

Minor Child Electronic Devices and Usage

1. Legal Custody

- A. Decisions related to electronic devices used by the children shall be considered **major legal custody decisions**. Such decisions shall be discussed and resolved as set forth in the Legal Custody portion of the Parenting Plan.
- B. **Any decisions to deviate from the provisions below shall be confirmed between the parties in writing, and shall include specific details about what limitations remain on the children's usage of the devices.**

2. Definitions

- A. "Phones" are portable electronic devices with the ability to communicate with other devices, install applications, and connect to the internet.
 - 1. As used in this section, the word "phone" shall be interpreted broadly to include any portable electronic device (including tablets, watches, etc). The term "phone" shall not include "non-communicating devices" as set forth below.
 - 2. "Phones" can include devices that have the ability to communicate by WiFi (such as a tablet), even if they do not have a phone number or mobile phone plan.
- B. "Non-Communicating Devices" shall include electronic devices that do not allow communication with any other party.
- C. "Dumphone" shall include phones (or watches) which are able to make phone calls and send SMS or MMS text messages, but which lack the capability to install applications including, but not limited to, internet browsers and social media applications. This could include specialized devices ("Gabb phones", "Bark phones", etc) or devices which lack the hardware ability to install apps (for example, the Nokia 2780 "flip-phone").
- D. The "custodial parent" is the parent exercising physical custody of the minor child at any given moment. The "non-custodial parent" is the other parent. The "custodial parent" designation changes at every custody exchange.

3. Devices

- A. If either parent wishes to purchase a phone for the child and pay the costs of a voice/data plan, they may do so. **Any such phone shall be a "dumbphone".**
- B. The Children's phones shall be considered the Children's personal property. Neither parent shall restrict the Children from bringing their phone to the other parent's residence.
- C. The parties shall cooperate to ensure that both parties have any passcodes necessary to access the phone, and the custodial parent shall always have the right to inspect the phone upon request. **The minor children have no privacy rights with regard to electronic devices, apps, or records.**
- D. In the event that the device includes location (GPS) monitoring, each parent shall be made aware of the location monitoring on the device (i.e. name of app(s), etc.) and the custodial parent shall have the authority to activate or deactivate that functionality during their periods of custody.
- E. It is generally not unreasonable for the custodial parent to limit the children's phone access when other tasks need to be addressed (chores, homework, etc.), or as a punishment.
 - 1. These limitations shall not be used to effectively prevent communication with the other parent.
 - 2. If confiscation of the device may impact the ability of the non-custodial parent to communicate with the child, the non-custodial parent shall be informed of the circumstances and an alternate manner in which the non-custodial parent may communicate with the child during the confiscation period (including when the custodial parent is away from the child during the confiscation period).
- F. Neither party shall be obligated to purchase or contribute to subscriptions or plans with regard to the child's phone. However, the parties may agree in writing to share costs.

4. Child access to social media

- A. A presumption exists on the part of the Court that access to the internet, social media, and video game chat functionality for minor children is unhealthy.
- B. The parties shall cooperate to ensure that the minor children do not have unsupervised access to social media accounts, social media platforms, nor video game chat functionality.