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I-SROI Briefing Memo: Young-Adult Imagery - New York Legal Risk, Cost-Benefit & AI Best Practices

Date: 20 September 2026

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Purpose: New York-focused legal-risk and cost-benefit assessment for use of real minors, real adults, and synthetic young-adult imagery in church outreach posters, with practical AI governance controls.

Executive conclusion

Recommended default: Use real churches, accurate church information, and genuinely synthetic images of people who are unmistakably adults (approximately ages 18-29) and are not recognizable depictions of any actual individual. Keep a simple provenance record for each generated image and require human review before publication.

This approach generally reduces consent, release, child-performer, scheduling, and withdrawal issues associated with identifiable people. It does not eliminate all legal or reputational risk: the team should still avoid outputs that resemble a real person, verify age presentation and factual context, preserve generation/source records, and obtain counsel review for edge cases.

Important qualification: “Based on” a real person should not mean creating a recognizable altered version of that person. The internal standard should be a fictional person who is not readily identifiable as any particular real individual.

New York legal framework - paralegal research

1. Likeness / advertising consent. New York Civil Rights Law §50 addresses use of a living person’s name, portrait, picture, likeness, or voice for advertising or trade purposes without written consent; for a minor, the statute refers to written consent of the parent or guardian. Section 51 provides a civil action for injunctive relief and damages. Whether a particular nonprofit or church outreach use falls within “advertising” or “trade” can be fact-specific, so the conservative internal practice is to obtain a written release for any identifiable real person used in campaign creative.

2. Minors / child models. New York Department of Labor guidance states that print and runway models under 18 who live or work in New York are treated as child performers and generally require child-performer permits; employers generally need a certificate of eligibility. The DOL identifies an exemption where modeling occurs at a church, academy, or school as part of its regular services or activities. A staged promotional photo shoot should not automatically be assumed to fit that exemption; confirm the facts with New York counsel and, if appropriate, the DOL. Note: the Arts & Cultural Affairs Law’s general child-performer age threshold is under 16; the under-18 threshold specific to print and runway models comes from the Labor Law Article 36 (Fashion Workers Act) amendments extending child-performer protections to modeling.

3. AI / digital replicas of real models. New York Labor Law Article 36 defines a model’s “digital replica” and, where the statute applies, requires clear written consent for creation or use. Duties for model management companies and clients include consent describing the scope, purpose, compensation, and duration; the statute also restricts AI creation or manipulation of a model’s digital replica without the required consent. These provisions are a useful drafting benchmark even when a specific church poster project may fall outside the statute’s direct scope.

4. Practical inference. A genuinely fictional, non-identifiable adult image avoids the central “whose likeness is this?” problem. It should still be screened for accidental resemblance, misleading context, age ambiguity, and any embedded third-party marks or copyrighted source material.

AI best-practice overlay

New York State's AI acceptable-use policy for state agencies (NYS-P24-001, issued 2024 and most recently revised 2025) is not a private-sector rule for Khachkar Studios, but it is a useful governance benchmark: AI-generated content should use vetted inputs, receive human review, and should not be generated or deployed deceptively. NIST's Generative AI Profile similarly emphasizes provenance and documentation, while the C2PA standard provides a technical model for tamper-evident content provenance.

- Human review before publication: confirm the image is appropriate, accurate in context, and clearly depicts adults when the target is ages 18-29.
- No real-person lookalikes by design: do not prompt for a named person or use a real person's photo as an image reference unless the applicable rights and consent have been cleared.
- Maintain a generation record: tool/model, date, prompt or creative brief, reference assets used, reviewer, and final approval.
- Preserve available Content Credentials / provenance metadata when practical; do not intentionally strip provenance simply to make the synthetic origin harder to detect.
- Use disclosure where synthetic origin would be material to audience trust or where the distribution platform requires it.
- Escalate minors, recognizable real-person resemblance, digital-replica requests, and disputed releases to counsel before use.

Cost-benefit comparison

Issue	Identifiable minors / real youth	Identifiable real adults	Synthetic, non-identifiable adults 18-29
Written likeness release	Parent/guardian release is the conservative default; §50 specifically addresses minor consent in covered advertising/trade uses.	Adult release is prudent for campaign use.	No release from a fictional person; still verify non-identifiability and tool/license terms.
Child-performer rules	Potentially applicable; DOL permits/certificates and other requirements may apply unless an exemption fits.	Not applicable as child-performer law.	Not applicable because no child is performing.
Digital-replica risk	High if AI is used to alter or replicate a real minor.	Can arise if a real model's likeness is digitally replicated.	Lower if genuinely fictional and not recognizable as a real person.
Release / records administration	High.	Moderate.	Low, but keep generation/provenance records.
Withdrawal / complaint risk	Higher.	Present.	Lower, subject to accidental resemblance or misleading use.
Scheduling / production cost	Potentially significant.	Potentially significant.	Usually lower and faster.
Geographic adaptation	Often requires new photography or new releases.	May require new photography / usage clearances.	Easy to localize if the underlying church facts remain accurate.
Ability to revise later	Limited by original shoot and usage rights.	Limited by original shoot and usage rights.	High; can regenerate or revise without re-shooting a person.
Management time	Highest.	Moderate.	Lower, provided governance checklist is followed.
Primary residual risk	Minor consent, performer rules, family/privacy concerns.	Likeness/release scope and digital-replica consent.	Resemblance, provenance, misleading presentation, third-party IP/marks.

Recommended Khachkar Studios internal image-use standard

- Use real churches, architecture, service times, addresses, websites, QR codes, and other factual details only after factual verification.
- Default human imagery to synthetic, non-identifiable adults who clearly present as 18 or older.
- Do not instruct an AI tool to imitate a named person or create a “close version” of a real parishioner, influencer, model, or public figure without counsel-approved rights clearance.
- If a real person is strategically important, obtain a written release that addresses campaign use and, if AI editing or digital replication is contemplated, addresses that use specifically.
- Use identifiable minors only exceptionally, with documented parent/guardian consent and review of New York child-performer requirements and exemptions.
- Require a human reviewer to approve age appearance, non-resemblance, factual accuracy, appropriateness, and absence of misleading edits before publication.
- Keep an image provenance log and preserve Content Credentials or equivalent metadata when available.
- Escalate uncertain cases to New York counsel before broad deployment.

Bottom line

For routine church outreach posters aimed at ages 18-29, the lowest-administration approach is generally to combine verified real-world church information with genuinely synthetic, non-identifiable adult imagery and a documented human-review process. Real people can still be used when there is a strategic reason, but releases and any AI/digital-replica permissions should be handled explicitly. Minors should remain an exception rather than the default.

Counsel checkpoint: Before adopting the standard organization-wide, have New York counsel review the final one-page image-use policy and release language, especially for questions involving minors, paid models, model-management relationships, or AI alteration of a real person.

Key authorities and best-practice sources

1. **New York Civil Rights Law §50** - <https://www.nysenate.gov/legislation/laws/CVR/50> Written consent language for covered advertising/trade uses; minor consent by parent/guardian.
2. **New York Civil Rights Law §51** - <https://www.nysenate.gov/legislation/laws/CVR/51> Civil action for injunction and damages for unauthorized covered uses.
3. **New York Department of Labor - Child Model FAQs** - <https://dol.ny.gov/node/6506> Child models under 18; permit requirements and specified exemptions.
4. **New York Arts & Cultural Affairs Law §35.01** - <https://www.nysenate.gov/legislation/laws/ACA/35.01> Child-performer framework and church/school regular-activities exception.
5. **New York Labor Law §§1031, 1034, 1035, 1037** - <https://www.nysenate.gov/legislation/laws/LAB/1031> Model / digital-replica definitions and consent framework. See related sections in Article 36.
6. **New York State ITS - Acceptable Use of AI Technologies** - <https://its.ny.gov/acceptable-use-artificial-intelligence-technologies> Public-sector benchmark (NYS-P24-001, issued 2024, most recently revised 2025) for vetted inputs, human review, disclosure, and non-deceptive use.
7. **NIST AI 600-1 - Generative AI Profile** - <https://www.nist.gov/publications/artificial-intelligence-risk-management-framework-generative-artificial-intelligence> Voluntary risk-management benchmark including provenance and documentation.
8. **C2PA Content Credentials Specification** - <https://spec.c2pa.org/specifications/specifications/2.4/specs/ContentCredentials.html> Industry provenance standard for media creation and modification history.

Research current through 20 September 2026.