THE RISE OF MOMMY VLOGGERS: HOW PARENTAL CONSENT MAY IMPACT INFLUENCER MOMS' ABILITY TO POST THEIR CHILDREN

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This Note discusses how American legal systems and constitutional provisions may harm or protect a parent's ability to post their children online. In the modern, digital age, a new career has risen for stay-at-home moms: the mommy vlogger. A mommy vlogger is able to "monetize," otherwise known as making money, from posting on social media by gaining sponsorships from companies or from the social media platform itself. Mommy vloggers sometimes post their own children in order to cultivate an aesthetic on their pages that other mothers may relate to. This mother's job may be at risk in the event she divorces her partner because the other parent may have control over whether the mommy vlogger can post their children online. The current American legal system does not protect a mother in this situation, which is problematic if these women's liberties are to be protected. The most viable option for protecting the mother would be through individual cases in common law divorce proceedings because of their individualized, case-specific remedies.

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INTRODUCTION

As of October 2025, there were approximately 5.66 billion social media users around the globe.[1] This chalks up to 68.7% of the total human population presenting themselves and interacting on social media platforms.[2] To date, the most popular social media platform in the United States is YouTube, with more than 2.53 billion active users to date.[3] TikTok, a short-form video app that personalizes content for its viewers based on an algorithm, has rapidly grown in popularity over the past few years.[4] With its growing popularity, analysts have taken notice of TikTok and have found that young adults are more likely to use the platform in comparison to older individuals.[5] Additionally, women are more likely to post and utilize TikTok than men.[6]

1. *Global Social Media Statistics*, DATAREPORTAL, https://datareportal.com/social-media-users?rq=global media statistics [https://perma.cc/P59C-BGUX].

2. *Id.*

3. Alejandra O'Connell-Domenech, *TikTok's popularity among Americans growing faster than any other platform: Pew*, THE HILL (Jan. 31, 2024), https://thehill.com/changing-america/well-being/mental-health/4440620-tiktok-popularity-among-americans-growing-fastest-pew/ [https://perma.cc/FNL3-RWMX]; *see also* Shubham Singh, *How Many People Use YouTube in 2025? (Active Users Stats)*, DEMANDSAGE (Nov. 12, 2025), https://www.demandsage.com/youtube-stats/ -:~:text=YouTube has more than 2.50,at least once a month [https://perma.cc/G4N2-YR69].

4. *See* O'Connell-Domenech, *supra* note 3; Griffin LaFleur & Madeleine Streets, *Definition TikTok*, TECHTARGET (Aug. 1, 2025), https://www.techtarget.com/whatis/definition/TikTok [https://perma.cc/V4WD-ZKZC].

5. O'Connell-Domenech, *supra* note 3.

6. *Id.*

I. THE MECHANICS OF A CAREER IN SOCIAL MEDIA

A. A Field Dominated by Women

With women being such a dominant player on social media apps like TikTok, it is important to understand the scope of their use. According to a recent marketing industry study, women comprise an overwhelming 84% of social media influencers.[7] Of the total proportion, 77% of influencers who monetize their content are women.[8] There are also implications of women occupying the social media realm as consumers in addition to influencers. "With the emergence of [social media] influencers, women are able to see and hear from women who they resonate with online, and therefore trust their advice to take a certain action or consume a certain product."[9] These implications not only mean that women are using, creating, and capitalizing off of social media directly, but they are also able to influence consumer consumption through other women's purchases of products that they are recommending.[10] Social media presents a large platform both for women seeking relatable content and a huge job market with the potential for women influencers to generate income.

B. What is a Mom Influencer?

Here emerges the mom influencer, or colloquially, the "mommy vlogger".[11] A mommy vlogger is simply a mom who is making a living by posting on social media.[12] Mommy vloggers are essentially the new age "mommy bloggers". Much like their predecessors, they attempt to share their lives on social media, but with the twist of selling a carefully-crafted image instead of sharing their life in

7. Olivia Tindall, *Navigating the Gender Landscape in Influencer Marketing: Why Women Contribute More, Yet Earn Less*, SENSIS (Mar. 8, 2024), https://sen24-test.dev.sensisagency.com/nexus/navigating-gender-landscape-influencer-marketing-why-women-contribute-more-yet-earn-less [https://perma.cc/RCN9-EHN3].

8. *Id.*

9. *Id.*

10. *Id.*

11. While the term "mommy vlogger" has been gendered to refer to a woman influencer, it is important to remember any gender can make a profit in this manner. This issue may implicate any mother, father, or nonbinary parent who has made a living by posting their child on social media.

12. Nydia Han & Heather Grubola, *Mom influencers getting paid for sharing daily family life on social media*, 6ABC (Sept. 27, 2023), https://6abc.com/social-media-mom-influencers-ann-do-jo-piaza/13834873/ [https://perma.cc/MEZ6-JTXE]; Anna North, *The expensive, unrealistic, and extremely white world of "momfluencers,"* VOX (Apr. 25, 2023, 05:00 AM MDT), https://www.vox.com/23690126/mothers-parenting-momfluenced-sara-petersen-tiktok-instagram [https://perma.cc/K6HJ-DQD3].

narrative format.[13] This shift follows the rise of visual social media platforms as influencers today work to curate an image which simultaneously seems authentic and aspirational to their followers.[14] Following suit with this change in content came a change in monetization models.[15] Today's social media monetization model is centered on "sponsored content," which means that a mommy vlogger would get paid to post her regularly scheduled content—typically of her children—integrated with a product which a company would pay her to post about as a form of marketing.[16]

A mommy vlogger may review products, post her daily activities with her family, or share her routines online. Despite the various options, one thing is for certain: she targets a large market to make money from.[17] Today, women take charge of the majority of household purchases for their families, and with increasing frequency, these women are looking to mommy influencers for household product purchasing advice.[18] Naturally, this powerful flywheel increases the incentives for companies to keep outsourcing their marketing needs to mommy vloggers, and for mommy vloggers to keep posting to their followers.

C. Moms Making Millions

The power of such means of income is not lost on mothers. Social media influencer and mom of three, Tina Meeks, is one of many mommy vloggers now able to turn social media into a full-time job.[19] When she started out on social media, she made posts about her life, including her family, homecooked meals, and videos on parenting.[20] In her first year of posting, she made around one thousand dollars.[21] She viewed this as a side hustle in addition to her salaried job; however, as she continued posting through the COVID-19 pandemic, Meeks was able to make over three-hundred thousand dollars per year.[22] Meeks' success enabled her to become

13. *See* North, *supra* note 12.
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. Jo Piazza, *This 34-year-old mom quit her job to work on her side hustle full-time-and made $300,000 in one year*, CNBC (Apr. 1, 2021, 11:16 AM EDT), https://www.cnbc.com/2021/04/01/34-year-old-mom-quit-job-to-work-on-her-side-hustle-and-made-300000-in-1-year.html [https://perma.cc/5V63-W99G].
20. *Id.*
21. *Id.*
22. *Id.*

involved in a multi-million-dollar industry—one that allows for both small and large mom influencers to profit off of posting their family on social media.[23]

Similarly, Catherine and Austin McBroom made their livelihoods by posting their family on social media.[24] Together they ran "The ACE Family" where the couple posted family vlogs following the everyday lives of them and their children.[25] Since starting their account in 2016, the McBroom's were able to attract over eighteen million followers who watched their videos.[26] This provided both Catherine and Austin an income stream without having to work another job.[27] However, in January 2024, the couple announced their divorce, which left open the question of what would happen to their account.[28]

The key difference between the Meeks and the McBrooms is that the McBrooms are divorced. Further, the McBrooms present an interesting case as both Catherine and Austin each posted to the social media account; whereas the typical mommy vlogger posts and runs an account on their own. Accordingly, divorce presents a challenge for women who post their family on social media: if the spouse disagrees with the mommy vlogger's posting, the management of the social media account comes into concern. What happens when a mommy vlogger gets divorced and suddenly, family content might only benefit one spouse? The current structure of American law, including constitutional guarantees, traditional common law of divorce, and new expansions of prenuptial agreements, may provide inadequate means to protect a mommy vlogger's right to post her children and to maintain her social media presence in an adversarial divorce proceeding.[29] One potential avenue for protecting these women is through the state court process, which would allow fact-finding bodies to conduct individual

23. *Id.*

24. *How Did the ACE Family Make Their Money?*, FINANCHILL (Dec. 14. 2020), https://financhill.com/blog/investing/how-did-the-ace-family-make-their-money https://perma.cc/ZGK6-PMFK].

25. Angela Yang, *Catherine and Austin McBroom of 'The ACE Family' announce their divorce*, NBC NEWS (Jan. 11, 2024, 17:41 MST), https://www.nbcnews.com/pop-culture/catherine-austin-mcbroom-ace-family-announce-divorce-rcna133578 [https://perma.cc/E3ZK-5QM6].

26. *Id.*

27. *See* FINANCHILL, *supra* note 24.

28. *Id.*

29. *What you need to know about "sharenting,"* UNICEF, https://www.unicef.org/parenting/child-care/sharenting [https://perma.cc/DQ6P-J5B8] (discusses whether parents should be monetizing off their kids and the harms it may cause).

inquiries to assess whether a mommy vlogger can continue posting their child and earning from influencing.

II. FAMILY LAW IN THE UNITED STATES CONSTITUTION

As a foundational principle, family law is traditionally governed at the state level.[30] However, there are some narrow circumstances where the federal government has jurisdiction in family law, namely in child welfare, child adoption, and an area that might be at issue in this topic—where family law concerns constitutional provisions.[31] In recent history, some states have moved to require increased parental consent for certain social media activities involving children.[32] There is a possibility that this increase in parental consent could transition to requiring dual parental consent for posting children on social media. Dual parental consent would present an issue for mommy vloggers who depend on posting the intimate parts of their family, including their children, online to earn income from their posts and sponsorships. It is also likely these state rules will face challenges under the various tests of scrutiny that the Supreme Court of the United States has established in areas triggering constitutional questions.

A. The Due Process Clause

The biggest constitutional concern implicated by mommy vloggers and divorce proceedings are Due Process violations. These violations arise from the Fourteenth Amendment's Due Process Clause which serves as the source for numerous constitutional rights.[33] These rights include substantive protections, classified as fundamental rights not expressly stated elsewhere in the Constitution.[34] They include the right to marry, the right to contraception, and the right to parent one's children.[35] Fundamental rights may not be infringed upon by the federal government or any state action unless the action survives strict scrutiny.[36]

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30. *Is Family Laws Federal or State?*, LAWS (Sept. 16, 2023), https://family.laws.com/family-court/family-courts - :~:text=While family law is primarily,in child welfare and adoption [https://perma.cc/96WQ-HL3Q].

31. *Id.*

32. Lindsay Tonsager, Jenna Zhang & Diana Leeet, *State and Federal Developments in Minors' Privacy in 2024*, COVINGTON (Aug. 9, 2024), https://www.insideprivacy.com/childrens-privacy/state-and-federal-developments-in-minors-privacy-in-2024/ [https://perma.cc/3N5J-FJNV].

33. U.S. CONST. amend. XIV, § 1.

34. ERWIN CHEMERINSKY, CONSTITUTIONAL LAW 796 (7th ed. 2023).

35. *Id.*

36. *Id.* at 795.

Strict scrutiny is used by courts to determine the constitutionality of government action that burdens a fundamental right.[37] This is the most stringent form of review a court will undertake to analyze government actions.[38] When looking at how the Supreme Court has analyzed or applied strict scrutiny to government actions over time, caselaw suggests the test is broken down into four parts: (1) determining if the right infringed upon is fundamental by looking to history and tradition of the United States, (2) whether the infringement is direct and substantial, (3) whether the government can present a "compelling government interest", and (4) whether the government can show that its action was "narrowly tailored," meaning that the government was using the "least restrictive means" to further their actual interest.[39] Strict scrutiny places a heavy burden on the government by starting with a presumption of unconstitutionality and shifting the burden of persuasion to the government.[40] This means that the government must make a showing that they did not arbitrarily infringe upon a citizen's fundamental right, and the success of their case is in its own hands.

One of the oldest fundamental rights recognized by the Supreme Court of the United States is the interest that parents have in the "care, custody, and control of their children."[41] The Supreme Court has affirmed this right time and time again.[42] The Court has even said the "primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition."[43] These holdings illustrate American society's commitment to recognizing parental rights broadly and protect them as such.

How does this tie back into mommy vloggers? A divorcée mommy vlogger could argue that posting their children online is a part of exercising their fundamental right to oversee the custody, control, and care of their child. The same could also be said by the divorced spouse. An ex-spouse could state that choosing to remove their child from social media is a part of exercising their right to oversee the care, custody, and control of their child's upbringing.

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37. *Id.*

38. *Id.*

39. *See* United States v. Carolene Products Co., 304 U.S. 144, 152 n.4 (1938); Moore v. City of East Cleveland, 431 U.S. 494, 503 (1977); Zablocki v. Redhail, 434 U.S. 374, 387 n.12 (1978); Korematsu v. United States, 323 U.S. 214 (1944).

40. *See Zablocki*, 434 U.S. at 387.

41. Troxel v. Granville, 530 U.S. 57, 66 (2000).

42. *See* Meyer v. Nebraska, 262 U.S. 390, 400 (1923); *See* Michael H. v. Gerald D., 491 U.S. 110, 125 (1989).

43. Wisconsin v. Yoder, 406 U.S. 205, 232 (1972).

The most significant area in which these parental and fundamental rights issues arise is state action. Recall that American courts apply strict scrutiny when a state has acted in a way that impairs or infringes upon a fundamental right, such as a parent's right to oversee their child's development.[44] So, if a state enacts legislation or executive action regulating when a parent may or may not post their children on social media, then it may have to overcome strict scrutiny. If a state prohibits parents from posting their child on social media, mommy vloggers could claim that such a restriction implicates their fundamental right to parent. Then, a state must have to overcome strict scrutiny by putting forth a compelling state interest and showing that its action was the least restrictive means of achieving its goal to prohibit parents posting their children.

B. The First Amendment

An American citizen's right to free speech stems from the First Amendment's language housed in the "Free Speech Clause."[45] The amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[46] In cases involving a potential First Amendment infringement, American courts employ various tests to determine whether the infringement can stand despite infringing on an individual's right to free speech.[47]

Given the absence of a singular controlling test,[48] when presented with a speech regulation question, a court's inquiry begins with what framework to apply in the first instance.[49] This inquiry revolves around three questions: (1) whether the government is regulating speech or conduct, (2) whether the speech is protected or unprotected, and (3) whether the regulation is content based or not.[50] As stated, these inquiries determine which level of scrutiny to apply.[51] Typically, laws that regulate speech

44. *See Troxel*, 530 U.S. at 66.
45. U.S. CONST. amend. I.
46. *Id.*
47. *See* CHEMERINSKY, *supra* note 34, at 1059.
48. *Id.*
49. *Id.*
50. City of Dallas v. Stanglin, 490 U.S. 19, 25; Spence v. Washington, 418 U.S. 405, 420 (1989) (Rehnquist, J., dissenting); *See* CHEMERINSKY, *supra* note 34, at 1351; Police Dep't of Chicago v. Mosley, 408 U.S. 92, 95–96 (1972); R.A.V. v. City of St. Paul, 505 U.S. 377, 382 (1992).
51. *See* CHEMERINSKY, *supra* note 34, at 1285.

based on content (i.e., subject matter, topic, or view) are subject to strict scrutiny, except for regulations of commercial speech (like product advertisements), which are typically subject to intermediate scrutiny.[52]

Similar to the world of Due Process Clause violations, a court requires the government to show that its restriction is "narrowly tailored" and advancing "a compelling government interest" in the "least restrictive means" available.[53] This level of scrutiny is used for content-based laws, which restrict speech on the basis of subject, topic, or substantive message.[54] Further, the Supreme Court has outlined various interests which are deemed compelling, including "protecting the physical and psychological well-being of minors."[55] In addition to furthering a compelling interest, the regulation on speech must be narrowly tailored, which means the government must pursue its legitimate interests through "means that are neither seriously underinclusive nor seriously overinclusive."[56] A regulation is not narrowly tailored if an alternative means would sufficiently serve the government's interest without infringing upon an individual's speech.[57]

Intermediate scrutiny is applied by courts when a government restriction is implicating commercial speech.[58] Commercial speech is defined as "speech which does no more than propose a commercial transaction," such as an advertisement, or as "expression related solely to the economic interests of the speaker and its audience."[59] In order for a government restriction on commercial speech to withstand intermediate scrutiny, a court must undergo a four-step test.[60] First, the court decides "whether the expression is protected by the First Amendment."[61] In the commercial context, speech falls under First Amendment protection when it concerns "lawful activity" and is not "misleading."[62] Then, the court determines

52. Turner Broad. Sys. v. FCC, 512 U.S. 622 (1994); Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n of N.Y., 447 U.S. 557 (1980); Florida Bar v. Went For It, Inc., 515 U.S. 618, 623 (1995); *see also* CHEMERINSKY, *supra* note 34, at 1489.

53. United States v. Playboy Ent. Grp., Inc., 529 U.S. 803, 813 (2000).

54. City of Austin v. Reagan Nat'l Advert. of Austin, LLC, 596 U.S. 61, 71 (2002); Reed v. Town of Gilbert, 576 U.S. 155, 163 (2015).

55. Sable Commc'n of Cal., Inc. v. FCC, 492 U.S. 115, 126 (1989).

56. Brown v. Entertainment Merchants Ass'n, 564 U.S. 786, 805 (2011).

57. *See Playboy*, 529 U.S. at 813.

58. Turner Broad. Sys. v. FCC, 512 U.S. 622 (1994).

59. Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748, 762 (1976); *See* Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n of N.Y., 447 U.S. 557, 561 (1980).

60. *See Cent. Hudson*, 447 U.S. at 566.

61. *Id.*

62. *Id.*

"whether the asserted governmental interest is substantial."[63] If both of these prongs are satisfied, the court then analyzes "whether the regulation directly advances the governmental interests asserted, and whether it is not more extensive than necessary to serve that interest."[64] Although similar in language to the strict scrutiny analysis, the language and means requirement here is less rigorous because "a fit is not necessarily perfect, but reasonable."[65]

The Supreme Court's development of these tests in the First Amendment context complicates how to classify a mommy vlogger posting their child on social media. In the first case, this type of posting is arguably for a commercial purpose, or at least economic in nature. As mentioned earlier, mommy vloggers have been able to monetize posts of their family and lifestyle just by uploading content onto social media platforms. In fact, mommy vloggers often post advertisements for products and services under the guise of posts of their family and children. In this context, a government action limiting speech of mommy vloggers would be subject to intermediate scrutiny, a standard that is easier for the government to satisfy.[66]

On the other hand, if a state restriction targeting mommy vloggers posting their children is found to be regulating the subject matter of their non-commercial posts, a court would undergo a strict scrutiny analysis. As stated, strict scrutiny is generally much more difficult for the government to overcome, as it bears the burden of showing a compelling government interest. However, the Supreme Court found that a purported interest of protecting a child's well-being, both physically and psychologically, is compelling enough in the First Amendment context.[67] This finding is important because it could potentially give the government a leg up if a challenge is brought against a regulation that limits a parent's ability to post their child on social media.

In 2002, a Minnesota appellate court considered a case involving a father who publicly shared information and photos of his children on television throughout divorce proceedings.[68] These pictures, along with other information about the children, were

63. *Id.*

64. *Id.*

65. Board of Trustees of State Univ. of N.Y. v. Fox, 492 U.S. 469, 480 (1989).

66. The determination on whether a post is truly commercial in nature may depend on how heavily the content is based around an advertisement. For example, a post may be most similar to a product placement in a movie or TV show if the pitch is a part of a larger video or post. In that example, the sales pitch may be reviewed under intermediate scrutiny, while the remainder of the video would be protected under strict scrutiny.

67. *See* Sable Commc'n of Cal., Inc. v. FCC, 492 U.S. 115, 126 (1989).

68. Geske v. Marcolina, 642 N.W.2d 62, 66 (Minn. App. 2002).

broadcast with the father's consent but not the mother's.[69] The mother then brought a motion seeking to prohibit the father from "publishing the names or images" of their children.[70] The court framed the case as an issue of whether the "best interests of the children serve as a compelling state interest supporting a narrowly tailored prior restraint on speech."[71]

The Minnesota court held that this would be a fundamental right; however, certain infringements may be allowed if supported by finding the "best interests of children to be a compelling state interest."[72] The Court ultimately held the state had a compelling interest in protecting the children from the anxiety of being in the media.[73] Furthermore, the court acted through the least restrictive means when it granted the motion to prohibit the father from discussing his children in the media.[74] The order did not prohibit the father from discussing his children in the media without including their personal information or names.[75] Further, the order did not restrict the father from speaking about his children and showing their pictures to his family and friends, only to the media.[76] Lastly, the injunction did "not restrict dissemination by the media" because "if any medium, print or electronic, chooses to use the children's pictures, it may do so and not violate the injunction."[77] Although this case does not implicate social media in its current form, the court did prohibit the father from discussing his children and sharing them on television media. This could pave the way and serve as a foundation for prohibiting the posting of children on social media if the state can show that there is a compelling interest in protecting the best interests of the child.

More recently, a Minnesota Court of Appeals took up the issue again in 2020.[78] During the parties' marriage, they posted survival technique videos together.[79] However, during the divorce proceedings, the mother filed a motion "to order the father to remove videos of the children from the internet."[80] The mother's motion was granted by the district court, which required the father

69. *Id.*
70. *Id.*
71. *Id.* at 67.
72. *Id.* at 68.
73. *Id.*
74. *Id.* at 69.
75. *Id.*
76. *Id.*
77. *Id.*
78. *See generally* Winkowski v. Winkowski, No. 55-FA-18-4416, 2020 WL 1488339 (Minn. App. Mar. 23, 2020).
79. *Id.* at *4.
80. *Id.* at *2.

to stop posting or mentioning their children in his YouTube videos and remove all previously posted videos featuring the children.[81] On the father's appeal, the appellate court remanded the case for more findings regarding the best interests of the children because it could not determine whether the lower court abused its discretion without a more detailed recorded.[82] That being said, the Court of Appeals noted that a district court has broad discretion in determining orders of this sort.[83] This case follows the test in *Geske* closely, implying that if there is a detailed record of the best interests of the child, an order prohibiting posting children on social may be upheld despite constitutional concerns.

III. THE HUMAN ELEMENT

In all likelihood, any state action implicating the rights of mommy vloggers to post their children online would focus on restricting content rather than expanding protections. This is due to a long history and tradition of acting in the best interests of a child in post-divorce situations.[84] The American courts have utilized the "Best Interest Doctrine" in many conflicts occurring after a couple's separation, such as custody allocations, permanency planning, termination of parental rights, and safety concerns.[85] Despite its widespread use when evaluating children's welfare in post-divorce cases, the majority of states do not have a standardized definition of what "best interests" actually means.[86] Instead, it "is generally understood as a legal concept" which is "used in laws and policies as a standard for making decisions regarding the placement and care of the child."[87] These determinations are largely based on a non-exhaustive set of factors that trial courts have broad discretion to interpret from family to family.[88] The primary factors are "related to the child's circumstances and the parent or caregiver's circumstances and capacity to parent, with the child's ultimate safety and well-being as the paramount concern."[89]

81. *Id.* at *3.
82. *Id.* at *12–13.
83. *Id.* at *1.
84. CHILD WELFARE INFO. GATEWAY, *State Statutes Series: Determining the Best Interests of the Child* 2 (2024), https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/determining-best-interests-child.pdf?VersionId=R1oX898e52Rk5qjeXhua3VD7ZCySHMFq [https://perma.cc/AL2K-QBKH].
85. *Id.*
86. *Id.*
87. *Id.*
88. *Id.*
89. *Id.*

However, American jurisprudence makes it abundantly clear that states have a compelling governmental interest in ensuring the best interests of the child, which reinforces that legislation in this area would protect the child—not the mother making income from posting their family.[90] However, the compelling argument that allowing a mother to create a steady stream of income, albeit from posting their child online, could increase the quality of life for their child by providing greater financial stability for the family still stands. If American jurisprudence undercuts this means of stability for the child, it would effectively trade one conception of a child's best interest for another. In other words, the courts would be determining which is better for the child: financial stability or freedom from social media's eye.

But doesn't this standard make sense? Anyone would agree that children are innocent in our society. For the most part, children are incapable of preventing themselves from being taken advantage of.[91] Most children have no say in what part of their lives can be posted and what they want to remain private and kept away from the peeping eye of social media users. As citizens, some of us may expect and urge government to take charge in this situation to protect children from this kind of exposure.[92]

With that being said, it is important to remember that children may not be the only ones in need of protection in a post-divorce proceeding. As previously mentioned, the mother, or as she is referred to, the mommy vlogger, has been able to gain some degree of economic independence from posting her children on social media by monetizing her content. This is not a secret from the man she is divorcing as he likely reaped the benefit from her income source throughout their marriage. He was likely aware of how the money was funneling in from her account as well: through sponsored posts featuring their children. It is not a stretch to imagine how this could turn south.

There is potential for the divorced spouse or separated parent to utilize his lack of consent to his advantage in a sour divorce or separation. An ex-spouse could recognize the mommy vloggers economic opportunity in continuing to post their child on social media and revoke his permission, ultimately cutting off the mother's income stream. Moreover, the statistics show that social media is a field dominated by women, especially in the realm of

90. *See* Sable Commc'n of Cal., Inc. v. FCC, 492 U.S. 115, 126 (1989).

91. David William Archard, *Children's Rights*, STAN. ENCYCLOPEDIA OF PHIL. (Edward N. Zalta & Uri Nodelman eds., 2023), https://plato.stanford.edu/entries/rights-children/ - ChilRighAdulRigh [https://perma.cc/ME9L-KUPD].

92. *Id.*

family content, where they have effectively carved out a space for themselves to make money while caring for their family at the same time.[93] Therefore, this lack of protection for influencers disproportionately impacts women when we see an ex-spouse or parent attempt to prohibit a mommy vlogger from posting their children on social media platforms.

With that being said, it is important to realize that not all spouses may be ill-intentioned when it comes to divorce, especially when their divorcing spouse has created an income stream from posting their children. The money earned from "mommy vlogging" is still income at the end of the day which means it is subject to classification, division, and even alimony payments during divorce proceedings. With this information, a divorcing spouse may realize they could be entitled to alimony payments or continued cash flow from the posting of their children, which may cause the spouse to be more supportive during divorce proceedings. At the end of the day, this is a highly individualized inquiry dependent on the people involved in the marriage and it is difficult to predict how spouses will act when it comes down to the wire at divorce proceedings.

This is the human element to this problem. Not all divorces and separations are handled amicably, nor are all divorces undergone in hatred; however, there could arise an issue when a woman undergoes a hostile divorce. As the majority wrote in *Planned Parenthood v. Casey*, a court's analysis should focus on the group for "whom the law is a restriction, not the group for whom the law is irrelevant."[94] So, how would we protect a mother in these circumstances if the state's gut instinct is to protect the child and not the woman? This issue is properly tackled through the lens of family law which is traditionally controlled—near universally—at the state level. Specifically, antenuptial agreements and divorce law may be able to protect the mommy influencer adequately from a vengeful spouse in the throes of a heated divorce proceeding.

IV. COMMON LAW DOCTRINES OF DIVORCE

Historically, the United States maintained a "particularly high" marriage rate of its citizens compared to other highly developed countries, such as the United Kingdom and Australia.[95] However, in more recent history, the United States has started to see a drop in marriage rates across society.[96] Studies on marriage

93. *See* Tindall, *supra* note 7.

94. Planned Parenthood v. Casey, 505 U.S. 833, 838 (1992).

95. Bastian Herre et al., *Marriages and Divorces*, OUR WORLD IN DATA (Feb. 2025), https://ourworldindata.org/marriages-and-divorces [https://perma.cc/W8QP-3N2Z].

96. *Id.*

rates show the decline began in the 1970s, and "[s]ince 1972, marriage rates in the US have fallen significantly, and are currently at the lowest point in recorded history."[97]

This trend can be attributed to a number of factors. First, on average, people are marrying later in life.[98] For example, the average age of a woman at the time of her first marriage was 27.4 years old in 2017 in comparison to age 23.9 in the year 1990.[99] This trend of an increased number of people, particularly women, marrying later in life means that a larger amount of young adults are remaining unmarried.[100] This is illustrated by the proportion of women who are unmarried in the United States, which, in 1994, was 54.4% for women aged 20 to 24 and 31.4% for women aged 25 to 29.[101] Currently in 2024, 66.1% of women between the ages of 20 to 24 are unmarried, and 43.3% of women between the ages of 25 to 29 are unmarried.[102]

Second, the de-stigmatization of cohabitation is related to marriage rates decreasing.[103] Cohabitation refers to a living arrangement where two or more persons, who are not married, live together and share a lifestyle.[104] The United States Census Bureau estimates that there has been a jump in the proportion of young adults who are living with an unmarried partner.[105] The increase in popularity of cohabitation in modern society correlates with the fact that fewer people are opting into the marital relationship; people who do opt in "tend do so when they are older," after they have lived with their partner for a time prior to marriage.[106] This phenomenon has been referred to as "decoupling."[107]

Despite a trend in decoupling and marrying later in life, there is little statistical evidence showing a decrease in the amount of child birth.[108] This suggests that more unmarried people are having children, and that more people are entering into "long-term

97. *Id.*
98. *Id.*
99. *Id.*
100. *Id.*
101. United Nations Data Portal Population Division, Currently married by age of woman (Percent), https://population.un.org/dataportal/data/indicators/44/locations/840/start/1994/end/2024/table/pivotbylocation?df=f4dd1bb6-ee6f-4390-8ebb-f31a02bb3f10 [https://perma.cc/XYB5-MVH5].
102. *Id.*
103. *See* Bastian Herre et al., *supra* note 95.
104. *Id.*
105. *Id.*
106. *Id.*
107. *Id.*
108. *Id.*

cohabitating relationships" and having children.[109] In fact, the proportion of children being born outside of a marital relationship has increased in most developed countries.[110] In the United States specifically, only 28% of children were born outside of marital relationships in 1990, but in 2014, the proportion of children born outside of marital relationships was 40.2%.[111]

Nevertheless, marriage and divorce remain a large part of our society, despite trends showcasing their decrease in recent years. This is because, at the end of the day, a majority of women are still entering into marriages and starting families. Many families are still impacted by marriage and divorce every day, so it follows that a mommy vlogger may need the protection of these systems of laws in the future should her relationship with her partner fail.

A. Federalism and Family Law

Marital and divorce law has historically been regulated almost entirely at the state level thanks to American federalism and the long-standing principle that family laws should be controlled by local attitudes.[112] This rationale had a strong emotional appeal to the American people, but this regulatory scheme has undoubtedly led to a patchwork of different state laws, which created tension between the states, specifically in "divorce and child custody disputes."[113] This led to the emergence of various Supreme Court decisions and federal legislation which attempted to relieve the tension which conflicting state laws imputed on family law at the local and state levels.[114]

With that being said, family law is a large area of law with many subsections, including divorce laws, separation agreements, custody, child support determinations, and adoption law.[115] The problem of whether mommy vloggers should be able to protect their economic interests by posting pictures of their children falls most squarely into separation agreements and divorce decrees.

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109. *Id.*

110. *Id.*

111. *Id.*

112. Ann L. Estin, *Family Law Federalism: Divorce and the Constitution*, 16 WM. & MARY BILL OF RTS. J. 381, 382–84 (2007) (discussing the history of divorce law in America and the structure of different state and local regulations).

113. *Id.*

114. *Id.*

115. *What is Family Law and What Does It Cover?*, METLIFE (Nov. 10, 2025), https://www.metlife.com/stories/legal/what-is-family-law/ [https://perma.cc/2EMH-SK8B].

B. Separation Agreements

First and foremost, it is important to understand that separation, even a permanent one, is not the same thing as a divorce in the realm of family law.[116] The key difference is that separation does not convert the parties from a marriage back to a single status because the marriage is still intact in the eyes of the law.[117] As a practical matter, this means that separated parties cannot marry another individual because they are still married.[118] There are three distinct flavors of separation: trial, legal, and permanent.[119] Trial separation is most commonly used by couples when they are attempting to reconcile their marriage.[120] "This arrangement is usually only a physical and emotional separation," meaning that "marital property laws still apply."[121] This means any property acquired during the trial separation by one party in the marriage is still treated as marital property that could be split down the middle during a divorce proceeding.[122]

Similar to a trial separation, permanent separation is an immediate measure often taken before a couple pursues divorce proceedings.[123] Typically, permanent separations are the step after a trial separation when a couple decides to file for divorce.[124] The difference between a trial separation and permanent separation is that permanent separation constitutes a change in legal status, which can affect property when the divorce proceeding evolves to property distribution.[125] Once a permanent separation is started, any property individually acquired by a party to the marriage is now treated as individual or separate property, which is exempt from property distribution in a divorce proceeding.[126]

Finally, unhappy couples have the option of legal separation, which serves as an alternative to divorce.[127] Legal separation

116. Jocelyn Mackie & Adam Ramirez, *What Is A Separation Agreement & How Does It Work?*, FORBES: ADVISOR (Feb. 3, 2023, 10:15 AM MDT), https://www.forbes.com/advisor/legal/divorce/separation-agreement/ [https://perma.cc/Z6CX-3AW2.

117. *Id.*

118. *Id.*

119. *Id.*

120. *Id.*

121. *Id.*

122. *Id.*

123. Divorce Law Center, *First Trial or Permanent Separation & Your Legal Options*, JUSTIA (Aug. 2025), https://www.justia.com/family/divorce/first-steps-for-divorce/trial-and-permanent-separation/ [https://perma.cc/YHL6-SEVK].

124. *Id.*

125. *Id.*

126. *Id.*

127. *See* Mackie, *supra* note 116.

enables "a couple to live separate lives while remaining married" in the eyes of the law.[128] This allows the couple to reap the benefits that come with marriage, typically insurance, all while the couple enjoys living independently.[129] Unlike a trial separation, parties must file a legal separation in court, which must be approved by a judge.[130] The separation agreement outlines the terms concerning property, debts, child custody, and any support payments owed to one of the spouses.[131] It is not uncommon for a legal separation to turn into a divorce, in which case the terms of the separation would convert into the terms of the divorce.[132]

Now, although a separation agreement is not required for a trial or permanent separation, the document can be useful for deciding questions at a later time.[133] Separation agreements can provide clarity on a multitude of issues, from how to divide marital assets, care of pets, and custody arrangements for minor children.[134] These agreements allow for the parties to have wide discretion in drafting the terms of the separation agreement. Still, courts retain broad discretion to revisit the agreed-upon terms to make sure the parties entered into their separation agreement fairly.[135] Similarly, given the case law in American jurisprudence, a court would likely not uphold a challenged separation agreement concerning child care if the court determines the provision is not in the best interest of the child.[136] This could include a provision in a separation agreement concerning the right of one parent to post his or her child online.

C. Divorce Decrees

Divorce is like legal separation's bigger and tougher sibling. In American law, divorce means a dissolution of marriage by a decree from a court stating a once valid marriage no longer exists.[137] With the order, both parties are single in the eyes of the law and are free

128. *Id.*
129. *Id.*
130. *Id.*
131. *Id.*
132. *Id.*
133. *See* JUSTIA, *supra* note 123.
134. *Id.*
135. *Id.*
136. *See* White v. Stone, 165 A.D.3d 1641 (N.Y. Sup. Ct. 2018); *see* C.B-C. v. W.C., 77 Misc.3d 342 (N.Y. Sup. Ct. 2022).
137. *Divorce*, A.B.A. (Dec. 3, 2020), https://www.americanbar.org/groups/legal_services/milvets/aba_home_front/information_center/family_law/marriage_and_divorce/annulment_separation_divorce/ending_the_marriage/divorce [https://perma.cc/A5D3-2MYT].

to remarry..[138] Divorce remains a prevalent aspect of family law, mainly because divorce is not uncommon in American society.[139]

A divorce decree is simply an order finalizing a dissolution of a marriage.[140] In order for a divorce decree to be formally recognized in the law, it must be affirmed by a judge ordering it into existence.[141] As for subject matter, divorce decrees can be broad in what it can cover, but the most common areas that decrees provide for are payment of alimony, otherwise known as spousal support, division of marital and separate property, payments of child support, and custody of children.[142]

D. Uniform Marriage and Divorce Act

Since family law, and therefore divorce law, are historically allocated to state governance, there is no truly universal divorce law that crosses state lines. However, there has been a movement proposed by legal scholars to adopt a uniform code for marriages and divorces, which is now referred to as the Uniform Marriage and Divorce Act.[143] This proposition came to light in the early 1970s.[144] Despite the Act's name, this proposition is by no means uniform, as it has only been adopted by Washington, Montana, Minnesota, Colorado, Arizona, and Georgia.[145] Obviously, this is a rather small proportion of states, with an abysmal 12% adoption rate thus far.

Despite the Uniform Marriage and Divorce Act's anti-climactic passage rate over the past fifty years, the authors had a valid intention. The Act was proposed in order to reform the many problems with marriage and divorce law to make a cohesive and efficient means to come to equitable solutions for spouses, both entering the institution of marriage and leaving it.[146] Further, as the most uniform source of American divorce law, it shall be the guidepost for this analysis.

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138. *Id.*

139. *Marriage and Divorces*, CDC NAT'L VITAL STAT. SYS., https://www.cdc.gov/nchs/nvss/marriage-divorce.htm#reporting [https://perma.cc/76NT-AMMT] (noting that the 2022 U.S. divorce rate was 2.4 per 1,000 people, totaling 673,989 divorces in a population of 278 million).

140. *What is a Divorce Decree?*, MD. T. MARSHALL STATE L. LIBR. (Jan. 23, 2025, 10:18 AM), https://www.peoples-law.org/what-divorce-decree [https://perma.cc/9X3K-YRP3].

141. *Id.*

142. *Id.*

143. UNIF. MARRIAGE AND DIVORCE ACT (NAT'L CONF. OF COMM'R ON UNIF. STATE L. 1974).

144. *Id.*

145. *Id.*

146. *Id.*

The Uniform Marriage and Divorce Act states multiple reasons why a court should "enter a decree of dissolution of marriage," assuming the court has jurisdiction over the parties in the first place.[147] The Act encourages "amicable settlements of disputes" by promoting marital partners to enter into their own written separation agreements.[148] These agreements can outline the parties' intent on subjects like property distribution, maintenance or spousal support, child custody, and visitation rights for the parties' children.[149] With that being said, the court is not bound by any agreements the parties may come to in regard to the "support, custody, and visitation of children."[150] However, the court will be bound by the parties' agreement to anything other than the rights and responsibilities the parties owe their children, unless there is a finding of unconscionability.[151]

E. State Case Law

In 2017, the New York Superior Court in *Driscoll v. Oursler* addressed the issue of posting children on social media after a trial court prohibited the mother from making such posts on any social media platform.[152] The appeals court has held that custody determinations for child custody should:

> Focus on the best interests of the child, which involves consideration of factors including the parents' past performance and relative fitness, their willingness to foster a positive relationship between the child and the other parent, as well as their ability to maintain a stable home environment and provide for the child's overall well-being.[153]

The higher court was not convinced that a broad restriction on the mother posting the child on social media was unwarranted when looking at the totality of circumstances surrounding the mother's usage of social media.[154] The court found no indication that the mother's platform was utilizing the child in an inappropriate way, so it modified the prohibition to allow for postings of the child.[155]

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147. *Id.* § 302.
148. *Id.* § 306(a).
149. *Id.* § 306(b).
150. *Id.* § 306(a).
151. *Id.* § 306(b).
152. *In re* Driscoll, 146 A.D.3d 1179, 1181 (N.Y. Sup. Ct. 2017).
153. *Id.*
154. *Id.*
155. *Id.*

A mommy vlogger in New York could benefit immensely from this precedent. Under the New York Superior Court's interpretation, a parent, regardless of marital status, may be able to keep posting his or her child on social media, even if the other parent disagrees. While the mommy vlogger and her posts would need to survive the best interest of the child analysis, it seems that so long as the parent does not disparage the child or use the child in an inappropriate way within the postings, then this is satisfied. Not only would this protect the mommy vlogger's economic venture in her account by allowing her to continue posting family content to keep her sponsorships rolling in, but this may be good for normative reasons as well. This holding communicates to mommy vloggers that if they want to keep posting their children online, then they should respect their children's privacy and refrain from posting anything that could be found to disparage them on a public forum.

F. Prenuptial Agreements

Outside of traditional, post-separation divorce decrees, prenuptial agreements are an area of law which may provide more clarity for mommy vloggers about their potential rights and limitations for their social media accounts. A prenuptial agreement is, first and foremost, a contract.[156] This contract must be expressed in writing and is typically created by two people before marriage.[157] Most traditionally, a prenuptial agreement lists any property that a party entering into the marriage owns, as well as any debts in their name.[158] The parties then express their intent and any property rights they wish to maintain during and post marriage in the event the parties want a divorce in the future.[159]

One of the biggest advantages of prenuptial agreements is clarity. The last thing a couple wants to do when they are about to get married is think about divorce. Still, the slightly uncomfortable nature of entering into a prenuptial agreement may pay dividends in the end by alleviating the stress and tension of dividing property ex post, avoiding costly attorney's fees incurred through divorce proceedings, and serving as a supposed neutral agreement providing clarity to divorcing couples.[160]

156. *See* LESLIE JOAN HARRIS ET AL., FAM. L. 484 (7th ed. 2023).
157. *Id.*
158. *Id.*
159. *Id.*
160. *See* Jorge E. Salazar, *More than Just Paper: The Rising Popularity of Premarital Agreements*, IDAHO STATE BAR BLOG (Nov. 2, 2023), https://isb.idaho.gov/blog/more-than-just-paper-the-rising-popularity-of-premarital-agreements/ [https://perma.cc/B46P-2L2Y].

Similar to divorce decrees law, each state is free to create its own restrictions and requirements of valid prenuptial agreements; however, there has also been a movement to create a uniform code for premarital agreements as well.[161] The Uniform Premarital and Marital Agreements Act attempts to bring "some consistency to the legal treatment of premarital agreements, especially as concerns rights at dissolution of marriage."[162]

According the Uniform Premarital and Martial Agreements Act, a premarital agreement is "an agreement between the individuals who intend to marry which affirms, modifies, or waives a marital right or obligation during the marriage or at separation, martial dissolution, death of one of the spouses, or the occurrence or nonoccurrence of any other event" which may be modified by amendment later on.[163] Further, the Act defines a "marital right or obligation" as "spousal support; a right to property, including characterization, management, and ownership; responsibility for a liability; a right to property and responsibility for liabilities at separation, marital dissolution, or death of a spouse; or award and allocation of attorney's fees and costs."[164]

The language of the Act sufficiently confines premarital agreements to a narrow scope, as it reduces what can be defined as a "martial right or obligation" with an express, exhaustive list. This provides little to no wiggle room for a mommy vlogger seeking to create, and later enforce, a prenuptial agreement concerning their right to post their child on social media. The strongest argument that could be made in the mommy vlogger's favor would be that posting her child on social media would implicate and affect her social media account—a form of "property"—in the event of marriage dissolution. With that being said, there is no guarantee on how this argument would be viewed in a court of law as there is limited guidance on how liberally "property" may be defined in practice.

However, the Uniform Premarital and Martial Agreements Act has recently been modified, and only two states—Colorado and North Dakota—have adopted the most recent version.[165] Thus, individual state law may control drafting and enforcing provisions

161. HARRIS ET AL., *supra* note 156; *See* UNIF. PREMARITAL AND MARITAL AGREEMENTS ACT (NAT'L CONF. OF COMM'R ON UNIF. STATE L. 2012).

162. UNIF. PREMARITAL AND MARITAL AGREEMENTS ACT § Prefatory Note (NAT'L CONF. OF COMM'R ON UNIF. STATE L. 2012); *see also id.* § 2(5).

163. *Id.* § 2(5).

164. *Id.* § 2(4)(A–E).

165. *See* UNIF. PREMARITAL AND MARITAL AGREEMENTS ACT § Prefatory Note (NAT'L CONF. OF COMM'R ON UNIF. STATE L. 2012).

of a mommy vlogger's prenuptial agreement codifying her right to post her children.

Additionally, there have been recent calls for expansion, specifically in the field of prenuptial agreements and social media.[166] Some are calling for a discussion of social media use in marriage, including the use of a prenuptial agreement as a source for various rules spouses must follow when engaging with social media post-divorce.[167] The discussion has largely centered on forbidding spouses from posting photos of one another on social media, or limiting the scope of personal information a spouse can post or share online during the marriage.[168]

While these ideas do not specifically express posting a child on social media—which would be pertinent in a discussion of mommy vlogger rights post-divorce—they do show a willingness to expand the notion of what a prenuptial agreement can cover, at least in some states. This may serve as a jumping off point for mommy vloggers to start including social media provisions within their prenuptial agreements concerning their rights to continue to post their children online after they have separated from their partner. However, it is important to remember that this remains untested in the judiciary system, so it is unclear how this would play out in reality. If this were allowed, it would provide meaningful clarity for women engaged in the social media field and could give them piece of mind by ensuring the security of their future interest in their business—codifying an agreement recognizing their rights in the event that they do divorce at a later date.

CONCLUSION

It is fair to say the recognition of a mommy vlogger's rights are swathed in uncertainty and largely dependent on which state has jurisdiction over her divorce proceedings. Although a mommy vlogger partakes in a non-traditional job, the profession allows women to provide for their families while gaining economic independence from a traditionally employed spouse. Using social media, a mommy vlogger can realize a large economic benefit while working flexible hours and caring for her children. While a mommy vlogger's job can be dependent on posting the innerworkings of her family—including her children—for the public to see, this opportunity should be safeguarded against a disgruntled spouse in

166. *See* Dorie A. Rogers, *Trendy prenuptial agreement for social media use*, DR FAM. L. (July 25, 2014), https://www.drfamilylaw.com/blog/trendy-prenuptial-agreement-for-social-media-use/ [https://perma.cc/Q47R-NKRB].

167. *Id.*

168. *Id.*

the event of divorce. This would prevent a mommy vlogger's ex-partner from revoking their consent for posting their child online in order to inhibit the mother's livelihood—even as the ex-partner may have benefitted or encouraged the posting during the marriage. The American legal system is largely undecided on a parent's right to post their child when there is an economic incentive for doing so, which leaves the mommy vlogger's job in jeopardy. All signs point to the value and necessary protection of this profession.

Without a doubt, the largest hurdle a mommy vlogger must overcome in American courts system will be proving that she has not infringed on any constitutional rights of her divorced spouse by posting their children on her social media account. The Constitution's Due Process Clause protects substantive fundamental rights, like an individual's control over how their child is raised. The threat of abrogating such a right might prohibit a state from acting on behalf of mommy vloggers' employment interest, as any action on the state would have to pass strict scrutiny in court. If a state acted in the child's interest and prohibited a mommy vlogger from posting their child on social media, then it would have to pass one of the levels of scrutiny the First Amendment requires. This could either be strict scrutiny—which is used in content-based speech restrictions—or intermediate scrutiny, which is used in commercial speech. There is state precedent that found prohibiting a parent from posting their child online was subject to strict scrutiny analysis. Therefore, courts would be required to dive deeply into a factual analysis of when a mommy vlogger's posting of their child goes against that child's best interest, yet there is an implication that a state may be able to prohibit a mommy vlogger from posting their child in these circumstances. These constitutional provisions will prove to be more of a challenge than salvation for mommy vloggers. However, traditional family law may better serve to protect the mommy vlogger's economic interest in posting her child.

Family law is almost entirely the domain of state law, so a mommy vlogger in New York may have a completely different outcome from one in Alabama. However, the Uniform Marriage and Divorce Act encourages parties to reach settlement agreements for their divorce outside of courtroom proceedings by proclaiming a judge will bound by any provision the parties agree to, except those concerning the children, which is largely unhelpful in disputes with

mommy vloggers and the right to post their children.[169] However, certain states, like New York, have precedent which recognizes a parent's right to post their children online, so long as the posting does not oppose the child's best interest or disparage them. This precedent leaves open the door for mommy vloggers to post their children and may serve for an adequate basis to protect a mommy vlogger's economic interest post-divorce.

Similarly, parties are allowed to contract ahead of time as to their mutual rights and obligations and their property in a prenuptial agreement in the event of a divorce. This area of law may not be the best way to codify a mommy vlogger's right at this juncture as prenuptial agreements are largely allowed to revolve around property distribution and less around rights which implicate children. Without an expansive movement across states to increase the breadth that a prenuptial agreement can take on, common law divorce proceedings are the best path for mommy vloggers to seek legal remedies, and maybe the only place, to protect their economic incentives because judges would undergo intensive fact-finding. This then creates the flexibility needed to determine what is best for the parents and children in different families. There may not be a one-size fits all solution for mommy vloggers' woes, but fact-specific remedies are arguably better because there is no one size or style of family.

169. *See* UNIF. MARRIAGE AND DIVORCE ACT (NAT'L CONF. OF COMM'R ON UNIF. STATE L. 1974).