

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Children’s Safety in the Digital Era: Strengthening Protections and Addressing Legal Gaps”
February 19, 2025

Questions for Stephen Balkam

1. Children today interact with a relatively new consumer product, character-based AI chatbot apps. Many of these services have been flooded with age-inappropriate chatbots—which may expose young users to sexual or suggestive AI-generated imagery or conversations. Further, conversations with these chatbots can end tragically—since 2023, at least two individuals have died by suicide following extensive conversations with AI chatbots. How would you recommend this Committee think through and respond to the risks posed by this emerging consumer product category, given your experience with child online safety?

Thank you for your question, Senator. There are a couple of ways to think through this new technological risk to children’s safety.

The easiest place to start is with transparency and disclosure. There is a real benefit to having a visual warning that informs the user that the conversation they are having is not with another person or being who thinks like them. This is especially important for children, who are quick to anthropomorphize many things in their lives, let alone powerful technological systems built for excelling at human-sounding communication. Some type of warning or label, up front, constant, or periodically, should be used to remind users that a chatbot is technology and its side of the conversation may not be accurate. Transparency, disclosure, and warnings should be the bare minimum.

Some states have been quite active in this space, and a good summary of legislative efforts can be [found here](https://www.multistate.ai/updates/vol-46)¹. Your home state was the first to regulate chatbots with a clear and conspicuous disclosure that the interaction is with a bot. To quote the article, “disclosure laws are low-hanging fruit that offer lawmakers an opportunity to set some guardrails on AI technology without requiring onerous registration or reporting requirements.” As such, they should be a great first step for you and the committee to pursue.

¹ <https://www.multistate.ai/updates/vol-46>

Another option is to think about how this technology can be regulated more as a product than as speech. [California is also exploring](#)² this interesting legislative approach, aiming to protect kids by reducing the addictiveness of such a product.

Considering the chatbots as products also opens an opportunity for content moderation. If there are potentially harmful phrases entered related to death, suicide, self-harm, or severe loneliness, that should trigger some type of safety intervention that stops that train of thought or conversation. This could be an opportunity for the chatbot to provide medically approved and age-appropriate resources, as social media platforms have started to do. Legislation requiring content moderation has proved difficult for social media platforms because of the strong free speech protections in the First Amendment. But it is unlikely those same protections apply to an AI-powered chatbot.

Finally, I would like to reference my [written testimony](#)³ regarding age assurance and the best interest of a child. Building products with the youngest user in mind, with the highest safety settings on by default, should also help to address the harms raised by this technology. Perhaps the safest version of a chatbot is publicly available for anyone to use, but in order to discuss potentially harmful topics a user needs to go through some form of age assurance.

Thank you for the question and I am happy to discuss any of this further if it would be helpful to you or the Committee.

Sincerely,
Stephen Balkam
CEO & Founder, Family Online Safety Institute

² <https://www.politico.com/newsletters/digital-future-daily/2025/03/06/a-novel-idea-for-controlling-chatbots-00216736>

³ <https://www.judiciary.senate.gov/imo/media/doc/2025-02-19 - testimony - balkam - 1.pdf>