited to paid content created by the minor's family.

The Senate Privacy, Digital Technologies, and Consumer Protection Committee, which passed this bill with a vote of 9-0, considered the overarching policy set forth in this bill. This Committee has jurisdiction over the bill's private right of action. Specifically, this bill permits a child influencer to bring a civil action against a family vlogger who fails to remove or edit a video within 10 business days of receiving a notice from the social media platform. The private right of action permits the child influencer to seek all of the following:

- Actual damages;
- Statutory damages of \$3,000 per day for each day that a vlogger fails to remove or edit the video;
- Injunctive relief; and
- Attorney's fees and costs.

⁹ *Id.*, § 6653.

¹⁰ *See, e.g.*, 820 ILCS § 206/100; Minn. Stats. Ann. § 181A.13; Utah Code Ann. § 34-23-502.

The private right of action created in the bill lies against the vlogger only; the bill does not create any liability for the platform.

The bill also provides that the court may grant injunctive relief, including pre-judgment injunctive relief, under existing law. The bill specifies that a court should consider, as part of the determination of whether to grant an injunction: the emotional harm or substantial embarrassment the paid content causes the child influencer; increased risk to the child influencer of harassment or compromised safety; the loss of control of personal information; and harm to future opportunities. The author has agreed to a minor amendment to clarify this provision.

Given that this bill relates to posting creative content, minors' privacy, and parental rights, this bill could implicate constitutional concerns. Given the relative novelty of this legal issue, however, there is no case law addressing the nexus of these various rights and privileges. This bill is modeled after existing statutes in Minnesota and Utah,¹¹ and neither law appears to have been challenged in court.

4. Amendments

As noted above, the author has agreed to minor amendments to clarify (1) that the bill applies to child influencers who appear in at least 30 percent of a family vlogger's paid content and (2) the factors to be considered in the private right of action. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment 1

At page 2, between lines 18 and 19, add "who featured the child influencer as a minor in at least 30 percent of their paid content,"

Amendment 2

At page 2, delete line 30 and insert "If"

Amendment 3

At page 2, after "subdivision (a)" insert "does not enable the child influencer to submit a request directly to the vlogger"

Amendment 4

At page 2, in line 34, after "notice" insert "or a direct request"

¹¹ Minn. Stats. Ann. § 181A.13; Utah Code Ann. § 34-23-504. Arizona's Legislature is currently considering a similar measure. (See Az. HB 2192 (57th Leg., 2d Reg. Sess.).)

Amendment 5

On page 3, in line 10, delete “a civil action brought pursuant to this section” and insert considering a request for an injunction pursuant to subdivision (a)”

5. Arguments in support

According to the SAG-AFTRA Child Protection Task Force:

With the rise of social media, specifically YouTube, family vloggers have exploded in popularity, many filming their daily lives and raking in thousands of dollars in ad revenue, sponsorships, and advertising. Many family vloggers include their young children in their content, filming intimate details of their personal lives for their audience of millions to see. The rise of so many family vloggers raises questions about cases of child abuse and exploitation by parents, and the issue that children lose their privacy as they are filmed without consent and without compensation.

An investigation into parents managing child influencers found these accounts drew a large audience of Adult men who seek explicit photos. Because a larger audience draws more lucrative brand deals, some parents continue to post their children online in hopes of compensation for sponsored posts, starting their child’s modeling career, and even selling additional photos to interested followers.

SB 1247 would allow children who were monetized on social media to request deletion of content featuring them after they turn 18.

We live in dangerous times and ANYTHING we can do to help protect children is essential.

6. Arguments in opposition

According to the Civil Justice Association of California:

SB 1247 also creates a new private right of action, allowing a child influencer to bring a civil action against a parent, legal guardian, or family member for violating the bill’s provisions. The bill would impose penalties of a set \$3,000 per day for each day of noncompliance. CJAC is concerned about the creation of a private right of action in this manner, as such claims can be readily brought and, when paired with significant statutory penalties, may invite abusive litigation and further burden already strained courts without providing a commensurate public benefit.

CJAC respects the author’s intent to protect minors and to provide individuals with control over content featuring them online. However, for the reasons stated above, we remain concerned with the bill’s penalty structure and the creation of an additional private right of action in this context.

SUPPORT

Quit Clicking Kids
SAG-AFTRA Child Protection Task Force
12 individuals

OPPOSITION

Civil Justice Association of California

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

SB 764 (Padilla, Ch. 611, Stats. 2024) provided protections to children performing in monetized content appearing on online platforms, including through the establishment of trust accounts for the benefit of those minors and specified accounting practices. SB 764 is discussed in Comment 2 of this analysis.

AB 1880 (Alanis, Ch. 610, Stats. 2024) extended California’s “Coogan law,” which provides protections to minors providing artistic or creative services, to cover contracts for services as “content creators.”

PRIOR VOTES

Senate Privacy, Digital Technologies, and Consumer Protection Committee (Ayes 9,
Noes 0)
