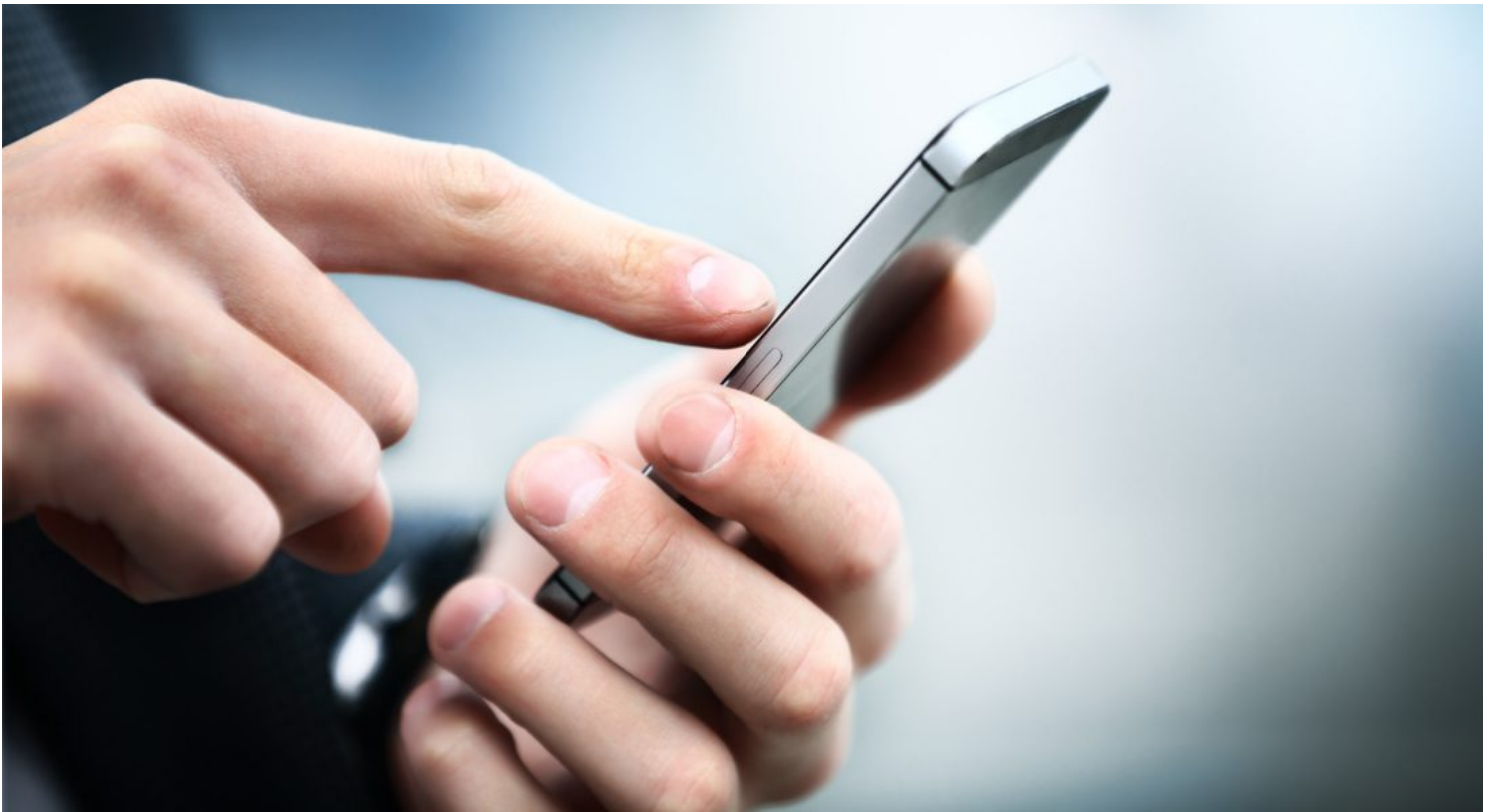


NEWS & INSIGHTS

The TAKE IT DOWN Act explained: What parents need to know (Part II)

BY: [TONYA SULIA GOODMAN](#) | [INSIGHTS](#) | [ARTICLE](#)

JANUARY 29, 2026



This is Part II of a two-part series explaining the TAKE IT DOWN Act to parents. You can read Part I [here](#).

The federal [TAKE IT DOWN Act](#), which was signed into law in May 2025, gives parents effective tools to fight online dangers for their children and even to protect themselves.

The three-pronged framework of the TAKE IT DOWN (Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks) Act criminalizes the knowing publication of intimate visual depictions, including AI-generated deepfake images, and threats to disclose such images; requires covered

platforms to timely remove unlawful visual depictions upon proper notice; and provides for civil penalties. After notifying the platform about the publishing of an unlawful image, parents should take the following additional steps:

Step 2: Contact law enforcement and report the conduct and the offender (if known)

Since the act provides criminal penalties for the publication of unlawful images and for threats to publish those images, report the crime to local law enforcement or state police immediately – especially if you fear for the physical safety of your child. However, the FBI may later have to be contacted, depending on the complexity and severity of the offender’s conduct. The FBI is uniquely qualified to investigate dangerous cyber predators. The publishing of your child’s image may also involve violations of more serious federal offenses, including sexual abuse of a minor, production/receipt/distribution/possession of material depicting the sexual abuse of a minor, sex trafficking of children, or coercion and enticement of a minor. FBI agents are specially trained to investigate these more serious federal offenses.

The act makes it unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is a minor with intent to:

- Abuse, humiliate, harass, or degrade the minor
- Arouse or gratify the sexual desire of any person.

The act also prohibits the same conduct, even with respect to AI-generated deep fakes, which the act refers to as “digital forgeries.” This is a significant provision of the law, given the growing use of AI and its capabilities.

An offender convicted of publishing a real or AI-generated image of a minor faces a term of federal imprisonment of up to three years and a fine. Importantly, the offender is also subject to federal restitution laws and will be required to pay restitution for the full amount of the victim’s losses. A victim’s losses can include any costs incurred by the victim for medical services relating to physical, psychiatric, or psychological care and attorneys’ fees. Therefore, if parents need to hire an attorney or seek psychological counseling for their child, the offender will be ordered to pay restitution to the victim for those costs.

To help target the growing problem of sextortion, the Act also goes beyond merely prohibiting the **publication** of images—it also prohibits an offender from **threatening** to publish such images. The Act makes it unlawful for any person to intentionally threaten to publish an intimate visual depiction or an AI-generated image of a minor for the purposes of intimidation, coercion, extortion, or to create mental distress. So, even if the image is not actually published, the offender can still be prosecuted just for threatening to publish your child’s image.

An offender convicted of making threats to publish a real image of a minor faces a term of federal imprisonment of up to three years and a fine. An offender convicted of making threats to publish an AI-generated image of a minor faces a term of federal imprisonment of up to 30 months and a fine.

Step 3: If the image is not removed, contact the FTC and consider further legal action

The TAKE IT DOWN Act appoints the Federal Trade Commission to enforce and oversee violations of the notice and removal provisions. Failure by a covered platform to reasonably comply with the Act's notice and removal mandates will subject the platform to penalties under the Federal Trade Commission Act. There are also other legal remedies available to victims, including filing a civil lawsuit against the image's publisher under a provision in the Violence Against Women Reauthorization Act of 2022 or bringing a private cause of action against the platform or the publisher.

Two final, important aspects of the act:

- While this article focuses solely on provisions of the TAKE IT DOWN Act relating to minor victims, the Act also provides similar protections and enforcement procedures for adults whose images have been unlawfully published online (also including AI-generated images and threats to publish unlawful images).
- Also, individual states, including Pennsylvania, have already enacted similar laws. Some state laws also provide civil remedies for victims.

Saxton & Stump can assist parents or individuals with any of the act's provisions – reporting the image, notifying law enforcement, and pursuing further legal action. If you have any questions on the act or how to use it to protect a loved one, please [contact me](#) or any member of the firm's [Investigations, White Collar and Criminal Defense Group](#).

Related People

[Tonya Sulia Goodman](#)

Related Services and Industries

[Investigations, White Collar and Criminal Defense](#)