

A Minor Consideration

“Kid Actors, Past & Present”

www.minorcon.org

A Non-Profit Corp.

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Paul Petersen, President & Founder

Opening Statement for PA

Good morning. My name is Paul Petersen and I have been growing up and growing old with most of you here today. Grandparents may remember me for my brief stay with the original Mouseketeers. Your parents may have watched me on “The Donna Reed Show.” Today’s generation...the consumers of so much of what passes for popular entertainment...may know me because of my advocacy on behalf of the children in Entertainment for the past twenty years through my foundation, A Minor Consideration. That is what brings me here today.

The use and abuse of children in our media is no longer a “Hollywood Problem.” The life-long troubles of former child stars has become a cliché with which we are all too familiar. But, the production of commercial entertainment has spread not just throughout this country, but throughout the world...and spread so rapidly that our laws and rules and regulations have not kept pace with the special needs of children exposed to the voracious appetite of our modern media. Complicating this issue of the exploitation of children in entertainment is the incredible development of delivery platforms we now take for granted...the Internet with its staggering social networking sites and unregulated content...downloadable music and films, the traditional platforms of the printed Press, broadcast news and, of course, television. An outside observer will note that many of these delivery systems are actually owned by a just a few very large global conglomerates who routinely use the profits of one division to drive traffic to yet another wholly-owned subsidiary.

So, what is the true status of children working in Entertainment? What is the State’s interest in their labors? What are the risks and perils? There are so many myths surrounding the most visible children in the world that it’s time to look at the facts. Let’s look behind the curtain.

- First, children are the “property” of their parents. They are, literally, owned by the people who bring them into this world. In *Common Law* the wording is straightforward: “*Parents of a working child are entitled to its custody, income and services.*”

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- Children in Entertainment are exempt from Federal Child Labor Law...and have been since 1938 with the passage of the Fair Labor Standards Act. If an individual State does not pass laws governing kids in entertainment, there are no laws to protect this class.
- A Minor is assumed, in Law, to be incapable of Informed Consent, and contracts entered into on their behalf are unenforceable unless approved by a Court.
- The Parent...not the child...is expected to provide for food, clothing, education and shelter. Children who must work for these basic necessities are always at risk.
- PA's Third Circuit Court in 1985 noted that "the common law rule that minors...may disaffirm their contracts has as its basis the public policy concern that minors should not be bound by mistakes resulting from their immaturity or the overbearance of unscrupulous adults."

Of all we hear about Child Labor we continue to believe that parents will always do what is best for their off-spring and that actual paying work is a rarity when it comes to children. The Federal Dept. of Labor, however, tells us that 5.5 million children are even now at work in America, most of that number involved in Agriculture...and just like young performers, the kids picking our crops are exempt from federal child labor laws. Today, as I speak, 250 million children are in the world's work force...most of them underpaid, working to have enough to eat, and easy prey for the so-called adults who are in control of their destiny.

I want to thank Rep Thomas Murt for undertaking this task of examining Pennsylvania's laws regarding not just children in Entertainment, but the hidden world of working kids. This subject is much larger than most people suspect, and has consequences that stretch far into the future because we are affecting our children's perceptions of the world they will inherit. We have become far too careless with our kids...with the quality of their education...their broadcast images...and their need for spiritual nourishment and right to privacy.

Nothing in life can compare to the bond between parent and child, and each of us must be mindful of the risks inherent in what some call 'meddling' in other people's business. We must also keep in mind that the rules for children are different...especially when work and money are involved. I have not come to Pennsylvania to point fingers. The events that have played out in the Gosselin family over the past five years have, frankly, defied description, but from my perspective as a person who literally grew up on television I keep coming back to the one unassailable truth...these children, through no fault of their own, are engaged in a commercial enterprise that takes place in their home...a home in which every participating adult is compensated...yet their status has not been determined in Law or in the collective mind of our culture.

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The excuses for this absence of common sense reasoning are many. The children are merely participants. Being on camera is easy and not work at all. "Jon and Kate + 8" is just a reality show and the kids aren't actually performers.

Permit me to gently point out that in the mind of a child these are distinctions without a difference. Children are not Meerkats. They are decidedly not the same as a pride of lions being filmed by a naturalist on an African plain. They are aware...and if you'll just close your eyes and remember when Dad took out the movie camera to film you playing in the back yard and the way you mugged for the camera...you'll know to a certainty that even a two year old toddler knows when a camera is present.

Cameras and microphones alter behaviors. The presence of a working film crew alters the dynamics within a home. When money is thrown into an *altered reality* things can become extremely complicated. For the developing child who finds themselves in the voracious maw of the media there is literally no concept of the life-long consequences they will have to live with for the next sixty, seventy of eighty years of their lives.

Let me blunt about this: There is no Delete button on the internet. Once your identity becomes public there is no going back. Images can be manipulated, and even the most innocent activity can be changed to suit the mind of the consumer of popular entertainment. It is a dangerous world out there, my friends, and all of us need to be constantly reminded that the consequences of fundamentally and publicly altering the life of a growing child will have consequences. Each of us is directly connected to every day of our lives.

I repeat, the rules are different for children. We do not hand an eight year old the keys to the car. Children have bedtimes and rules. Kids are not equipped to deal with things like taxes and salaries, publicity shoots and travel arrangements...and they do not ordinarily have to deal with autograph seekers and fans.

We have long acknowledged the special status of professional children who are paid to deliver a performance...in fact we have come to believe that an entire set of special rules are always in place to guard their welfare and income. Some of the things we believe are that children in the world of entertainment always have a parent or guardian close at hand, that a studio teacher will be provided to ensure that child's education, that their working hours will be strictly limited and a portion of their income will be set aside for their use when they become an adult.

It's just not true. I have already mentioned that there is no Federal standard for kids in Entertainment. If an individual State doesn't pass its own child labor laws for Entertainment there are no laws governing the work place. Today there are still nineteen states, many of them competing for production dollars, which have not gotten around to passing meaningful child labor laws specific to entertainment. Pennsylvania, thankfully, is not one of those States. There are, in fact, laws on the books to protect children in the entertainment industry. The question is, why in the case of the Gosselin Family have they not been enforced?

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Special work permits are required by this State for all children under the age of Seven. Provisions for contract approval and even the definition of what constitutes the Employee-Employer relationship are on the books. It's just too easy to excuse the working reality of television production by believing in the term "Reality Show." These mislabeled productions are anything but reality. There are writers, producers, publicists and paid production crews. There are hand-crafted stories to tell and do-overs and 2nd takes.

And always...always...there is big money on the table. It is all too easy to forget about the special needs of the children involved in these entertainment products...and I'll remind everyone that this is nothing new. The Dionne Quintuplets were exposed to this kind of public consumption seventy years ago. The Loud Family was ripped apart by participating in the PBS production of "The American Family." Even under the best of circumstances the consequences of early fame can have devastating...lethal consequences.

I am painfully aware that the use of juveniles in so-called reality shows is a genie that has long since escaped the bottle. That fact should not prevent us from asking the hard questions or preparing ourselves to intervene when children are put up for sale by even the most well-meaning parent. Here are my concerns:

- What is the share of each child's participation in these commercial productions?
- Who owns the money these children earn?
- What are the work rules when your home is the studio?
- What independent authority is present to halt production when the welfare of children becomes the issue?
- Is it in the State's interest to insure that an independent advocate is assigned to protect the separate interests of the working child?

The good news is that we do not have to re-invent the wheel here today. Well tested models already exist. The better news is that with today's hearing we have collectively recognized the potential for harm that always exist in an unregulated work place that utilizes Minors.

And finally, it is my fondest hope that we send a clear message to all of America's children that no matter how unique your circumstances may be there will always be people who are prepared to help you prepare for your future with laws, counsel and loving advice. It is our solemn obligation to raise the next generation...to share with them what we know, the lessons we've learned, and the rewards of playing by the rules.

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