

New Virginia Law Enables Parents to Take Over Social Media Accounts of Deceased Children

APRIL 9, 2013

Virginia Governor Bob McDonnell recently signed into law [H.B. 1752](#), which enables parents of deceased children to take over the social media accounts of their deceased children. The law applies to “blogging, email, multimedia, personal, social networking, and other online accounts or comparable items as technology develops” managed, owned or operated by deceased children who were domiciled in Virginia at the time of their death. In order to take advantage of the law, parents would have to submit both (i) a written request for access to the service provider and (ii) a copy of the death certificate of the deceased child within 60 days of the death of the child. There are some notable limitations on the law, however. First, the law only applies to such accounts managed, owned or operated by minor children, so parents of children over the age of majority would not be able to take advantage of the law. Additionally, the law only applies to executors of the will or administrators of the estate of the minor, which in most cases will be a parent, but not always. Finally, the access is subject to the same license, restrictions, or legal obligations of the deceased minor, which could potentially result in termination of the account if the service provider’s terms of service prohibit holding of accounts by persons under 18. It is also not clear under the law how eligible parents would provide the required request and documentation to service providers or determine all the services providers where their children had accounts.

Tip: This law may be the first of many that recognize the desire to access and manage social media accounts of the recently-deceased.

This tip has been created for information and planning purposes. It is not intended to be, nor should they be substituted for, legal advice, which turns on specific facts.

1 Min Read

Related Topics

[Online Privacy](#)

[Children’s Privacy](#)

Related Capabilities

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.