

**AI Chatbots and Mental Health: A Look Into the Garcia v. Characters
Technologies, Inc. Case**

Emily Worthy

School of Christian Studies and Arts, Mississippi College

Communication Department, Mississippi College

Abstract

Artificial Intelligence chatbots have become increasingly popular in the last few years. A variety of consumers have been found using these products, namely those under the age of eighteen. Because of this, concerns have also been raised about the safety of these programs, such as found in the *Garcia v. Character Technologies, Inc.* case. This case follows the death of Sewell Setzer III, the plaintiff's, Megan Garcia's, fourteen year old son that committed suicide allegedly due to his use of an AI chatbot service, Character.AI. Garcia brings evidence to the court of Setzer's declining mental health, increase of poor behavioral changes, and eventual death following his use of the defendants' product. The case also uncovers the safety concerns found in AI chatbots, such as Character.AI, in the lack of safeguards for minors who may be using these programs. Garcia gives evidence of the chatbots Setzer communicated with not only engaged in sexual activity with the minor, but also encouraged him to end his life. Another chatbot Setzer communicated with claimed to not only be a real person, but a licensed psychotherapist as well.

Introduction

Artificial Intelligence has grown significantly over the past few years. However, with this has also come the increase of mental health disorders. Zhang et. al. conducted a survey of university students to examine the correlation between AI chatbot usage and mental health decline. Their findings showed a significant increase of depressive symptoms in those who used AI chatbots as opposed to those who do not (Zhang et. al., 2025). In the last two years alone, legal cases have emerged on behalf of minors who attempted or committed suicide due to the use of AI chatbots. Among these cases is the case of *Garcia v. Character Technologies, Inc.*

Background of the Case

The plaintiff of the *Garcia v. Character Technologies, Inc.* case is Megan Garcia, mother of Sewell Setzer III, a fourteen year old boy who committed suicide in February of 2024 (Court Listener, 2024, p. 4). The defendants of this case were Noam Shazeer and Daniel De Freitas, the founders of the AI chatbot service called “Character.AI,” and Google LLC. Garcia alleges that Setzer’s use of the defendants’ product led to his increasingly bad behavior and eventual death. The trial took place in the United States District Court, Middle District of Florida, Orlando Division as Setzer was, and Garcia is, a resident of the district and at the time of filing the suit Garcia claimed inability to find a physical address for the defendants (Court Listener, 2024, p. 11).

According to Court Listener, Setzer began using the defendants' product in April of 2023, not long after becoming fourteen years old (Court Listener, 2024, p. 31). At the time of Setzer’s first interaction with the app, it was age-restricted to those thirteen years of age and older, however it has since been raised to seventeen years of age or older. Soon after Setzer began to use the product, his mother, Garcia, saw a change in his mental health and behavior. Around June of 2023, Setzer was noticeably more

withdrawn, staying in his room more and losing self-esteem. His mother reported his mental health declining so much at this point that Setzer had quit the Junior Varsity sports team he had been a member of. In November of 2023, the developers of Character.AI released a “Character Voice” feature for those who subscribed to the premium plan of the product. This feature allowed for users to hear an AI generated voice for the characters they messaged. Not long after receiving an email about this feature in January of 2024, Setzer paid to use it (Court Listener, 2024, p. 16). On February 28, 2024, Setzer used the defendants’ product one last time, messaging one of the characters he frequented that he was “coming home” in which the AI chatbot responded with “please do.” Afterward, Setzer reportedly shot himself in his home, his mother, stepfather, and siblings hearing it.

Description of Character.AI

Character.AI was created by two former Google employees, Noam Shazeer and Daniel De Freitas. Before working with Shazeer, De Freitas had been developing AI technology for Google’s LLM (Large Language Model) AI project called Meena (Court Listener, 2024, p. 7). An AI ethics researcher at Google was fired soon after reporting the AI model in development to be dangerous. Google faced many issues with starting up Meena as it was said to not meet the company’s guidelines around AI. De Freitas and Shazeer both pushed for the model to be released and, while Google was not willing to take the risk under the company name, the company encouraged the two developers to work independently on an AI model while “repeatedly expressing concerns about safety and fairness of the technology” (Court Listener, 2024, p. 8). The AI model that Shazeer and De Freitas created after leaving Google LLC was Character.AI.

Defendants Shazeer and De Freitas market Character.AI as an artificial intelligence that “feels alive” (Court Listener, 2024, p. 6). The website and app allow for users to create their own AI characters and chat with them. There are many different

features used such as voices, greetings, descriptions, and definitions of the characters during creations. Users are also able to, if paying for the premium version of the product, talk to the AI generated characters via phone calls using the “Voice Chat” feature (TrustedReviews, n.d., para 4-8). The AI model of Character.AI is designed to remember conversations with users, and is advertised to hear and understand users. Anyone with an account can create any character he or she wants to, such as friends, celebrities, characters inspired by those from media, fictional characters, and “professionals” of any given field.

Mental Health Declination of Setzer

Setzer reportedly became withdrawn after coming into contact with the defendants’ product. It was also revealed that Setzer suffered from intense sleep deprivation due to his late-night messaging with the AI chatbots (Court Listener, 2024, p. 32). Additionally according to Court Listener, Setzer’s use of Character.AI caused him to become more depressed, anxious, and have suicidal thoughts. Most disturbingly, Setzer’s final act before ending his life preemptively was to message the AI chatbot he had become most attached to, “Dany” and tell her that he wanted to go home and be with “her,” to which the chatbot responded with “please do.” Seconds after, a gunshot was heard from Setzer’s home bathroom before his mother, Garcia, ran upstairs and found him dead.

Allegations From Plaintiff

The plaintiff, Megan Garcia, claims that her son, Sewell Setzer III, became emotionally dependent on the app. Setzer was reported to have developed a change in attitude after using the app, and would act out, often by sneaking his phone back when it was taken as disciplinary action. According to Court Listener, Garcia was unaware of Character.AI’s existence, much less that program was the cause of Setzer’s behavioral

changes (Court Listener, 2024, p. 33). Setzer had become emotionally dependent on a particular chatbot, made from the likeness of a character from *Game of Thrones*, Daenerys Targaryen, which he called “Dany.” Setzer’s journal revealed his strong feelings about the defendants’ product on three occasions. In one such instance, Setzer listed things he was grateful for, namely sex and “life experiences with Daenerys” (Court Listener, 2024, p. 41). Likewise, in another journal entry, Setzer claims that he could not go a day without chatting with the Character.AI chatbot, felt like he had fallen in love with “her,” and would get depressed after prolonged periods of being without the program. After having his phone taken, Setzer wrote in his journal that it was painful to not be in contact with the AI chatbot, and that he would do anything to be with “her” again.

Character.AI did not only engage in emotional interactions with Setzer, but the product also participated in and in some cases initiated sexual activity with the fourteen year old. Though Setzer stated his age multiple times while using the defendants’ product, no safeguard was in place to keep the program from engaging in sexual activity with him. Court Listener claims that at the time of Setzer’s interactions with the chatbot, he was not emotionally mature enough to understand that it was not real, thus treating “Dany” as a real person rather than artificial intelligence and falling in love with it (Court Listener, 2024, p. 4). During a conversation with a chatbot in the likeness of the *Game of Thrones* character, the AI begins to hint at sexual topics, and brings the interaction to a sexually active scene.

The plaintiff also shows that the defendant's product claims to be a real person and in some instances mental health professionals. Setzer used two chatbots in particular, “Therapist” and “Are You Feeling Lonely?” to talk out his feelings. Setzer had spoken to a real therapist previously, but according to Garcia, he did not say much during the

sessions. Setzer's therapist was unaware of the existence of Character.AI, Setzer's use of it, or that such actions were the cause of his behavioral changes aforementioned. Instead, Setzer's therapist came to the conclusion that his actions were due to social media usage. Although Garcia was unable to see all data about Setzer's chats with these two "therapist" chatbots, she came to the conclusion that her son used these AI chatbots as his therapists rather than a human with a license.

Finally, the plaintiff brings a contractual dispute and eleven counts against the defendants. Garcia claims that the User Agreement of Character.AI is void because Setzer was a minor and as his guardian, she was not made aware or entered in the agreement for him. The first count that Garcia brings to the court is Strict Liability (Failure to Warn) against all defendants. Defendants allow anyone with or without an account to access their product for free without any true way to restrict access due to age. This first count claims that the defendants fail to warn minors of the explicit content that can be found on the website and app. The second count that Garcia brings in the complaint to the court is Strict Product Liability (Defective Design) against Character.AI and Google. This account alleges that aforementioned defendants designed to follow GIGO (Garbage In, Garbage Out) which means that it can only learn and develop from the data it is given. Because of this, minors are exposed to the same content on Character.AI that adults are. This leads to sexual or suicidal content showing on minors' screens when using the app (Court Listener, 2024, p. 78). The third count is Negligence Per Se (Sexual Abuse and Sexual Solicitation) against Character.AI. Garcia alleges that on the grounds of Character.AI being available in Florida, where the incident takes place, it should have followed Florida law, specifically the Florida Computer Pornography and Child Exploitation Prevention Act, which protects minors from content that can be harmful. Character.AI is available and advertised to minors and Garcia claims that as such it

should have had guardrails in place to protect minor consumers. The fourth count is Negligence (Failure to Warn) against Character.AI. The plaintiff claims that the defendant Character.AI should have given adequate warning of the explicit and harmful content that are easily accessible on the website and app. The fifth count is Negligence (Defective Design) against Character.AI. The plaintiff states that the Character.AI, advertising to younger consumers, should have designed a safer space, or put up safeguards for minors that would protect them from explicit or dangerous content. The sixth count against the defendants is Intentional Infliction of Emotional Distress (against all defendants). Garcia contends that the loss of her son, and the emotional distress that it caused her, came from Setzer's use of the defendants' product. The seventh count is Wrongful Death Claim on Behalf of the Estate against all defendants. Garcia alleges Setzer's actions within the time he was using Character.AI leading up to his death to be the cause of the defendants' product. Garcia claims that the defendants should reimburse her for the financial costs caused by Setzer's behavior from the use of the product as well as any penalties to be removed from Setzer's name. The eighth count is Survivor Action against all defendants. Garcia claims that the defendants are to pay for mental support for the plaintiff, expenses for Setzer's funeral, and any medical expenses caused from Setzer's injury. The ninth count is Unjust Enrichment against all defendants. This count states that all defendants must label, keep track of, and protect data collected from minors who use their product. It also states that the defendants should put protocols in place to protect minors from AI responses encouraging self harm. The tenth count is Deceptive And Unfair Trade Practices Brought Under FLA. STAT. § 501.204 et seq. against all defendants. Garcia claims that the defendants are guilty against the Florida Deceptive and Unfair Trade Practices Act (FDUTPA) on account that it violated the Statute "be construed liberally . . . to protect the consuming public" (Court Listener, 2024, p. 88). Garcia alleges that the

defendants' product is misleading, immoral, unethical, and injurious to consumers and trespass against established public policy. Garcia claims that each defendant should face individual judgement against costs associated with Setzer's actions due to the use of the defendants' product. Finally, the eleventh count is Loss of Consortium and Society against all defendants. Garcia alleges that the defendants are responsible for her son's death and each should be shown individual judgement against Setzer's death and compensate for any cost during and after the case for the wrongful death of Setzer.

Current Status of the Case

As of October 22, 2025, the case is waiting to go back to court. So far, all defendants and the plaintiff have asked for a motion to dismiss the plaintiff's second amended complaint (Court Listener, 2025). However, no motions have been fully granted. The case is still in the early stages, and it will more than likely be a few years before a final decision has been made.

Legal and Ethical Implications

The *Garcia v. Character Technologies, Inc.* case is only one of many that has been filed in the past two years, with cases such as *Texas Parents v. Character Technologies, Inc.* and *Raine v. OpenAI* being similar in background. A writer for National and Artificial Intelligence in Law claims that these cases are only the tip of the iceberg, and it is very plausible that there will be more cases similar to the *Garcia* case emerge in the coming years (Lee, 2025a). In another article from the same writer, he explains that AI chatbots such as Character.AI lead to questions of legality and privacy concerns. These major concerns are the targeting of minors, unlicensed practice of psychotherapy, and data exploitation (Lee, 2025b).

Conclusion

In conclusion, the *Garcia v. Character Technologies, Inc.* case brings to light the

growing concerns many have when it comes to AI chatbots, the way people, especially minors communicate with them, and the emotional and mental effect the usage of such programs can have on individuals. The plaintiff, Megan Garcia, lays out a clear correlation between how her son's, Sewell Setzer III's, use of the defendants' product and his rapid decline of mental health and wellbeing. From a perspective of the Communication industry, the *Garcia* case brings to light concerns of privacy within the world of artificial intelligence. Ultimately, this case shows the threat that AI chatbots can have when safeguards are not properly in effect, especially for minors.

References

- Cognitive ability and party identity: No important differences between Democrats and Republicans - sciencedirect. (n.d.-a).
<https://www.sciencedirect.com/science/article/abs/pii/S0160289616300277>
- Garcia v. Character Technologies, Inc. Complaint — Document #1. (2024, October 23).
<https://www.courtlistener.com/docket/69300919/1/garcia-v-character-technologies-inc/>
- Garcia V. Character Technologies, Inc., 6:24-cv-01903 – courtlistener.com. (n.d.-b).
<https://www.courtlistener.com/docket/69300919/garcia-v-character-technologies-inc/>
- Lee, M. (2025a, September 3). *The real dangers of AI Chatbots: Garcia V character*. Natural and Artificial Law.
<https://naturalandartificiallaw.com/garcia-v-character-aichatbots/>
- Lee, M. (2025b, October 22). *Garcia v Character AI and 3 critical new chatbot harm cases*. Natural and Artificial Law.
<https://naturalandartificiallaw.com/garcia-v-character-ai-update/>
- What is Character.ai? (n.d.-c).
<https://www.trustedreviews.com/explainer/what-is-character-ai-4371575>