

# EMPOWERING PARENTS PROTECTS CHILDREN: HOW SOCIAL MEDIA LEGISLATION THAT REINFORCES THE RIGHT TO PARENTHOOD WILL PROMOTE CHILDREN'S DIGITAL SAFETY

SAMUEL N. DICK<sup>†</sup>

## *Abstract*

*Today's children are tomorrow's leaders. Yet, when the role of parents is usurped by lines of code created by those sitting behind a computer screen, the health of generations hangs in the balance. If one were to ask where many children learn interpersonal skills, societal norms, and self-image, there is a nationwide sense that it is through social media. The problem is social media is largely outside parents' control because it is inescapably a modern-day necessity. Moreover, medical literature establishes that social media has fostered a generational trajectory of compulsive use, leading to higher mental illness rates than ever before. That said, social media is not going anywhere due to its numerous undeniable benefits across all industries. Thus, the question becomes: How can social media become safer for adolescent users? This Article approaches a novel solution grounded in the presumption that parents know what is best for their children and laws that empower and inform parents will have a corollary effect in promoting children's safety on social media—a presumption supported by medical literature in the social media context.*

*This Article proposes a collection of legislative strategies based on existing and pending state and federal social media legislation that focus on parental empowerment as the proper means of seeking children's digital safety. Specifically, this Article proposes two types of legislation that, if collectively adopted, would empower parents in directing their child's digital upbringing.*

*The first legislation type centers on implementing effective age verification and parental consent during initial account creation - as opposed to the current verification method of merely typing in one's age. The second legislation type is concerned with increased parental controls. While consumers can attempt to purchase third-party parental control software for their children's social media accounts, certain companies do*

---

<sup>†</sup> J.D. Candidate, 2025, Texas Tech University School of Law; B.A., 2020, American Military University; Editor in Chief, *Texas Tech Law Review*. The author wishes to thank Dean Jack Wade Nowlin and Professor Jamie Baker for their insightful feedback on earlier drafts. Most importantly, the author thanks his wife and daughters—your support motivates me daily.

*not allow compatibility with these applications, underscoring the need for legislation.*

*In summary, this Article unveils a legislative framework that, by empowering parents, promotes a digital landscape where children's mental health is prioritized by empowering their appropriate parental figure.*

I. INTRODUCTION .....	380
II. THE DIGITAL AND LEGAL LANDSCAPE .....	384
A. <i>Social Media and the Youth Mental Health Crisis</i> .....	384
B. <i>The Fundamental Right to Parenthood</i> .....	389
C. <i>Legislation That Empowered Parents</i> .....	391
D. <i>Existing Social Media Legislation</i> .....	395
1. <i>Age-Verification and Parental Consent</i> .....	395
2. <i>Parental Access</i> .....	397
III. PARENT-ORIENTED SOCIAL MEDIA LEGISLATION THAT REINFORCES THE FUNDAMENTAL RIGHT TO PARENTHOOD .....	398
A. <i>Age Verification and Parental Consent</i> .....	399
1. <i>Social Media Laws Governed by Contract Do Not Invoke             Speech</i> .....	400
2. <i>Parental Consent Is Customary for Minors Entering             Contracts</i> .....	402
3. <i>No Substantial Impact on Privacy</i> .....	404
B. <i>Increased Parental Access to Children's Accounts</i> .....	407
1. <i>Parents Must Have Reasonable Access to Their             Children's Social Media Accounts</i> .....	408
2. <i>Children Have No Recognized Privacy Interest Against             Their Parents</i> .....	411
IV. CONCLUSION .....	414

## I. INTRODUCTION

[A]lthough children may be the victims of fate, they will not be the victims of our neglect.

President John F. Kennedy<sup>1</sup>

---

1. President John F. Kennedy, Remarks in the Cabinet Room at the White House Upon Signing the Maternal and Child Health and Mental Retardation Planning Bill (Oct. 24, 1963) (transcript available at <https://www.presidency.ucsb.edu/documents/remarks-upon-signing-the-maternal-and-child-health-and-mental-retardation-planning-bill> [<https://perma.cc/695A-QLWU>]).

President Kennedy's words ring true today. Children cannot be the victims of social media's harmful effects due to our neglect—empowering parents is a critical step in protecting children. There is a nationwide sense that social media is broken.<sup>2</sup> On both sides of the political aisle, there is agreement that it must be fixed to safeguard children, but little consensus exists as to *how*.<sup>3</sup>

Behavior-influencing algorithms, grounded in leveraging users' interests, behavior, interactions, dopamine responses, and emotional triggers, have fostered a generation with mental illness rates higher than ever before.<sup>4</sup> This algorithmic technology's objective is simple: Maximize a user's screen time.<sup>5</sup> These algorithms maximize engagement by constantly monitoring and pulling data from a user's search queries to personalize a strategically timed sequence of content.<sup>6</sup> In other words, this technology "learns" how to create dopamine gaps where intermittent rewards—such as content the user likes to see or spends elevated time viewing—are given to users, mixed with content the user does not like to see.<sup>7</sup> This forces a user to embark on a continuous search for the content they want to see, creating a powerful dopamine-triggering association with occasional content.<sup>8</sup> Further, algorithmic time-lapse software controls when users view specific notifications—*i.e.*, notifications are released to

---

2. Sara Brown, *Social Media is Broken. A New Report Offers 25 Ways to Fix It*, MIT SLOAN SCHOOL OF MANAGEMENT (June 30, 2021), <https://mitsloan.mit.edu/ideas-made-to-matter/social-media-broken-a-new-report-offers-25-ways-to-fix-it> [<https://perma.cc/XZ3Z-7H89>] (discussing Americans discontent with social media and its effect on society).

3. See Danielle K. Citron & Mary A. Franks, *The Internet as a Speech Machine and Other Myths Confounding Section 230 Reform*, 2020 U. CHI. LEGAL F. 45, 46–47 (2020) ("Today, politicians across the ideological spectrum are raising concerns about the leeway provided to content platforms"); Cameron F. Kerry, *Section 230 Reform Deserves Careful and Focused Consideration*, BROOKINGS (May 14, 2021), <https://www.brookings.edu/blog/techtank/2021/05/14/section-230-reform-deserves-careful-and-focused-consideration/> [<https://perma.cc/YT5X-DPSZ>].

4. Hunt Allcott et al., *Digital Addiction* 29–30 (Nat'l Bureau of Econ. Rsch., Working Paper No. 28936, 2022); Melissa G. Hunt et al., *No More FOMO: Limiting Social Media Decreases Loneliness and Depression*, 37(10) J. SOC. & CLINICAL PSYCH. 751, 759–66 (2018).

5. Allison Zakon, Comment, *Optimized for Addiction: Extending Products Liability Concepts to Defectively Designed Social Media Algorithms and Overcoming the Communications Decency Act*, 2020 WIS. L. REV. 1107, 1111–14 (2020).

6. See Brittney McNamara, *The Science Behind Social Media's Hold on Our Mental Health*, TEEN VOGUE (Nov. 10, 2021), <https://www.teenvogue.com/story/the-science-behind-social-medias-hold-on-our-mental-health> [<https://perma.cc/YC4H-UJ79>].

7. Wayne Unger, *How the Poor Data Privacy Regime Contributes to Misinformation Spread and Democratic Erosion*, 22 COLUM. SCI. & TECH. L. REV. 308, 324 (2021).

8. *Id.*; See also McNamara, *supra* note 6.

a user when, say, the user closes out of the social media app.<sup>9</sup> This level of sophistication, unsurprisingly, has led to compulsive use—especially for children<sup>10</sup>—that has cultivated increased rates of negative self-image, clinical depression, suicide, and ultimately, a youth mental health crisis.<sup>11</sup> Even worse, corporations know of these harmful effects.<sup>12</sup>

Moving away from social media for a moment, research supports one common sense social convention: “[T]he absence of parental care in early childhood negatively affect[s] children’s development [and] health.”<sup>13</sup> Intuitively, it seems that the active presence of parents in directing their children’s digital upbringing would be an appropriate step in fixing social media.<sup>14</sup> As such, this Article uniquely approaches a solution grounded in the presumption that parents know what is best for their children, and laws that empower and inform parents will have a corollary effect in promoting children’s safety on social media. This Article is the first to propose a collection of legislative strategies based, in part, on existing and pending

---

9. See Leanna Morrison et al., *The Effect of Timing and Frequency of Push Notifications on Usage of a Smartphone-Based Stress Management Intervention: An Exploratory Trial*, 12(1) NAT’L LIB. MED. e0169162 (Jan. 3, 2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5207732/> [ <https://perma.cc/VTF4-4GZ2>].

10. See Victoria Rideout et al., *Media Use by Tweens and Teens, 2021*, COMMON SENSE CENSUS (2022), [https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web\\_0.pdf](https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf) [ <https://perma.cc/9286-CFAR>] (Research finding that teens aged 13–18 spend an average of 209 minutes on social media daily, while tweens aged 8–12 report daily social media use of 127 minutes).

11. See Allcott et al., *supra* note 4, at 29–30; Hunt et al., *supra* note 4, at 759–66; Cecilie Andreassen et al., *Development of a Facebook Addiction Scale*, 110 PSYCH. REPS. 501, 501–04 (2012); Jean Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6(1) CLINICAL PSYCH. SCI. 3, 3, 8–9 (2018).

12. Georgia Wells et al., *Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show*, WALL ST. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739> [ <https://perma.cc/GE5Q-HK7V>] (“Facebook’s researchers identified the over-sexualization of girls as something that weighs on the mental health of the app’s users. . . . [And] found that 14% of boys in the U.S. said Instagram made them feel worse about themselves.”).

13. See Paul R. Amato, *The Consequences of Divorce for Adults and Children*, 62(4) J. MARRIAGE & FAM. 1269, 1269–71 (Nov. 2000).; Stephen Demuth & Susan Brown, *Family Structure, Family Processes, and Adolescent Delinquency: The Significance of Parental Absence Versus Parental Gender*, 41(1) J. RES. IN CRIME & DELINQ. 58, 58–61 (Feb. 2004).; Sara McLanahan et al., *The Causal Effects of Father Absence*, 39 ANN. REV. SOCIO. 399, 401–11 (2013).

14. *Keeping Teens Safe on Social Media: What Parents Should Know to Protect Their Kids*, AM. PSYCH. ASS’N (May 9, 2023), <https://www.apa.org/topics/social-media-internet/social-media-parent-tips> [ <https://perma.cc/6YWV-7Z9Q>] [hereinafter *Keeping Teens Safe*].

state social media legislation<sup>15</sup> that focuses on parental empowerment as the proper means of seeking children's digital safety.<sup>16</sup>

Social media laws should serve as safeguards against social media's invisible harmful effects on children; many parents wish they had better tools to control and monitor their child's social media activity.<sup>17</sup> Laws centered on parental consent, age verification, and parental access do not chill speech nor invade the rights of privacy or parenthood; rather, they protect children by reinforcing parents' fundamental right to direct their children's upbringing.<sup>18</sup> This Article proposes a framework of constitutionally proper social media laws that empower parents to take control of their children's social media use in light of recent technological developments.<sup>19</sup>

Part II explains how social media has been the catalyst for a modern youth mental health crisis.<sup>20</sup> Part II continues by introducing the constitutional right to parenthood, past legislation that successfully empowered parents to protect their children, and how current social media legislation has sought to uphold that principle.<sup>21</sup> Part III, in utilizing certain enacted and pending social media legislation as a guide, proposes two distinct policy recommendations—intended to empower parents to protect their child's *entire* social media experience—that state legislatures should enact.<sup>22</sup> Further, Part III explains how these recommendations will lead to a significant decrease in youth mental health concerns.<sup>23</sup> Each recommendation facilitates parents' right to direct their child's upbringing

---

15. *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (“[I]t is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”).

16. *See infra* Part III.

17. Danielle Citron & Benjamin Wittes, *The Internet Will Not Break: Denying Bad Samaritans § 230 Immunity*, 86 *FORDHAM L. REV.* 401, 406 (2017); Catherine Price, *Trapped—The Secret Ways Social Media is Built to be Addictive (and What you can do to Fight Back)*, *BBC SCI. FOCUS* (Oct. 29, 2018), <https://www.sciencefocus.com/future-technology/trapped-the-secret-ways-social-media-is-built-to-be-addictive-and-what-you-can-do-to-fight-back> [<https://perma.cc/9KQS-RUVG>].

18. *See infra* Part III (offering legislative proposals concerning social media regulation); *See also* *Pierce v. Society of Sisters*, 268 U.S. 510, 513–18, 535 (1925) (“[T]he child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”).

19. *See infra* Part III.

20. *See infra* Section II.A.

21. *See infra* Section II.B.–D.

22. *See infra* Part III.

23. *See infra* Part III.

in different “phases” of the social media experience.<sup>24</sup> The first recommendation of age verification and parental consent empowers a parent during the initial creation of the account.<sup>25</sup> Once created, the second recommendation—*i.e.*, increased parental controls—empowers parents during the child’s actual use of the platform.<sup>26</sup> This Article’s recommendations should be collectively adopted to empower parents in directing their child’s *entire* digital upbringing.

## II. THE DIGITAL AND LEGAL LANDSCAPE

“[T]he American consumer is virtually unprotected from the abuses of social media . . . we have no system in place to empower parents . . . to fight back.”<sup>27</sup> Section II.A. introduces the problem, that is social media has caused a youth mental health crisis.<sup>28</sup> Section II.B. explains the longstanding constitutional recognition of the right to parenthood, on which this Article premises its later legislative recommendations.<sup>29</sup> Section II.C. discusses past legislation that has empowered parents in directing their children’s upbringing, and their positive effects on society.<sup>30</sup> Finally, Section II.D. introduces existing and pending social media legislation, and explains how legislatures designed these laws to function and be practically implemented.<sup>31</sup> The legislation introduced in Section II.D. will be the foundation of this Article’s later social media legislative recommendations.<sup>32</sup>

### A. *Social Media and the Youth Mental Health Crisis*

“We are in the middle of a national youth mental health crisis, and . . . social media is an important driver of that crisis—one that we must urgently address.”<sup>33</sup> Social media platforms have started to favor

---

24. *See infra* Part III.

25. *See infra* Section III.A.

26. *See infra* Section III.A–D.

27. *Protecting Our Children Online: Hearing Before the Comm. on the Judiciary and the U.S. 118<sup>th</sup> Cong.* 3–4 (Feb. 14, 2023) (statement of Sen. Lindsey Graham).

28. *See infra* Section II.A.

29. *See infra* Section II.B.

30. *See infra* Section II.C.

31. *See infra* Section II.D.

32. *See infra* Section II.D.

33. *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental Health*, U.S. DEPT. HEALTH & HUM. SERVICES (May 23, 2023), <https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html> [<https://perma.cc/LM85-TACB>] (statement from U.S. Surgeon General Dr. Vivek Murthy) (emphasis added).

employing algorithmic engagement technology because of its ability to endlessly capture users' attention.<sup>34</sup> Medical literature has linked this technological sophistication to the rapid decline in youth mental health.<sup>35</sup> This Section explains how.<sup>36</sup>

Engagement algorithms are integrated with machine learning ("ML") technology and are designed to extract data from inputs—*e.g.*, search queries on a social media platform—to solve a problem.<sup>37</sup> Corporate financial models drive this problem where, increase of charging consumers, platforms sell individual's "attention profiles" to advertisers.<sup>38</sup> In other words, the more individual users engage, the more platforms can guarantee views to potential advertisers, directly increasing revenue.<sup>39</sup> So, how does this technology effectively accomplish this goal of increasing engagement?

Social media platforms deploy habit-forming algorithms that target users' dopamine delivery systems.<sup>40</sup> Platforms hyper-personalize these models to each user by anticipating and, subsequently, curating what content the user spends the most time on—then directing the user to it.<sup>41</sup> Algorithms learn to hyper-personalize content by tracking users' response to content—*i.e.*, the amount of time users spend on content.<sup>42</sup> As the algorithmic software collects this data, it begins offering intermittent rewards—*i.e.*, content the algorithm knows will keep a user engaged mixed with content that will not.<sup>43</sup> This causes the user to continue scrolling, searching for that elusive content they want to see.<sup>44</sup> Data

34. See Wells et al., *supra* note 12.

35. See generally *infra* notes 53–78 (explaining the link between excessive social media use and youth mental health decline).

36. See *infra* Section II.A.

37. *Artificial Intelligence (AI) vs. Machine Learning*, COLUM. ENG'G, <https://ai.engineering.columbia.edu/ai-vs-machine-learning/> [https://perma.cc/GH69-HM4Y] (last visited June 22, 2024) [hereinafter *Artificial Intelligence*].

38. See Price, *supra* note 17.

39. See *id.*

40. See generally Trevor Haynes, *Dopamine, Smartphones & You: A Battle for your Time*, HARV. SITN (May 1, 2018), <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/> [https://perma.cc/62HY-5JPK]; Tristan Harris, *Transcript of How a Handful of Tech Companies Control Billions of Minds Every Day*, TED TALK (Jan. 12, 2018) <https://singjupost.com/tristan-harris-how-a-handful-of-tech-companies-control-billions-of-minds-every-day-transcript/?singlepage=1> [https://perma.cc/ZNB2-5UXA] (“[A] handful of people working at a handful of technology companies through their choices will steer what a billion people are thinking today.”).

41. See Haynes, *supra* note 40; see also, Harris, *supra* note 40.

42. See McNamara, *supra* note 6.

43. See Haynes, *supra* note 40, (“Similar to slot machines, many [social media] apps implement . . . [v]ariable reward schedules[.]”).

44. *Id.*

scientists have found that this technology learns that sensationalized and emotionally stimulating content triggers dopamine responses and increases engagement.<sup>45</sup> Thus, the algorithm pushes such content more and more.<sup>46</sup> By exploiting users' dopamine responses, this technology leads to clinical depression, anxiety, body image issues, and suicide<sup>47</sup>—worse, social media platforms know.<sup>48</sup>

These algorithms do not comprehend the harm they cause young users, but platforms know well that they have “laid the groundwork for a mental health crisis.”<sup>49</sup> The algorithms cannot comprehend the content they are pushing is harmful—just that it accomplishes the goal of maximum engagement.<sup>50</sup> Nor does this technology differentiate between vulnerable users, such as children.<sup>51</sup> The mental health harms are merely byproducts of the technology's desire to accomplish its coded goal, a goal that comes with a cost.<sup>52</sup>

The harm these algorithms cause does not come from any specific content, rather it is the algorithm's design of harnessing the dopamine responses of users and keeping them habitually and endlessly engaged.<sup>53</sup> Social media use has exponentially increased since its inception.<sup>54</sup> Today, approximately 74% of Americans use social media, with an average daily use of 147 minutes.<sup>55</sup> These numbers are highest for children. Among teens (age 13-18), 84% report social media use, and among tweens (age 8-12) that number is 38%.<sup>56</sup> Further, teens report daily use of 127 minutes,

---

45. See Unger, *supra* note 7, at 323–24.

46. *Id.*

47. See Harris, *supra* note 40.

48. See *The Facebook Files*, WALL ST. J., <https://www.wsj.com/articles/the-facebook-files-11631713039> [<https://perma.cc/93VT-S5WV>] (last visited June 22, 2024).

49. See Mark Weinstein, *Congress, Pass Protecting Kids Act to Keep Children Safe from Dangers of Social Media*, CHI. SUN TIMES (July 17, 2023), <https://chicago.suntimes.com/2023/7/17/23794910/protecting-kids-act-youth-social-media-legislation-safety-mark-weinstein-tech-leader-other-views> [<https://perma.cc/VL4N-BAFD>].

50. See Sara Wachter-Boettcher, *TECHNICALLY WRONG: SEXIST APPS, BIASED ALGORITHMS, AND OTHER THREATS OF TOXIC TECH* 94 (2017).

51. Ysabel Gerrard & Tarleton Gillespie, *When Algorithms Think You Want to Die*, WIRED (Feb. 21, 2019), <https://www.wired.com/story/when-algorithms-think-you-want-to-die> [<https://perma.cc/AWR3-TEQS>].

52. See Harris, *supra* note 40.

53. See Adam Alter, *IRRESISTIBLE: THE RISE OF ADDICTIVE TECHNOLOGY AND THE BUSINESS OF KEEPING US HOOKED* 3 (2017).

54. See *Social Media Fact Sheet*, PEW RSCH. CTR. (Jan. 31, 2024), <https://www.pewinternet.org/fact-sheet/social-media/> [<https://perma.cc/SZX8-VJCY>].

55. See Josh Howart, *Worldwide Daily Social Media Usage (New 2023 Data)*, EXPLODING TOPICS (Apr. 10, 2023), <https://explodingtopics.com/blog/social-media-usage> [<https://perma.cc/2HZ5-T8XV>].

56. See Rideout et al., *supra* note 10, at 5.



with nearly one-third reporting 5-6 hours daily.<sup>57</sup> A separate study found that teens average approximately 209 minutes of use daily.<sup>58</sup> Recently, the *American Academy of Child & Adolescent Psychiatry* reported that “[o]n average, teens are online almost nine hours a day, not including time for homework.”<sup>59</sup> These studies reported time spent solely on social media—*i.e.*, not just screen time.<sup>60</sup> Studies inevitably vary, but there can be no doubt that social media is in the hands of children and researchers are beginning to see the detrimental impact on adolescents with unrestricted access.<sup>61</sup>

In 2009, researchers first observed social media’s harmful impacts.<sup>62</sup> Since, medical professionals continually confirm the “significant correlation” between “habit-forming” algorithms and mental illness, including clinical depression, anxiety, and negative self-image.<sup>63</sup> Of these findings, the most tragic are those correlating social media to suicide-related outcomes.<sup>64</sup>

In-depth research looking at the connection between social media use and mental health lagged for years due to the cultural excitement surrounding social media.<sup>65</sup> That is until November 2021 when internal memos from Facebook were leaked and indicated its knowledge of the

---

57. *Id.*; Kathryn Robinson, *Survey: Most Kids Spend More Than 5 Hours a Day on Social Media or Video Games*, WKRC (Nov. 28, 2022), <https://local12.com/news/local/survey-most-kids-spend-more-than-5-hours-a-day-on-social-media-or-video-games> [<https://perma.cc/2YPB-SPAF>].

58. Richard Miech et al., *Monitoring the Future: A Continuing Study of American Youth*, INTER-UNIV. CONSORT. POL. & SOC. RSCH. (Oct. 31, 2022), <https://doi.org/10.3886/ICPSR38502.v1> [<https://perma.cc/DEX8-K22V>].

59. *Social Media and Teens*, AM. ACAD. OF CHILD & ADOL. PSYCHIATRY (updated Mar. 2018), [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/Social-Media-and-Teens-100.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx) [<https://perma.cc/F5DL-CXXT>].

60. *Id.*

61. *See e.g.*, Chirag Gupta et al., *Reviewing the Impact of Social Media on the Mental Health of Adolescents and Young Adults*, 14(10) NAT’L LIB. MED. e30143 (Oct. 10, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9645642/> [<https://perma.cc/RXC6-Y3CV>].

62. *See* Chih-Hung Ko et al., *Proposed Diagnostic Criteria and the Screening and Diagnosing Tool of Internet Addiction in College Students*, 50 COMPREH. PSYCHIATRY 378, 378–81 (2009).

63. *See* Allcott et al., *supra* note 4, at 29–30; Hunt et al., *supra* note 4, at 759–66; Andreassen et al., *supra* note 11, at 501–04.

64. *See* Twenge et al., *supra* note 11, at 3, 8–9.

65. *See generally* Farhad Manjoo, *Jurassic Web: The Internet of 1996 is Almost Unrecognizable Compared with What We Have Today*, SLATE (Feb. 24, 2009), <https://slate.com/technology/2009/02/the-unrecognizable-internet-of-1996.html> [<https://perma.cc/3HLB-LTUZ>] (explaining that in the early 21<sup>st</sup> century, there was an optimistic consensus surrounding the internet’s possibilities).

harm its platforms cause young people.<sup>66</sup> This revelation reignited the discussion, leading to Congressional hearings and ultimately a report by the then-U.S. Surgeon General, where he stated:

From 2009 to 2019, the proportion of high school students reporting persistent feelings of sadness or hopelessness increased by 40%; the share seriously considering attempting suicide increased by 36%; and the share creating a suicide plan increased by 44%. . . . Scientists have proposed various hypotheses to explain these trends. . . . [Such as] the growing use of digital media.<sup>67</sup>

The Surgeon General's report reviewed hundreds of social media mental health studies, ultimately confirming what many expected—a positive link between unsupervised social media use and a decline in youth mental health.<sup>68</sup> More recently, the Surgeon General conducted a longitudinal cohort study and found that adolescents “who spend more than three hours per day on social media face double the risk of experiencing poor mental health outcomes, such as symptoms of depression and anxiety.”<sup>69</sup>

As research developed, the impact of certain parenting practices has shown to significantly decrease youth mental health risks by decreasing problematic social media use by minors.<sup>70</sup> Specifically, the *Institute of Family Studies* conducted a survey asking detailed questions about parenting practices regarding their children's social media use.<sup>71</sup> The survey found that children whose parents restrict screen time, supervise what content their children access, and proactively discuss safe social media practices (1) spend less time on social media (compared to children

---

66. See *The Facebook Files*, *supra* note 48 (explaining that Facebook's data scientists knew that their engagement algorithms led to “compulsive” use and negatively impacted sleep, work, and mental health).

67. U.S. SURGEON GEN., ADVISORY: PROTECTING YOUTH MENTAL HEALTH 25–27 (2021).

68. See *id.*

69. U.S. SURGEON GEN., ADVISORY: SOCIAL MEDIA AND YOUTH MENTAL HEALTH 6 (2023).

70. Jonathan Rothwell, *How Parenting and Self-control Mediate the Link Between Social Media Use and Youth Mental Health*, INST. FAM. STUDIES (Oct. 11, 2023), <https://ifstudies.org/blog/how-parenting-and-self-control-mediate-the-link-between-social-media-use-and-youth-mental-health> [<https://perma.cc/DY2E-DBQ5>].

71. See Jonathan Rothwell, *How Parenting and Self-Control Mediate the Link Between Social Media Use and Youth Mental Health* 8–16, GALLUP (Oct. 11, 2023), <https://ifstudies.org/ifs-admin/resources/briefs/ifs-gallup-parentingsocialmediascreentime-october2023-1.pdf> [<https://perma.cc/FS2S-F6YV>].

with unrestricted access) and, importantly, (2) led to increased scores on the study's mental health index.<sup>72</sup> Further, *Gallup* found that increased parental social media supervision directly correlated to decreased suicide-related outcomes in their children.<sup>73</sup>

In summary, America is in the midst of a youth mental health crisis. The engagement algorithms social media platforms employ have led directly to addictive behaviors, clinical depression and anxiety, body-image self-esteem issues, and suicide.<sup>74</sup> Research has shown that proactive parental supervision of their child's social media experience significantly lowers its negative impacts.<sup>75</sup> The following Section explains that parents have the fundamental right to direct their child's upbringing.<sup>76</sup> And, with history as a guide, the Section explains that sometimes social changes cause circumstances to be largely outside parents' control—*i.e.*, social media.<sup>77</sup> In such circumstances, legislators must empower parents to carry out their fundamental rights.<sup>78</sup>

### B. The Fundamental Right to Parenthood

The Supreme Court has repeatedly recognized the right of parents to care for and direct the upbringing of their children as a fundamental liberty interest.<sup>79</sup> In 1923, the Court in *Meyers v. Nebraska* held a state law

72. *Id.* at 13 (“Only 30% of youth spend 4 or more hours per day on social media when their parents restrict social media use, do not leave them unsupervised for long periods, and maintain a strong overall relationship. . . . These parenting relationship patterns strongly predict youth mental health.”).

73. *Id.* at 16 (“By far, the worst combination [between social media use and youth mental health problems] is low monitoring and a bad relationship. The rate of teens who express suicidal intent or self-harm is 18% in that group, which is 6 times higher than teens . . . that entails routine supervision of behavior. The share of teens with negative body images is 4 times higher in the low-monitoring . . . compared to the high-monitoring . . . group, and the share with poor mental health is 3 times higher.”).

74. See Nikhita Das et al., *Parental Supervision and Its Relation with Emotional and Behavioral Problems in Secondary School*, 15(2) NAT'L LIB. MED. e35291 (Feb. 22, 2023), doi: 10.7759/cureus.35291; Patricia J. Dittus et al., *Parental Monitoring and Risk Behaviors and Experiences Among High School Students – Youth Risk Behavior Survey, United States, 2021*, 72(1) NAT'L LIB. MED. 37–44 (Apr. 28, 2023), doi: 10.15585/mmwr.su7201a5; Council on Communications and Media, *Media Use in School-Aged Children and Adolescents*, 138(5) AM. ACAD. PEDIATRICS e20162592 (Nov. 1, 2016).

75. See *Media Use in School-Aged Children and Adolescents*, *supra* note 74.

76. See *infra* Section II.B.

77. See *generally infra* Section II.C. (explaining societal changes, throughout history, is the driving force behind legislative action).

78. See *infra* Section II.C. (explaining the government must empower parents to carry out their fundamental right, when societal changes are largely outside of their control).

79. Cathy Liu, *An Assault on the Fundamental Right to Parenthood and Birthright Citizenship: An Equal Protection Analysis of the Recent Ban of the Matrícula Consular in*

unconstitutional that required all high school courses to be taught in English.<sup>80</sup> In coming to this result, the Court found that parents have a fundamental liberty interest, protected by the Fourteenth Amendment's Due Process Clause, to "bring up children" and "control the[ir] education."<sup>81</sup> Two years later, the Court struck down an Oregon law requiring all children to attend public school and resoundingly emphasized the fundamental right of parenthood.<sup>82</sup>

In recent years, the Court has not wavered in recognizing this deeply rooted interest.<sup>83</sup> In *Wisconsin v. Yoder*, the Court held that the "primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition."<sup>84</sup> In keeping with this "American tradition," the Court has emphasized that the right to parenthood intrinsically seeks to protect and preserve the societally crucial relationship between a child and their parent.<sup>85</sup> Over the years, the Court has described the fundamental right to parenthood as encompassing the most sacred areas of a child's life.<sup>86</sup> For example, the right to parenthood includes the right to impress on their child certain religious beliefs and moral standards,<sup>87</sup> the right to direct the child's education,<sup>88</sup> and the decision-making right concerning the "care, custody, and control of the child[]." <sup>89</sup> Undoubtedly, the fundamental right to parenthood extends to food and shelter, medical intervention, education, religious practices, and effectively every realm of a child's upbringing.<sup>90</sup> That said, governmental bodies recognize the complexity surrounding societal changes and their

---

*Texas's Birth Certificate Application Policy*, 50 COLUM. J.L. & SOC. PROBS. 619, 637 (2017).

80. *Meyer v. Nebraska*, 262 U.S. 390, 403 (1923).

81. *Id.* at 399–401.

82. *Pierce v. Society of Sisters*, 268 U.S. 510, 513–18, 535 (1925) ("[T]he child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.").

83. *See Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972).

84. *Yoder*, 406 U.S. at 232; *see Washington v. Glucksberg*, 521 U.S. 702, 720 (1997) (holding that the Due Process Clause of the Fourteenth Amendment, protects the right of parents to direct the care, upbringing, and education of their children).

85. *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978).

86. *Id.*; *Troxel v. Granville*, 530 U.S. 57, 60–63 (2000); *Meyer*, 262 U.S. at 399–401; *Yoder*, 406 U.S. at 233.

87. *Yoder*, 406 U.S. at 233.

88. *See Meyer*, 262 U.S. at 399–401.

89. *See Troxel*, 530 U.S. at 65–66.

90. *See Liu, supra* note 79, at 637–38.

direct impact on parenting.<sup>91</sup> Thus, legislation has been passed to facilitate and assist parents who seek to ensure the safety and well-being of their children while navigating an ever-changing world.<sup>92</sup>

The fundamental right to parenthood inherently places a “high duty” on parents to, among many things, foster an environment for their children to flourish.<sup>93</sup> This duty arises from the inherent inexperience and vulnerability of children.<sup>94</sup> As John Locke explained:

The power, then, that parents have over their children, arises from that duty which is incumbent on them, to take care of their offspring, during the imperfect state of childhood. To inform the mind, and govern the actions of their yet ignorant nonage, till reason shall take its place, and ease them of that trouble.<sup>95</sup>

Thus, parents’ right to protect and raise their children necessitates a certain level of responsibility.<sup>96</sup> With such responsibility comes the duty of parents to demand legislative action that empowers parents in navigating complex societal challenges that inevitably affect their children and are out of their control.<sup>97</sup>

### C. *Legislation That Empowered Parents*

The legislative intent behind many laws today is to empower parents in their quest to direct the upbringing of their children.<sup>98</sup> Laws that

91. See Cynthia A. Frosch et al., *Parenting and Child Development: A Relational Health Perspective*, 15(1) AM. J. LIFESTYLE MED. 45, 46–49 (May 26, 2019), doi: 10.1177/1559827619849028.

92. See *id.* (“If a community values its children it must cherish their parents”) (quoting John Bowlby (1951)).

93. *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925).

94. See Frosch et al., *supra* note 91, at 46–48.

95. John Locke, *Second Treatise of Civil Government: Chap. VI. Of Paternal Power*, Section 58 (1690).

96. See *Your Duties and Rights as a Parent*, NSW (June 20, 2024), <https://dcj.nsw.gov.au/children-and-families/parenting/responsibility-and-rights/your-duties-and-rights-as-a-parent.html> [<https://perma.cc/RV9A-4P8J>].

97. See Adam Candeub, *The First Amendment Protects Kids from Big Tech*, IFS (Oct. 9, 2023), <https://ifstudies.org/blog/the-first-amendment-protects-kids-from-big-tech> [<https://perma.cc/W4PA-MXZU>].

98. See generally Todd Rokita, *Parents’ Bill of Rights*, 4 IND. OFF. OF THE ATT’Y GEN. *passim*, <https://www.in.gov/attorneygeneral/files/Parents-Bill-of-Rights.pdf> [<https://perma.cc/C2T9-F6XW>] (last updated Aug. 2023) (explaining Indiana laws that assist parents in making informed choices surrounding their child’s education); Aviva L. Katz, *Informed Consent in Decision-Making in Pediatric Practice*, 138(2) AM. ACAD. PEDIATRICS e20161485 (Aug. 2016), <https://doi.org/10.1542/peds.2016-1485>

empower parents offer resources, provide certain legal protections, and enhance parents' ability to make informed decisions in seeking the best interest of their child.<sup>99</sup> One commonly encountered example is parental leave legislation, which has provided parents with additional paid time off work to prioritize responsibilities associated with their families.<sup>100</sup> As part of the Family and Medical Leave Act of 1993 (FMLA), Congress stated its intent behind the law's passage was to empower parents because of the importance "for the development of children and the family unit."<sup>101</sup> In passing the FMLA, Congress understood that parents must work to provide and care for their children.<sup>102</sup> Nevertheless, the employment atmosphere at the time forced parents to choose between responsibilities as a parent and job security.<sup>103</sup> Thus, Congress took action to empower parents by passing the FMLA which entitled eligible parental employees to take up to 12 weeks of unpaid, job-protected leave for qualifying events—*e.g.*, the birth of a child.<sup>104</sup> In response to lobbyists and activists advocating for governmental support of the family unit, eighteen (18) states have passed laws that empower parents to direct their children's upbringing by providing job security and paid leave to qualifying parents.<sup>105</sup> These states similarly intend these laws to empower parents in the "development of [their] children."<sup>106</sup>

Many laws empower parents by reinforcing (1) their ability to make informed choices and (2) their decision-making authority concerning their

---

[<https://perma.cc/ZP4K-MY3B>] (explaining laws requiring parental consent in certain medical procedures); *Paternal Leave*, DEPT. OF LABOR, <https://www.dol.gov/sites/dolgov/files/OASP/Paternity-Leave.pdf>

[<https://perma.cc/UVL5-3FJ7>] (last visited Mar. 13, 2024) ("When fathers take paternity leave . . . it can lead to better outcomes for their children and the whole family.").

99. California Family Rights Act (CFRA) (codified at CAL. GOV'T CODE § 12945.2(a); CAL. CODE REGS. tit. 2, § 11087(f)); FLA. ADMIN. CODE r. 6A-6.0960; TEX. FAM. CODE § 151 *et seq.*; Children and Family Services Act, 20 ILCS 505.

100. See Frosch et al., *supra* note 91, at 46–49 (explaining the social importance of parental leave laws).

101. 29 U.S.C. § 2601(a) (1993).

102. *Id.*

103. *Id.*

104. 29 U.S.C. § 2601 *et seq.*

105. See *State Paid Family Leave Laws Across the U.S.*, BIPARTISAN POL. CTR. (Jan 16, 2024), <https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/> [<https://perma.cc/B5SW-7CTF>].

106. 29 U.S.C. § 2601(a) (1993). See, *e.g.*, TEX. GOV. CODE § 661.912 (providing job security and up to 12 weeks of paid leave for qualifying parents); WASH. REV. CODE § 50A.04.010 *et seq.* (same); N.J. STAT. § 34:11B-1 *et seq.* (same).

child's upbringing.<sup>107</sup> One example is education or school choice laws.<sup>108</sup> Education laws "empower parents to choose the education that best meets their child's needs."<sup>109</sup> These laws allow parents to choose what educational environment best suits their child—*i.e.*, public, private, charter, or homeschooling—and, in doing so, provide vouchers or scholarship tax credits for qualifying parents.<sup>110</sup> Voucher programs, despite misuses, intend to provide monetary support for parents by empowering them "to take charge of their children's education."<sup>111</sup> To date, twenty-eight (28) states and the District of Columbia have school choice programs.<sup>112</sup> School choice laws are an example of legislation empowering parents to direct their child's upbringing, by providing financial resources for school-related expenses.<sup>113</sup>

Another example of legislation empowering parents is healthcare decision-making laws.<sup>114</sup> While state parental consent laws in healthcare vary widely depending on the type of treatment, many states require consent for certain medical treatments, mental healthcare, vaccinations, abortions, and other medical interventions.<sup>115</sup> For example, North Carolina's Parents' Bill of Rights states that "a health care practitioner shall not provide, solicit, or arrange treatment for a minor child without first obtaining written or documented consent from that minor child's parent," with many states having similar provisions.<sup>116</sup> While many of these medical issues have certain exceptions in cases involving, for

---

107. See, *e.g.*, Antje Arthun et al., *Parental Involvement in Decision-Making About Their Child's Health Care at the Hospital*, 6(1) NAT'L LIB. MED. 50, 50–58 (July 30, 2018), doi: 10.1002/nop2.180; Richard D. Komer & Olivia Grady, *School Choice and State Constitutions: A Guide to Designing School Choice Programs*, INST. FOR JUS. & AM. LEGIS. EXCHANGE COUNCIL at 2–3, <https://ij.org/wp-content/uploads/2016/09/50-state-SC-report-2016-web.pdf> [<https://perma.cc/WWG6-NEAW>] (last updated Mar. 2017); Libby Stanford et al., *Which States Have Private School Choice?*, ED. WEEK (Mar. 7, 2024), <https://www.edweek.org/policy-politics/which-states-have-private-school-choice/2024/01> [<https://perma.cc/7UUF-BEKK>].

108. See TEX. EDUC. CODE § 29.201 (WEST 2015); see generally *supra* Section II.B.

109. *Parental Choice Responsibility*, CATO INST., <https://www.cato.org/education-wiki/parental-choice-responsibility> [<https://perma.cc/64AR-XTYT>] (last visited Mar. 13, 2024).

110. Komer, *supra* note 107, at 2–3.

111. *Id.*

112. *Id.* at 11–12; see Stanford et al., *supra* note 107.

113. See Komer, *supra* note 107, at 11–12; see also Stanford et al., *supra* note 107.

114. See Arthun et al., *supra* note 107, at 50–58.

115. See *Consent to Medical Treatment by Minors Chart, Practical Law Checklist w-026-4571*, WESTLAW (July 13, 2023).

116. S.B. 49, General Assembly of North Carolina § 90-21.10B (2023).

example, emergencies, they nevertheless affirm parents' fundamental authority to make medical decisions on their children's behalf.<sup>117</sup>

These laws are no different than those seeking to empower parents regarding their child's digital upbringing on social media.<sup>118</sup> Parents need help. First, existing parental control software on applications such as TikTok and Snapchat does not provide effective external controls for parents to view their children's activities.<sup>119</sup> Children can easily falsify their age or even create secondary accounts without their parent's knowledge.<sup>120</sup> Thus, meaningful age verification and parental consent for account creation are long overdue.<sup>121</sup> Second, social media has become commonplace growing up in today's America, inflicting enormous social pressure on parents to allow their children to use social media—*i.e.*, schools, clubs, sports teams, and other organizations frequently require or “expect” children to use social media in some capacity.<sup>122</sup> With the ubiquity of social media in children's lives, parents feel completely powerless in directing their children's digital upbringing—necessitating legislative solutions.<sup>123</sup>

Whether it is education, healthcare, or parental leave, states, for centuries, have passed laws that empower parents to direct the upbringing of their children.<sup>124</sup> Legislators recognize that laws are sometimes required to empower parents during complex societal challenges—challenges that create circumstances beyond most parents' control.<sup>125</sup> This fundamental legislative principle has remained true, and garnered bipartisan support, in the modern internet age.<sup>126</sup> The following section introduces the social media legislative landscape that, at its core, is intrinsically designed to

---

117. *Id.*

118. *See Keeping Teens Safe, supra* note 14.

119. *See* Clare Morell et al., *Protecting Kids Online: Model Legislation*, ETHICS & PUB. POL'Y CTR. (Oct. 17, 2023), <https://eppc.org/publication/protecting-kids-online-model-legislation/> [<https://perma.cc/SQ4G-DP3X>].

120. *Id.*

121. *Id.*

122. *Id.*

123. *Id.*

124. *See Governor Abbott Signs Key Legislation Empowering Texas Parents*, OFF. OF THE TEX. GOVERNOR (June 12, 2023), [https://gov.texas.gov/news/post/governor-abbott-signs-key-legislation-empowering-texas-parents#:~:text=House%20Bill%201605%20\(Buckley%2FCreighton,to%20develop%20instructional%20materials%20themselves](https://gov.texas.gov/news/post/governor-abbott-signs-key-legislation-empowering-texas-parents#:~:text=House%20Bill%201605%20(Buckley%2FCreighton,to%20develop%20instructional%20materials%20themselves) [<https://perma.cc/8W9F-7Z7J>]. Texas passed House Bill 3803 which allows parents and guardians to elect for their student to repeat or retake a course or grade. *Id.* *See also* S.B. 49, General Assembly of North Carolina § 90-21.10B (2023).

125. *See Keeping Teens Safe, supra* note 14.

126. *See id.*



empower parents with increased control over what their children see and who, or what, talks to them.<sup>127</sup>

#### *D. Existing Social Media Legislation*

Legislatures have proposed and passed an onslaught of social media legislation in recent years.<sup>128</sup> This Article examines two distinct types of social media legislation: (1) age verification and parental consent and (2) parental access.<sup>129</sup> These laws seek to promote legislators' broader efforts of empowering parents with heightened control over what their children can access on social media or, more appropriately, *who can access their children*.<sup>130</sup>

##### *1. Age-Verification and Parental Consent*

Utah's Social Media Regulation Act, S.B. 152, pioneered the legislation requiring age verification and, if the user is a minor,<sup>131</sup> parental consent when agreeing to the terms of use (as required when creating a social media account).<sup>132</sup> Texas, Ohio, and Louisiana have also passed laws imposing age verification and parental consent, with many others following suit.<sup>133</sup> While these and other pending legislation of a similar nature vary, they all require platforms to verify users' ages and implement mechanisms allowing parents to consent to their child's use of the application.<sup>134</sup> The age verification process requires showing government-issued identification or equivalent documentation—disallowing merely

---

127. *See infra* Section II.D.

128. *Social Media and Children 2024 Legislation*, NCSL (June 14, 2024), <https://www.ncsl.org/technology-and-communication/social-media-and-children-2024-legislation#:~:text=The%20legislation%20includes%20bills%20and,to%20open%20social%20media%20accounts> [https://perma.cc/4WXQ-ZKH7]; Scott B. Brennen & Matt Perault, *The State of State Technology Policy: 2023 Report*, CTR. TECH. POL'Y U. N.C. CHAPEL HILL at 21 (2023), [https://techpolicy.unc.edu/wp-content/uploads/2023/12/CTP\\_state-tech-policy-2023.pdf](https://techpolicy.unc.edu/wp-content/uploads/2023/12/CTP_state-tech-policy-2023.pdf) [https://perma.cc/S7C6-6DRV] (explaining that in 2023 "states were most active" in online child safety laws).

129. *See infra* Section II.C.1–4.

130. *See Brennen, supra* note 128, at 22–23.

131. Unless otherwise indicated, the term "minor" refers to an individual under the age of 18.

132. Social Media Regulation Amendments, ch. 498, §§ 4–5, 2023 Utah Legis. Serv. (West) (codified at UTAH CODE ANN. §§ 13-63-103 to -104 (2023)).

133. *Id.*; TEX. BUS. & COM. CODE ANN. § 509 *et seq.*; H.B. 33, 135<sup>th</sup> General Assembly § 1349.09(B) (noting that Ohio does not expressly require age verification by platforms unless the platform "is reasonably anticipated to be accessed by children.").

134. *See Brennen, supra* note 128, at 23.

clicking through and creating an account.<sup>135</sup> In response to the legislation, the Utah Division of Consumer Protection released guidance for alternate age verification methods.<sup>136</sup> Some examples include validating cell phone subscriber information or social security numbers through a third party, facial analysis, or a series of questions approved by the Federal Trade Commission, among others.<sup>137</sup> These laws do not limit access to content but limit minors' ability to sign contracts—required for account creation.<sup>138</sup>

Age verification and parental consent laws must regulate contractual agreements, as opposed to specific content.<sup>139</sup> In 2023, Arkansas passed the Social Media Safety Act (“Act 689”).<sup>140</sup> Judge Brooks of the U.S. District Court for the Western District of Arkansas issued a temporary injunction blocking the implementation of Act 689.<sup>141</sup> Judge Brooks acknowledged “the very real problems associated with minors’ time spent online and access to harmful content on social media.”<sup>142</sup> The problem with Act 689 was the vast number of exempted social media sites due to the ambiguous definition of a “social media company.”<sup>143</sup> In other words, the law carved out an exception for sites that shared only non-educational videos (*e.g.*, TikTok) or sites designed for professional networking (*e.g.*, LinkedIn).<sup>144</sup> Further, the law provided no exemption for internet sites whose content was not user-generated (*e.g.*, email providers), which was presumably outside the scope of what the law intended to protect children from.<sup>145</sup> Thus, Act 689 was overly vague and implicitly invoked the First Amendment as it potentially regulated minors’ access to certain *types* of social media sites instead of being content-neutral—which would require age verification and parental consent across *all* social media platforms.<sup>146</sup>

---

135. Social Media Regulation Amendments, ch. 498, §§ 4–5, 2023 Utah Legis. Serv. (West) (codified at UTAH CODE ANN. §§ 13-63-103 to -104 (2023)).

136. Utah Department of Commerce, Notices of Proposed Rules Utah Social Media Regulation Act Rule R152-63 (Oct. 15, 2023), <https://socialmedia.utah.gov/wp-content/uploads/2023/10/Social-Media-Regulation-Act-Proposed-Rule.pdf> [<https://perma.cc/6TBL-2X29>].

137. *Id.*

138. Social Media Regulation Amendments, ch. 498, §§ 4–5, 2023 Utah Legis. Serv. (West) (codified at UTAH CODE ANN. §§ 13-63-103 to -104 (2023)).

139. See, *e.g.*, NetChoice, LLC v. Griffin, No. 5:23-CV-05105, 2023 WL 5660155, 8–21 (W.D. Ark. Aug. 31, 2023).

140. See Act of April 11, 2023, Act 689, § 1, 2023 Ark. Acts (codified at ARK. CODE ANN. §§ 4-88-1401 to -1404 (2023)).

141. *NetChoice*, 2023 WL 5660155, at 21.

142. *Id.*

143. *Id.* at 20.

144. *Id.* at 20–21.

145. See generally *id.*

146. *Id.*

To remain content-neutral and avoid implicating the First Amendment's bar on regulating speech, the age verification and parental consent law must govern access to the *form* or *medium* of communication instead of any specific content.<sup>147</sup> Regulating access to a medium through a contract is the most practical method. The Supreme Court has said that content-based restrictions "must be subjected to the most exacting scrutiny."<sup>148</sup> However, a law that regulates "the time, place, or manner" of access to protected speech is subject to intermediate scrutiny.<sup>149</sup> Thus, to avoid strict scrutiny in the social media context, the government must show that the law regulates the "time, place, or manner" in which a minor accesses social media.<sup>150</sup> In other words, a law that does not implicate the First Amendment inherently empowers parents by contractually requiring consent regarding a minor's access to all forms of social media—expounded upon in Section III.A.1.

## 2. *Parental Access*

In response to parent's growing concern regarding their child's digital safety,<sup>151</sup> Utah's Social Media Regulation Act, S.B. 152, mandated social media companies to facilitate parents' comprehensive access to their child's account—enhancing parental oversight.<sup>152</sup> Such access includes real-time notifications regarding a child's posts, messages, comments, and interactions.<sup>153</sup> Similar laws in Texas provide digital tools allowing parents to restrict purchases, control privacy and account settings, and "monitor and limit the amount of time" spent on the platform.<sup>154</sup>

These laws, and similar legislation from at least six (6) other states, require platforms to pre-install third-party safety software that alerts

---

147. See *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 660 (1994) ("[T]he fact that a law singles out a certain medium, or even the press as a whole, 'is insufficient by itself to raise First Amendment concerns.'").

148. *Ward v. Rock Against Racism*, 491 U.S. 781, 798 (1989) (citation omitted).

149. *Id.* at 798 ("Lest any confusion on the point remain, we reaffirm today that a regulation of the time, place, or manner of protected speech must be narrowly tailored to serve the government's legitimate, content-neutral interests but that it need not be the least restrictive or least intrusive means of doing so.").

150. *Id.*

151. See Risa Gelles-Watnick, *Explicit Content, Time-Wasting are Key Social Media Worries for Parents of U.S. Teens*, PEW RES. CTR. (Dec. 15, 2022), <https://www.pewresearch.org/short-reads/2022/12/15/explicit-content-time-wasting-are-key-social-media-worries-for-parents-of-u-s-teens/> [https://perma.cc/9AJ8-XXYM].

152. Social Media Regulation Amendments, ch. 498, §§ 4–5, 2023 Utah Legis. Serv. (West) (codified at UTAH CODE ANN. §§ 13-63-103 to -104 (2023)).

153. *Id.*

154. See TEX. BUS. & COM. CODE ANN. § 509.054(4).

parents to dangerous content shared through their child's account.<sup>155</sup> For example, say a child expresses thoughts of suicide on social media. In compliance with the previously cited "Sammy's Law," a parent would receive an alert through a third-party safety application, while maintaining the child and parent's anonymity, and can subsequently provide mental health support. Select social media platforms have already implemented these alerts and such parental intervention has proven effective in protecting children.<sup>156</sup> While such software is available for purchase—*e.g.*, applications such as Bark, Qustodio, or Circle—some platforms outright ban this software from being integrated into their operating system.<sup>157</sup> This legislation would place the burden on social media platforms to provide equal access to all parents.<sup>158</sup>

Additionally, Utah's S.B. 172 places full control in the hands of parents regarding time restrictions on social media.<sup>159</sup> This law mirrors constitutional state curfew laws that require parental consent for children to be in specific public places during certain times of the day.<sup>160</sup> Further, these laws mirror broadcasting restrictions for TV providers—*i.e.*, laws disallowing public broadcasting of certain content during certain times of day, because the risk of adolescents seeing such content at that time is much lower.<sup>161</sup> Overall, legislation of this type seeks to empower parent's ability to access and monitor their child's digital upbringing.

### III. PARENT-ORIENTED SOCIAL MEDIA LEGISLATION THAT REINFORCES THE FUNDAMENTAL RIGHT TO PARENTHOOD

Legislators should enact laws requiring (1) age verification and parental consent for minors to create and access social media accounts and (2) platforms to provide increased parental controls after account creation.

---

155. *Sammy's Law*, ORG. SOCIAL MEDIA SAFETY, <https://www.socialmediasafety.org/sammys-law/> [<https://perma.cc/69MA-FY3S>] (last visited June 21, 2024). These bills are referred to as "Sammy's Laws," and are named after a minor who died after buying tainted drugs on Snapchat.

156. See *Keeping Teens Safe*, *supra* note 14.

157. See Clare Morell et al., *Protecting Teens from Big Tech*, INST. FAMILY STUDIES 7 (Aug. 2022), <https://ifstudies.org/ifs-admin/resources/final-ifs-eppc-protectingteensfrombigtech-aug2022.pdf> [<https://perma.cc/75JT-PXKT>].

158. See *Id.*

159. Social Media Regulation Amendments, ch. 498, §§ 4–5, 2023 Utah Legis. Serv. (West) (codified at UTAH CODE ANN. §§ 13-63-103 to -104 (2023)).

160. *Hutchins v. District of Columbia*, 188 F.3d 531, 541 (D.C. Cir. 1999) (citations omitted) ("Not only can juveniles be thought to be more vulnerable to harm during curfew hours than adults, but they are less able to make mature decisions in the face of peer pressure, and are more in need of parental supervision during curfew hours.").

161. 47 CFR § 73.3999 (a) (Enforcement of 18 U.S.C. 1464).

Such laws would empower parents to protect their children online, and research shows that enhanced parental supervision over children's social media use can significantly reduce adverse mental health effects.<sup>162</sup> Section III.A. explains how age verification and parental consent do not infringe on First Amendment rights but are merely contract regulations.<sup>163</sup> Section III.B. explores the importance of increased parental access, and the constitutionality of parental oversight in digital spaces.<sup>164</sup> Both sections examine existing state law, address counterarguments, and propose a framework empowering parents to better protect their children online.<sup>165</sup>

#### A. *Age Verification and Parental Consent*

Legislators should pass laws regulating social media platforms' ability to enter contracts with minors, requiring age verification and parental consent.<sup>166</sup> Research continuously shows that increased parental supervision over their child's social media use "can diminish its adverse mental health effects."<sup>167</sup> The following sections address arguments against such a law, ultimately showing it is constitutionally proper and necessary to empower parents to protect their children. Section III.A.1 explains that third-party age verification and requiring parental consent for minors is contract regulation, and does not implicate speech—avoiding First Amendment concerns.<sup>168</sup> Section III.A.2 shows that states frequently pass laws requiring age verification and parental consent for minors to enter certain contracts.<sup>169</sup> Finally, Section III.A.3 dispels the idea that age verification in creating a social media account would intrude on privacy

---

162. See *infra* Section III.A–B.

163. See *infra* Section III.A.

164. See *infra* Section III.B.

165. See *infra* Section III.A–B.

166. See John Ehrett & Clare Morell, *Age Verification*, INST. FAMILY STUDIES 2–6 (June 13, 2023), <https://ifstudies.org/ifs-admin/resources/briefs/ifs-eppc-ageverificationpolicybrief.pdf> [<https://perma.cc/C267-VQTL>].

167. Spence Purnell, *Gallup Shows How Parenting Supervision on Social Media Use Impacts Youth Mental Health*, REASON FOUNDATION (Dec. 15, 2023), <https://reason.org/commentary/gallup-shows-how-parenting-supervision-on-social-media-use-impacts-youth-mental-health/#:~:text=Yet%20even%20teens%20with%20these,mental%20health%20effects%20on%20teens> [<https://perma.cc/S353-GT4V>]; see also *Keeping Teens Safe*, *supra* note 14; Jean M. Twenge & W. Keith Campbell, *Associations Between Screen Time and Lower Psychological Well-Being Among Children and Adolescents: Evidence from a Population-Based Study*, NAT'L LIB. MED. 12, 271–83 (Oct. 18, 2018), doi: 10.1016/j.pmedr.2018.10.003.

168. See *infra* Section III.A.1.

169. See *infra* Section III.A.2.

because third-party agencies—used in many industries—could effectively verify ages while protecting consumers’ sensitive information.<sup>170</sup>

*1. Social Media Laws Governed by Contract Do Not Invoke Speech*

Contractually controlling the form of communication, in the context of social media access, requires a law that affects *all* social media platforms.<sup>171</sup> This necessitates implementing a clear definition of what platforms are covered by the law to avoid targeting certain content.<sup>172</sup> As discussed previously, the court enjoined Arkansas’ Act 689 primarily due to its vague definition of “social media company.”<sup>173</sup> There, the court stated that the definition was underinclusive—*i.e.*, it exempted certain types of content such as professional networking and non-educational videos—it regulated the *type* of content and was subject to, and ultimately failed, strict scrutiny.<sup>174</sup>

Utah’s common carrier definition of “social media platform” is content-neutral—not implicating the First Amendment—and could be used for social media age verification.<sup>175</sup> The definition does not exempt “professional” social media accounts such as LinkedIn or specific types of content such as non-educational videos like those encountered on TikTok.<sup>176</sup> The crucial component of this definition delineates between media that primarily host “user-generated speech” and those that did not.<sup>177</sup> That is, the definition covers the time, place, or manner of accessing *all* platforms that host user-generated content rather than restricting speech of any particular type.<sup>178</sup> Thus, Utah’s definition is sufficiently broad to

---

170. See *infra* Section III.A.3.

171. See Morell et al., *supra* note 119.

172. *Interstate Circuit, Inc. v. City of Dallas*, 390 U.S. 676, 689 (1968) (quoting *People v. Kahan*, 206 N. E. 2d 333, 335 (1965)) (“It is . . . essential that legislation aimed at protecting children from allegedly harmful expression . . . be clearly drawn and that the standards adopted be reasonably precise so that those who are governed by the law and those that administer it will understand its meaning and application.”).

173. *NetChoice, LLC v. Griffin*, No. 5:23-CV-05105, 2023 WL 5660155, at \*20 (W.D. Ark. Aug. 31, 2023).

174. See *id.* at 20–21.

175. See S.B. 152, Social Media Regulation Amendment, 2023 General Session State of Utah § 13-63-101.

176. See *generally id.*

177. See *id.*

178. See *id.*; *Ward v. Rock Against Racism*, 491 U.S. 781, 800 (1989) (explaining time, place, and manner restriction). While beyond the scope of this Article, Ward provides a framework for extending this time, place, and manner restrictions to statutes that restrict social media access.

cover all platforms rendering the definition content- and viewpoint-neutral.<sup>179</sup>

In response to the court enjoining Arkansas’s Act 689, Utah’s law provided express examples of specific media, not covered by the law, whose primary purpose is sharing information preselected by the internet provider.<sup>180</sup> By imitating Utah’s definition, states can regulate all social media platforms’ contractual agreements with minors, advancing their legitimate government interest—*i.e.*, children’s safety and the right to parenthood.<sup>181</sup>

---

179. See S.B. 152, Social Media Regulation Amendment, 2023 General Session State of Utah § 13-63-101.

180. S.B. 152, Social Media Regulation Amendment, 2023 General Session State of Utah § 13-63-101(9). S.B. 152 provides the following examples of what is not defined as a “social media platform”: “(b) ‘Social media platform’ does not include an online service, website, or application: (i) where the predominant or exclusive function is: (A) electronic mail; (B) direct messaging consisting of text, photos, or videos that are sent between devices by electronic means, where messages are: (I) shared between the sender and the recipient; (II) only visible to the sender and the recipient; and (III) are not posted publicly; (C) a streaming service that: (I) provides only licensed media in a continuous flow from the service, website, or application to the end user; and (II) does not obtain a license to the media from a user or account holder by agreement to its terms of service; (D) news, sports, entertainment, or other content that is preselected by the provider and not user generated, and any chat, comment, or interactive functionality that is provided incidental to, directly related to, or dependent upon provision of the content; (E) online shopping or e-commerce, if the interaction with other users or account holders is generally limited to: (I) the ability to upload a post and comment on reviews; (II) the ability to display lists or collections of goods for sale or wish lists; and (III) other functions that are focused on online shopping or e-commerce rather than interaction between users or account holders; (F) interactive gaming, virtual gaming, or an online service, that allows the creation and uploading of content for the purpose of interactive gaming, edutainment, or associated entertainment, and the communication related to that content; (G) photo editing that has an associated photo hosting service, if the interaction with other users or account holders is generally limited to liking or commenting; (H) a professional creative network for showcasing and discovering artistic content, if the content is required to be non-pornographic; (I) single-purpose community groups for public safety if: (I) the interaction with other users or account holders is generally limited to that single purpose; and (II) the community group has guidelines or policies against illegal content; (J) providing career development opportunities, including professional networking, job skills, learning certifications, and job posting and application services; (K) business to business software; (L) a teleconferencing or videoconferencing service that allows reception and transmission of audio and video signals for real time communication; (M) cloud storage; (N) shared document collaboration; (O) cloud computing services, which may include cloud storage and shared document collaboration; (P) providing access to or interacting with data visualization platforms, libraries, or hubs; (Q) to permit comments on a digital news website, if the news content is posted only by the provider of the digital news website; (R) providing or obtaining technical support for a platform, product, or service; (S) academic or scholarly research; or (T) genealogical research.”

181. See S.B. 152, Social Media Regulation Amendment, 2023 General Session State of Utah § 13-63-101; *Ward*, 491 U.S. at 798.

To avoid challenges that an age verification and parental consent law implicitly regulate speech, jurisdictions should use the language in S.B. 152—nearly identical to that upheld by the Fifth Circuit—in framing age verification laws.<sup>182</sup> By avoiding content-based restrictions, jurisdictions could regulate minors' access to certain media, with properly authenticated parental consent, if the law satisfied intermediate scrutiny.<sup>183</sup>

In the context of social media account formation, jurisdictions should restrict minors' ability to agree to platforms' terms of use—required to open an account—by requiring parental consent.<sup>184</sup> This is merely the regulation of contract law.<sup>185</sup> Such regulation would give parents the power to shield their children from social media's harmful effects, if they choose, by implementing an effective barrier in forming an account.<sup>186</sup> Because “contract law is a creature of state law,” states have sole authority in regulating contract formation with minors.<sup>187</sup> Examples abound of states requiring parental consent for minors to enter all sorts of contracts.<sup>188</sup> In sum, regulating access to all social media through parental consent agreements avoids strict scrutiny and inherently empowers parents.

## 2. *Parental Consent Is Customary for Minors Entering Contracts*

The majority of jurisdictions have held parents responsible for the mildest benefits the minor received, even online—making parental consent a reasonable measure for social media account creation.<sup>189</sup> As a general rule, public policy validates and makes contracts with minors voidable until the age of majority.<sup>190</sup> This is known as the incapacity doctrine.<sup>191</sup> However, courts do not hesitate to make parents bear responsibility for certain contracts their children enter into, regardless of whether or not parental consent was required or the contract was co-

---

182. See Morell et al., *supra* note 119.

183. *Id.*

184. *Id.*

185. *Id.*

186. *Id.*

187. Taake v. Cnty. of Monroe, 530 F.3d 538, 542 (7th Cir. 2008).

188. See *infra* Section III.A.2.

189. See Morell et al., *supra* note 119.

190. The age of majority is 18, however some jurisdictions allow a minor to void a contract within six months after turning 18. See E. Allan Farnsworth, CONTRACTS § 4. (4th ed. 2004); Robert G Edge, *Voidability of Minors' Contracts: A Feudal Doctrine in a Modern Economy*, 1 GA. L. REV. 205, 230–31 (1967).

191. See Farnsworth, *supra* note 190 § 4.3.



signed.<sup>192</sup> Courts have found that, due to the parent-child relationship, parents are responsible for bearing the financial responsibility of their children entering into and then defaulting on purchase agreements for goods and services, rental/lease agreements, loan agreements, and employment contracts.<sup>193</sup>

The same is true for online purchases made by children, who receive the mildest benefit—*i.e.*, the ability to access social media.<sup>194</sup> Consumer protection laws require vendors to refund certain “unauthorized” purchases by minors. Generally, a parent will bear financial responsibility if their child is older than sixteen (16) or they have made the child an authorized user on their credit line.<sup>195</sup> Social media terms of use contracts often include highly technical jargon and fine print—such as giving up rights to one’s data and privacy, arbitration clauses, and fees for services—that could expose a child to liability for which their parent may ultimately be responsible.<sup>196</sup> Thus, requiring parental consent when a minor forms a social media account limits the potential liability for a parent.<sup>197</sup>

States have required parental consent for minors to enter many types of contracts.<sup>198</sup> For example, Texas requires parental consent for a minor to receive a tattoo.<sup>199</sup> The same, or similar provisions, are true for minors signing liability waivers, obtaining a driver’s license, purchasing

---

192. See Juanda L. Daniel, *Virtually Mature: Examining the Policy of Minors’ Incapacity to Contract Through the Cyberscope*, 43 GONZAGA L. REV. 240, 243, 252–54 (2008).

193. See *e.g.*, *Garay v. Overholtzer*, 332 Md. 339, 369 (1993) (citing *North Carolina Baptist Hosp. v. Franklin*, 405 S.E.2d 814, 817 (N.C. Ct. App. 1991)) (explaining “that the hospital had elected to obtain a default judgment against the parents for debt under the express contract” for unpaid medical services.); *Scott County Sch. Dist. v. Asher*, 263 Ind. 47, 51 (1975) (“The parent is also liable because of his common law and, in some instances, statutory duty to support and maintain his child.”).

194. See Alexandria White, *Who’s Responsible for your Kids’ Unauthorized Credit Card Charges?*, CNBC SELECT (Nov. 14, 2023), <https://www.cnbc.com/select/whos-responsible-for-kids-unauthorized-credit-card-charges/> [<https://perma.cc/7LS2-G3XZ>].

195. *Id.*

196. See, *e.g.*, *Terms of Service*, TIKTOK, <https://www.tiktok.com/legal/page/us/terms-of-service/en> [<https://perma.cc/XR7L-W4WJ>] (last updated Nov. 2023); *Terms of Service*, X, <https://twitter.com/en/tos> [<https://perma.cc/P4XF-D7X6>] (last visited June 22, 2024); *Terms of Service*, FACEBOOK, [https://www.facebook.com/legal/terms?paipv=0&eav=AfYnf4hivz1VO5Ta0iPUqR4dES\\_Ss8JMdOs2Hm-XkxUtEq0cB2Z3NIFmKPpYzTf4eI&\\_rdr](https://www.facebook.com/legal/terms?paipv=0&eav=AfYnf4hivz1VO5Ta0iPUqR4dES_Ss8JMdOs2Hm-XkxUtEq0cB2Z3NIFmKPpYzTf4eI&_rdr) [<https://perma.cc/NT7J-LK3W>] (last visited June 22, 2024).

197. See Morell et al., *supra* note 119.

198. See Doriane L. Coleman & Philip M. Rosoff, *The Legal Authority of Mature Minors to Consent to General Medical Treatment*, 131(4) AM. ACAD. PEDIATRICS 786–93 (2013), [doi.org/10.1542/peds.2012-2470](https://doi.org/10.1542/peds.2012-2470).

199. See *e.g.*, TEX. ADMIN. CODE § 229.406.

insurance coverage, using a tanning facility, and many others.<sup>200</sup> Legislators recognize the decreased level of maturity in most minors.<sup>201</sup> While not uniformly true, minors certainly deserve significant protections that are rightfully left in the hands of their parents.<sup>202</sup> Thus, requiring parental consent for a minor is a well-established method in promoting children's safety and would be beneficial in the context of forming a social media account.<sup>203</sup>

Parental consent empowers parents to control and direct their child's digital upbringing.<sup>204</sup> Social media has consumed modern America and has the potential to significantly shape and influence children's values by exposing them to, at least digitally perceived, societal norms.<sup>205</sup> Giving parents the ability to act as "gate-keepers" during account formation is a crucial step in empowering parents to make informed choices as to their child's digital upbringing.<sup>206</sup>

### 3. *No Substantial Impact on Privacy*

Age verification and parental consent would require furnishing appropriate government identification, however, providing such documentation is commonplace with internet platforms and would not substantially impact a user's privacy.<sup>207</sup> From a functional standpoint in creating an account, platforms would be responsible for implementing procedures to verify (1) age, through government-issued ID, birth certificate, passport, or similar functionary, and (2) parental guardianship,

---

200. See e.g., MONT. ADMIN. R. § 23.3.115 (1980) (requiring parental consent to obtain a driver's license); FLA. STAT. § 390.01114 (2006) (requiring parental consent to receive a birth control prescription); TEX. FAM. CODE § 34.002 (2017) (requiring parental consent to purchase health or automobile insurance); KAN. STAT. ANN. § 1931 (2016) (requiring parental consent to use an indoor tanning bed).

201. See Daniel, *supra* note 192, at 243, 247–48.

202. See Daniel, *supra* note 192, at 254–56.

203. See Coleman, *supra* note 198, at 786–93.

204. See Morell et al., *supra* note 157, at 7 (“Government intervention is needed to provide parents’ full, unrestricted access, and to empower all parents . . . to better protect their children.”).

205. See *Social Media and News Fact Sheet*, PEW RES. CTR. (Nov. 15, 2023), <https://www.pewresearch.org/journalism/fact-sheet/social-media-and-news-fact-sheet/> [<https://perma.cc/TEM8-STLS>] (explaining the use of social media in terms of consuming news reports); Stephanie Chevalier, *Consumer Behaviors and Opinions on Social Media Content in the United States in 2022*, STATISTICA (June 2022), <https://www.statista.com/statistics/1334617/consumer-behaviors-and-opinions-social-media-content-us/> [<https://perma.cc/7QA6-WJ2J>] (explaining the use of social media in terms of online shopping).

206. See Morell et al., *supra* note 157, at 6.

207. See Morell et al., *supra* note 157, at 6–8.

through a birth certificate, custody agreements, adoption papers, or other appropriate government document.<sup>208</sup> Those opposing age verification assert such laws would negatively impact privacy because of the requirement to furnish such documentation.<sup>209</sup> This is not the case because (1) companies have effectively required government ID from users to abide by the law for years, and (2) third-party vendors can independently verify the documentation and prohibit social media companies from retaining it.<sup>210</sup>

First, companies commonly request government documents be uploaded to verify age.<sup>211</sup> For example, laws require online gambling and betting sites, alcohol delivery services, and online tobacco retailers, among others, to verify users' age.<sup>212</sup> While not foolproof, these services have proven effective—particularly where policymakers impose significant sanctions, incentivizing that security be taken seriously.<sup>213</sup>

Second, third parties handle all age verification procedures without sensitive data passing from the user to the social media provider.<sup>214</sup> This is known as a “zero-knowledge proof” model,<sup>215</sup> similar to the model passed in Utah.<sup>216</sup> Under the model, social media companies contract with

208. See H.B. 896, An Act Relating to Prohibiting Use of Social Media Platforms by Children (2023) (to be codified in Chapter 120 of the Texas Business & Commerce Code) <https://capitol.texas.gov/tlodocs/88R/billtext/html/HB00896I.htm> [<https://perma.cc/C5M9-Z4P4>] (“A social media platform shall verify the age of the account holder by requiring the account holder to provide a copy of the account holder’s driver’s license along with a second photo showing both the account holder and the driver’s license in a manner that allows the social media company to verify the identity of the account holder.”).

209. See Taylor Barkley, *Poll: Americans Don’t Want to Share Their Photo ID to Tweet*, CTR. FOR GROWTH & OPPORTUNITY (Feb. 1, 2023), <https://www.thecco.org/benchmark/poll-americans-dont-want-to-share-their-photo-id-to-tweet/> [<https://perma.cc/ET4Q-CZYY>].

210. See *infra* notes 215–22.

211. See Morell et al., *supra* note 157, at 4–8.

212. See Nelson Rose et al., *Legal-Age Gambling Opportunities and Restrictions*, NAT’L LIB. MED. (1999), <https://www.ncbi.nlm.nih.gov/books/NBK230619/> [<https://perma.cc/G5BM-WXJV>] (providing an overview of every state gambling age restriction law); Nancy William, *Identity Verification for Online Casinos: Its Security Benefits*, FASTEST VPN (Aug. 11, 2023), <https://fastestvpn.com/blog/identity-verification-for-online-casinos/> [<https://perma.cc/HRT9-CUH7>].

213. John Ehrett, *How to Get Age-Verification Right*, INST. FAM. STUDIES (Sept. 26, 2023), <https://ifstudies.org/blog/how-to-get-age-verification-right> [<https://perma.cc/343S-W5XV>].

214. *Id.*

215. See *id.*; Adam Candeub et al., *Big Tech Knows that Age Verification is Necessary*, THE HILL (Sept. 7, 2023), <https://thehill.com/opinion/congress-blog/4192462-big-tech-knows-that-age-verification-is-necessary/> [<https://perma.cc/2UCF-2Q8X>].

216. Social Media Regulation Amendments, ch. 498, §§ 4–5, 2023 Utah Legis. Serv. (West) (codified at UTAH CODE ANN. §§ 13-63-102 (2023)).

vendors to verify the user's age, assure the platform that they are of appropriate age and that their parent consented to account creation, limiting liability on the tech companies' behalf for violations.<sup>217</sup> Thus, a user's sensitive documentation would be stored in a secure online repository, which is much safer than saving one's credit card information to an online shopping website—as most Americans do.<sup>218</sup>

Finally, integrating effective age verification software would present only a minor burden for social media companies.<sup>219</sup> Texas and Utah, following the passage of their age verification laws, released guidance allowing platforms multiple options for verifying age.<sup>220</sup> Options include the traditional “zero-knowledge proof” models, biometrics, cell phone provider information, and others, with the caveat that ineffective age verification will result in penalties.<sup>221</sup> Thus, platforms have flexibility in balancing effectiveness and financial burden.<sup>222</sup> Age verification software exists that would have no impact on privacy, enforced by penalties, and present a minimal burden on social media companies—at least compared to the mental health crisis ravaging children.<sup>223</sup>

In summary, age verification and parental consent laws are legally defensible in promoting what is a fundamental right: A parent's right to control who educates their children, even online.<sup>224</sup> First, by restricting the “time, place, or manner” of minors' access to social media, the law controls access to the medium of communication, rendering the law content-neutral and avoiding First Amendment concerns.<sup>225</sup> Second, a reasonable means of regulating a medium and furthering the state's interest in children's safety is to require parental consent for a minor to open an account—which is merely contract regulation.<sup>226</sup> Third, states

---

217. See Ehrett, *supra* note 213.

218. See Irma Šlekutė, *Storing Credit Card Information Online: Standards, Security, and Risks*, NORD VPN (Sept. 24, 2023), <https://nordvpn.com/blog/storing-your-credit-card-details/> [<https://perma.cc/3M46-3LUU>]; Emily S. Gerson, *Is it Safe to Store My Credit Card Information Online?*, EXPERIAN (May 3, 2020), <https://www.experian.com/blogs/ask-experian/should-you-store-credit-card-information-online/> [<https://perma.cc/E2XE-5MTH>].

219. Utah Social Media Regulation Act Rule R152-63, 2023 Utah Bull. 15 (proposed Oct. 15, 2023), <https://socialmedia.utah.gov/wp-content/uploads/2023/10/Social-Media-Regulation-Act-Proposed-Rule.pdf> [<https://perma.cc/UH8Q-VLZ8>]. The Utah Division of Consumer Protection released guidance for multiple alternative methods for age verification. *Id.*

220. *Id.*

221. See *id.*; Ehrett, *supra* note 213.

222. See Ehrett, *supra* note 213.

223. See Morell et al., *supra* note 119.

224. See *supra* Section III.A.

225. See *supra* Section III.A.1.

226. See *supra* Section III.A.1–2

have regulated a minor's ability to contract for decades, and starting a social media account is no different.<sup>227</sup> Finally, age verification would not substantially impact privacy due to the plethora of minimally invasive third-party verification platforms.<sup>228</sup>

*B. Increased Parental Access to Children's Accounts*

"[I]t's no longer acceptable to simply continue to blame parents for a digital advertising environment that is largely out of their control."<sup>229</sup> Legislators should pass laws mandating increased parental controls on their children's social media accounts.<sup>230</sup> Requiring social media companies to furnish full access to parents would allow parents to know their child's online activities, who they interact with, the messages they exchange, and what they post and view.<sup>231</sup> Research has shown that parental intervention, in the context of social media, reduces its adverse mental health effects on teens.<sup>232</sup> Today, parents can purchase parental control software and install it on their children's social media accounts.<sup>233</sup> However, certain companies—such as Meta and TikTok—do not allow compatibility with these applications, underscoring the legislative need to empower parents.<sup>234</sup> Section III.B.1 expounds on the need for legislation that increases parental controls on social media, and looks to proposed and enacted state legislation as a guide.<sup>235</sup> Section III.B.2 addresses First Amendment privacy concerns asserted by those opposed to legislation of this type.<sup>236</sup> It explains that such legislation is constitutionally proper

---

227. *See supra* Section III.A.2.

228. *See supra* Section III.A.3.

229. *See American Academy of Pediatrics Provides Guidance on Digital Advertising and Children*, AM. ACAD. PEDIATRICS (June 22, 2022), <https://www.healthychildren.org/English/news/Pages/Digital-Advertising-and-Children.aspx> [https://perma.cc/MF33-26GN].

230. *See Ehrett, supra* note 166, at 2–6.

231. *Id.* at 7

232. *See generally Keeping Teens Safe, supra* note 14; Twenge, *supra* note 167.

233. Naomi Nix, *Meta Says Its Parental Controls Protect Kids. But Hardly Anyone Uses Them*, WASH. POST (Jan. 30, 2024), <https://www.washingtonpost.com/technology/2024/01/30/parental-controls-tiktok-instagram-use/> [https://perma.cc/4ET5-685N].

234. *Id.*

235. *See infra* Section III.C.1. Montana, Idaho, Tennessee, South Carolina, Alabama, and Texas have all introduced bills that would require all social media applications in the state to come pre-installed with software that increases parent's access to their children's social media accounts. *See Brennen, supra* note 128, at 22–23. Further, California and North Carolina introduced bills that require social media platforms to allow third-party monitoring software, that communicates with parents regarding their child's usage. *Id.*

236. *See infra* Section III.C.2.

because children (absent rare circumstances) have a reduced expectation of privacy against their parents.<sup>237</sup>

*1. Parents Must Have Reasonable Access to Their Children's Social Media Accounts*

Parental control applications offer a suite of digital tools, enabling parents to manage and monitor their children's activities across platforms.<sup>238</sup> While parental control features are without end, the following will briefly highlight the most common and how they work. Parental control software generally is an application that synchronizes accounts—*e.g.*, a parent and child's account.<sup>239</sup> The primary account is given management authorizations to implement certain “tools.”<sup>240</sup> These tools include filters that block access to pre-determined content, websites, and materials—such as posts or messages.<sup>241</sup> Other tools include screen time limits; allowing parents to pre-determine usage on certain applications.<sup>242</sup> These applications provide activity reports, giving parents insight (whether daily, weekly, etc.) regarding their child's online usage and behavior.<sup>243</sup>

Similar to credit card companies that contact users based on potentially fraudulent purchases, these applications can provide real-time alerts for risky activities or communications.<sup>244</sup> For example, Qustodio, Norton Family, and Bark use combinations of device management software and web filtering algorithms to monitor or alert parents to potential online predators, sexual material, or content associated with suicide or cyberbullying.<sup>245</sup> This sophisticated technology leverages algorithms by continually updating known harmful sites or emerging

---

237. See *infra* Section III.C.2.

238. See *The Bark App and Other Parental Control Tools*, FTC (Mar. 20, 2024), <https://www.ftc.net/blog/the-bark-app-and-other-parental-control-tools/> [<https://perma.cc/T5K8-X5ND>].

239. John Sammons & Michael Cross, *Parental Control*, SCIENCE DIRECT (2017), <https://www.sciencedirect.com/topics/computer-science/parental-control> [<https://perma.cc/U469-FLSV>].

240. *Id.*

241. *Id.* Technology of this sort is commonly encountered on TV streaming services, where parents are allowed to restrict what movies or shows can be accessed by certain accounts. See *Parental Controls on Netflix*, NETFLIX, <https://help.netflix.com/en/node/264> (last visited June 22, 2024) [<https://perma.cc/H9H4-FBUL>].

242. See *The Bark App and Other Parental Control Tools*, *supra* note 238.

243. See Sammons, *supra* note 239.

244. Amy Barnes, *Best Parental Control Apps: Keep Kids Safe with Online Monitoring*, TIME (June 17, 2024), <https://time.com/shopping/article/best-parental-control-app/> [<https://perma.cc/Z3XG-KCRC>].

245. *Id.*

threats and alerting parents.<sup>246</sup> These applications comply with regulatory frameworks, such as the Children’s Online Privacy Protection Act (COPPA), ensuring compliance with privacy standards while empowering parents to safeguard their children’s online activities.<sup>247</sup>

While research in this field is evolving, early studies show promise that these applications can significantly reduce mental health problems in adolescents.<sup>248</sup> Empowering parents to minimize their child’s exposure to harmful content and, importantly, be the ones to steward their child’s digital maturity will directly correlate to decreased mental health concerns.<sup>249</sup> The *National Library of Medicine* found that adolescents with increased parental supervision of their media devices directly lowered depression and anxiety rates as compared to their peers with unrestricted access.<sup>250</sup> Data from the CDC’s 2021 nationally representative Youth Risk Behavior survey found that less parental monitoring on media devices was associated with a greater likelihood of depressive disorders and other early mental health indicators.<sup>251</sup> Finally, the *American Academy of Pediatrics* noted that parental supervision, facilitated by software of this type, mitigates risks such as online harassment and cyberbullying.<sup>252</sup> Such risks, which are all but commonplace online, are directly related to decreased mental health and safety in adolescents.<sup>253</sup> In all, applications that empower parents to teach their children digital literacy and implement early warning measures are supported by the medical literature as able to decrease youth mental health disorders.<sup>254</sup>

To ensure uniform adolescent protection, this Article proposes that all U.S.-operated social media platforms come pre-installed with parental control software. The legislation should imitate the Securing Children Online through Parental Empowerment (“SCOPE”) Act, signed into law by Texas Governor Greg Abbot in June 2023.<sup>255</sup> The law places a duty on

246. See Sammons, *supra* note 239.

247. See *generally* Proposed Amendments to the Children’s Online Privacy Protection Rule, 89 Fed. Reg. 2034, 2034–76 (Jan. 11, 2024) (to be codified at 16 C.F.R. pt. 312).

248. Teresa Koch et al., *Socioeconomic Status and Young People’s Digital Maturity: The Role of Parental Mediation*, 154 COMP. HUM. BEHAVIOR 108157 (May 2024), <https://doi.org/10.1016/j.chb.2024.108157> [<https://perma.cc/4EB9-JHCV>] (“[A]ctive parental mediation, which relates to socioeconomic status, seems to effectively enable young people to develop their digital maturity skills”).

249. See *id.*

250. See Das et al., *supra* note 74, at e35291 (“The study revealed that participants’ poor supervision had a positive correlation with emotional and behavioral problems.”).

251. See Dittus et al., *supra* note 74, at 37–44.

252. See *Media Use in School-Aged Children and Adolescents*, *supra* note 74.

253. *Id.*

254. See Dittus, *supra* note 74, at 37–44; Das et al., *supra* note 74, at e35291.

255. See TEX. BUS. & COM. CODE ANN. § 509 *et seq.*

social media platforms, where they must provide the tools to parents to control the minor's privacy and account settings, restrict the minor's ability to make purchases or engage in financial transactions, and monitor and limit the amount of time the minor spends using the platform.<sup>256</sup> Texas' SCOPE Act mirrors proposed federal legislation.<sup>257</sup> This federal legislation, known as Sammy's Law, requires U.S.-operated social media platforms to provide parents with third-party safety software.<sup>258</sup> These third-party providers set real-time application programming interfaces, through which a parent may delegate permissions to a third-party safety software provider to manage the child's online interactions, content, and account settings.<sup>259</sup>

These laws place the burden on the platform to provide parental supervision applications to parents.<sup>260</sup> While these parental control applications generally cost between \$75 and \$200 annually, such costs nevertheless burden parents financially.<sup>261</sup> Without legislation, there is an inequitable effect on parents who can or cannot afford to pay the application fee for this software.<sup>262</sup> As such, passing legislation similar to Texas' SCOPE Act empowers parents to supervise and manage their child's online exposure, despite a parent's socioeconomic status.<sup>263</sup>

In summary, states should pass laws similar to the Texas SCOPE Act and Sammy's Law to empower parents with the ability to manage and supervise their children's online exposure.<sup>264</sup> Not only will such laws alleviate the financial burden on parents but, more importantly, will significantly reduce the negative mental health impact that social media has on today's youth.<sup>265</sup>

---

256. TEX. BUS. & COM. CODE ANN. § 509.054 (“(a) A digital service provider shall create and provide to a verified parent parental tools to allow the verified parent to supervise the verified parent’s known minor’s use of a digital service. (b) Parental tools under this section must allow a verified parent to: (1) control the known minor’s privacy and account settings; (2) alter the duties of a digital service provider . . . regard[ing] the verified parent’s known minor; (3) if the verified parent alters the duty of a digital service provider . . . , restrict the ability of the verified parent’s known minor to make purchases or engage in financial transactions; and (4) monitor and limit the amount of time the verified parent’s known minor spends using the digital service.”).

257. Sammy’s Law of 2023, H.R. 5778, 118th Cong. § 1 (2023).

258. *See id.*

259. *See id.*

260. *See id.*; TEX. BUS. & COM. CODE ANN. § 509.054.

261. *See Barnes, supra* note 244.

262. *See id.*

263. *See* TEX. BUS. & COM. CODE ANN. § 509.054.

264. *See id.*; Sammy’s Law of 2023, H.R. 5778, 118th Cong. § 1 (2023).

265. *See supra* Section III.C.1.



## 2. *Children Have No Recognized Privacy Interest Against Their Parents*

Opponents of increased parental supervision of children's social media accounts argue that children have a recognized privacy interest against their parents in limited circumstances, which should extend to social media.<sup>266</sup> Many of these opponents point to *Bellotti v. Baird*.<sup>267</sup> There, the Supreme Court addressed a minor child's privacy interest against their parents when the child wanted an abortion.<sup>268</sup> The Court held that a state statute requiring parental consent for an abortion was unconstitutional, as the right to an abortion was not contingent on age—at a time when abortions were a constitutional right.<sup>269</sup> Ultimately, the Court recognized the child had a right to privacy against her parents due to the superseding constitutional right.<sup>270</sup> Further, opponents of parental supervision legislation point to federal laws—such as HIPAA—and similar state laws that require certain medical providers to maintain confidentiality when providing therapy consultations to minors.<sup>271</sup>

*Bellotti* and medical confidentiality laws are distinguishable from online privacy laws. In the context of social media, there is no superseding constitutional right to access media. Thus, while *Bellotti* seemed to carve an “exception” into a parent's constitutional right to direct the upbringing of their children, no such interest exists in accessing harmful digital media.<sup>272</sup> Second, unlike confidentiality in the context of medical intervention, children do not enjoy a privacy interest in their social media posts, as they are inherently public.<sup>273</sup> An example of children's reduced privacy interest against their parents involves the many cases holding that parents can consent to police searches of their children's rooms.<sup>274</sup> These

---

266. See, e.g., Stacey B. Steinberg, *Sharenting: Children's Privacy in the Age of Social Media*, 66 EMORY L.J. 839, 844 (2017) (arguing that parents, by sharing information online about their child, create an “indelible digital footprint” their child has no control over).

267. 443 U.S. 622 (1979).

268. *Id.* at 633.

269. *Id.* at 643; see generally *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) *overruling* *Roe v. Wade*, 410 U.S. 113 (1973) (no longer recognizing the constitutional right to an abortion).

270. *Bellotti*, 443 U.S. at 643–44.

271. See TEX. FAM. CODE § 101 *et seq.*; see generally Health Insurance Reform: Security Standards, 68 Fed. Reg. 8376 (Apr. 21, 2003) (to be codified at 45 C.F.R. 160, 162, 164).

272. *Bellotti*, 443 U.S. at 633–44.

273. See *Who Can See My Social Media Posts?*, UNIV. OF MD.: SAFE DATA, SAFE FAMILIES, <https://safedata.umd.edu/for-librarians/teaching-moments/who-can-see-my-social-media-posts> [https://perma.cc/65A4-XHXX] (last visited June 27, 2024).

274. See, e.g., *Wimberly v. State*, 934 So. 2d 411, 430 (Ala. Crim. App. 2005) (holding that a mother can consent to a search of her minor son's room); *Jacobs v. State*, 681 S.W.2d

cases recognize parent's duty to monitor their children.<sup>275</sup> The same holds true of social media, whether monitoring a child's account for their own safety or the safety of others—*e.g.*, if the child is disparaging another, the parent is better positioned to intervene.<sup>276</sup>

"The liberty interest . . . of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by [the] Court."<sup>277</sup> While opponents to parental supervision legislation present other arguments, addressing each is outside the scope of this Article.<sup>278</sup> The following will briefly expound on the deeply embedded notion in American society of parental autonomy in raising and supervising their children.<sup>279</sup> In a series of twentieth-century cases until now, the U.S. Supreme Court has undoubtedly recognized the fundamental right of parents to make decisions regarding their children's care.<sup>280</sup>

In *Meyer v. Nebraska*, the Supreme Court held that "the 'liberty' protected by the Due Process Clause includes the right of parents to 'establish a home and bring up children' . . ."<sup>281</sup> In *Troxel v. Granville*, the Court reiterated the societal importance of laws that facilitate parents' ability to decide what is in the best interest of their children.<sup>282</sup> The overarching theme is that the Court increasingly affords great deference to parents' ability to make decisions in their child's best interest.<sup>283</sup> Society relies on parents to instill values, good citizenship, social responsibility,

119, 122 (Tex. App. 1984) (holding that minors have no expectation of privacy in their bedroom).

275. *See, e.g.*, *In re Salyer*, 358 N.E.2d 1333, 1334–35, 1337 (Ill. App. Ct. 1977) (holding a mother's consent valid to search her minor son's bedroom, despite the fact it was locked); *In re Tariq A-R-Y*, 701 A.2d 691, 696 (Md. 1997) (holding that parents had authority to consent to search of their minor child's clothing).

276. *See Keeping Teens Safe*, *supra* note 14.

277. *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534–35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

278. *See, e.g.*, Zahra Takshid, *Children's Digital Privacy and the Case Against Parental Consent*, 101 TEX. L. REV. 1417, 1440–49 (2023) (arguing children have a recognized privacy interest in the context of social media); Vanessa C. Cordeiro, *Children's Rights and Digital Technologies: Children's Privacy in the Age of Social Media – The Perils of "Sharenting"*, HUMANIUM (Jan. 26, 2021), <https://www.humanium.org/en/childrens-rights-and-digital-technologies-childrens-privacy-in-the-age-of-social-media-the-perils-of-sharenting/> [<https://perma.cc/3KQ7-UEZL>] (analyzing UN laws that expressly protect children's privacy from their parents).

279. *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972) ("The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.").

280. *See id.*; *Troxel*, 530 U.S. at 65.

281. *Troxel*, 530 U.S. at 65 (quoting *Meyer*, 262 U.S. at 399).

282. *See id.* at 68.

283. *See Hodgson v. Minnesota*, 497 U.S. 417, 447 (1990).

maturity, and religious beliefs in their children.<sup>284</sup> But recognize that “parents . . . who have . . . primary responsibility for children’s well-being are entitled to the support of laws designed to aid discharge of that responsibility.”<sup>285</sup> In other words, laws that facilitate parental involvement in life-altering decisions by minors, such as the right to vote and marry, aid parents in childrearing by protecting them from their immaturity and impulsivity.<sup>286</sup> Thus, legislators and judicial decisions have, for years, empowered parents to protect their children from their own adolescence.<sup>287</sup>

In summary, social media presents a modern example of the legislative need to empower parents to protect children from themselves.<sup>288</sup> Cognitive development and children’s impulsive nature combined with the addictive technology that is social media create the perfect storm—uncontrolled social media use.<sup>289</sup> It would be difficult, if not impossible, to legislatively restrict social media’s technological developments in entertainment, despite their known addictive nature.<sup>290</sup> Thus, states must focus their efforts on empowering parents to manage and supervise their children’s digital exposure to combat this modern trend of exponentially increasing youth mental health concerns.<sup>291</sup>

---

284. See *Ginsberg v. New York*, 390 U.S. 629, 639 (1968) (upholding prohibition on the sale of obscene materials to minor children).

285. *Id.*

286. *Id.* at 638–40 (explaining the presumption that children’s immaturity prevents them from appreciating the consequences of their decisions and actions). See, e.g., MASS. GEN. LAWS ANN. ch. 207, §§ 7, 24, 25, 33A (West 1958 & Supp. 1979) (requiring parental consent for minors to marry).

287. See Kristin N. Henning, *The Fourth Amendment Right of Children at Home: When Parental Authority Goes Too Far*, 53 WM. & MARY L. REV. 55, 74–77 (2011).

288. Caraline McDonnell, *A Tech-Based World: The Risks and Benefits of Social Media and Screentime*, BAKER CTR. (Nov. 7, 2023), <https://www.bakercenter.org/screentime-1> [<https://perma.cc/B7JL-8N5N>] (“Technology and social media are almost always accessible to kids and teens growing up in our tech-based world, which makes it hard to resist engaging with throughout the day. . . . [O]ne recent study found that around a third of social media use can be linked to self-control challenges and habit formations.”).

289. See Elena Bozzola et al., *The Use of Social Media in Children and Adolescents: Scoping Review on the Potential Risks*, 19(16) INT’L J. ENVIRON. RES. PUB. HEALTH 9960, doi: 10.3390/ijerph19169960 (“Children and adolescents who use social media for many hours a day, are also at higher risk for behavioral problems, cyberbullying, online grooming, sleep difficulties, eye problems, (such as myopia, eye fatigue, dryness, blurry vision, irritation, burning sensation, conjunctival injection, ocular redness, and dry eye disease), and headache. Moreover, uncontrolled social media use, can lead to sexting, exposure to pornography, exposed to unwanted sexual material online, and early sexual activity.”).

290. See *The Facebook Files*, *supra* note 48.

291. See *supra* Section III.C.1–2.

## IV. CONCLUSION

The need to safeguard our children's well-being in social media's uncharted, ever-evolving world cannot be overstated.<sup>292</sup> The alarming rise in youth mental health risks, exacerbated by largely unchecked social media use, demands legislative action.<sup>293</sup> As has been done for years, lawmakers reinforcing the fundamental right of parents to direct their children's upbringing promotes healthier development when navigating life's complexities.<sup>294</sup> The same is true of social media.<sup>295</sup>

This Article urges legislators to enact laws that reinforce parenthood in the realm of social media.<sup>296</sup> By mandating age verification and parental consent for minors creating accounts, and requiring platforms to offer robust parental controls, parents will be empowered to shield their children from the detrimental health impacts pervasive in today's online domain.<sup>297</sup> As social media continues its ascension as a dominant global force, we must act to protect our most valuable asset—our children.

---

292. See Citron, *supra* note 3, at 46–47.

293. See Ko et al., *supra* note 62, at 378–81; Allcott et al., *supra* note 4, at 29–30; Hunt et al., *supra* note 4, at 759–66; Andreassen et al., *supra* note 11, at 501–04. See generally Twenge et al., *supra* note 11, at 3, 8–9 (discussing the exponential increase in youth mental health risks since the social media's inception).

294. See Daniel, *supra* note 192, at 254–56; Coleman, *supra* note 198, at 786–793.

295. See Das et al., *supra* note 74, at e35291; Dittus et al., *supra* note 74, at 37–44; *Media Use in School-Aged Children and Adolescents*, *supra* note 74.

296. See *supra* Part III.

297. See *supra* Section III.A.–B. See generally Gupta et al., *supra* note 61, at e30143 (explaining social media's negative health impact on children).