

# Becca Wahlquist Discusses Children's Privacy and Consent in Law360 Article

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Kelley Drye partner [Becca Wahlquist](#) is featured in a *Law360* article on a recent lawsuit in California federal court that has brought to the forefront the issue of whether minors can provide valid consent for companies to call or text their cellphones. The suit opens a fresh potential avenue of liability for businesses that both knowingly and mistakenly interact with children.

"Companies have long been aware of COPPA and other issues involving children's privacy and communications with children," said Becca Wahlquist. "This suit is a warning that TCPA litigation may also raise these issues."

However, the Seventh Circuit case and similar TCPA disputes involving minors center on calls or texts that the underage users allegedly never consented to receive, which departs significantly from the allegations in Hall's suit, Wahlquist noted.

"This suit raises a new challenge on the front of consent under the TCPA, which is not that minors didn't agree to these communications, but is an allegation that they can't legally provide the prior express written consent that's needed to send text messages to them," Wahlquist said.

Read the full article [here](#). (May require a subscription)