

Screens, Gaming, Digital Media: Where Each Fit in the Best Interests Test

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1. INTRODUCTION

Co-parenting conflict about children’s social media and screen use is a challenging issue that many divorced or separated parents face. Children’s use of technology can have both positive and negative effects on the co-parenting relationship and the children’s well-being, depending on how it is used and managed.

This session will take an in-depth look at how parental disagreements about a child’s media and screen time can pose various risks to their children, but also present opportunities.

The issue when arising in the litigation context was well-described by Samantha Freed as a subset in her paper “*How My Role as A Guardian Ad Litem has changed with the Increase of Mental Health Diagnoses in Adolescents*”¹ where she observes:

The Court’s intervention is necessary when the parents are at loggerheads over the treatment and management of their adolescent’s mental health. One such conflict can arise over a teen’s screen time. Research² suggests that increased screen time in teens is more likely to lead to a diagnosis of depression or anxiety. Litigating parents with the teen who already has a mental health diagnosis may institute different rules in each household. When you combine contentious custody litigation, conflicting rules over screen time, and the impact of increased screen time on a teen struggling with mental health, Court are often asked to order a shared plan regarding screen time and technology use. This can also include restrictions on types of applications and programs a child is permitted to use [. . .].

The rise of digital technology has introduced new dimensions to parenting, especially when parents are divorced or separated. The innate challenges of co-

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¹ (2023) 50:3 Fam Ct Rev 504.

² Jean M. Twenge & W. Keith Campbell: “*Associations Between Screen Time and Lower Psychological Well-being Among Children and Adolescents: Evidence From a Population-based Study*”. 12 Preventative Med. Repts. 271 (2018).

parenting become more complex with a new set of parenting issues and disagreements that can arise from screen time access and management.

Conflicting views about screen time and media content can cause stress and anxiety to children due to any mixed-messages they receive from their parents. The inconsistent views the parents hold make it difficult for the child to understand what the expectations are in each home; and to understand what is healthy or 'right' for them. Furthermore, when the rules are inconsistent then it is likely the child will experience shame or guilt if they are participating in screen time use that their other parent disapproves of.

The negative effects of excessive screen time can have on children's physical health include obesity, sleep disturbances, less social skills and increased mental health risks such as anxiety and depression (Coyne, S.M. *et. al.*, 2017).³ Similar to the mental health risks that are presented from prolonged or problematic screen time use, it is noteworthy that parental conflict during and post-divorce presents similar risks. When both are present in a child's life, it can be challenging to discern which source of their mental health problems are due to which precursor: parental conflict, problematic screen time use (or a combination of both).

In recent years an increase in digital consumption has contributed to the risks that children and teens are exposed to online. Online safety is often the impetus for parental concern about screen time. Some common online risks to children and teens are cyberbullying, exposure to explicit content and online predators. Children are at risk if digital parenting approaches involve parents that have a *laissez-faire* or hyper-controlled attitude about monitoring screen time and media content. Co-parent alignment on tech use and monitoring practices can reduce the risks children face.

This is not a one-size-fits-all topic. On the other hand, technology can also present opportunities for dynamic and healthy co-parenting. Technology can provide access for communication and connection between parents and children, especially when they are not in the same location. Furthermore, apps and online tools can help co-parents coordinate schedules, share information about the child's health, extracurricular activities, school progress, and make joint decisions.

Conversely, decisions about *when* children are allowed to have screen devices can be a point of contention between co-parents. Differing ideas about a child's readiness for the responsibility of having access to smartphones and social media can be challenging especially with two homes with different rules, values, and knowledge about the risks and benefits of these types of screen time.

Another area of concern with high conflict co-parents is the way they themselves are using technology that can negatively impact the other parent's household and the child when they are there. For example, one parent interferes

³ Coyne, S.M., Radesky, J., Collier, K.M., Gentile, D.A., Linder, J.R., Nathanson, A.I., Rasmussen, E.E., Reich, S.M., Rogers, J., *Parenting and Digital Media. Pediatrics* (2017) 140(2).

with the other parent's parenting time by initiating frequent contact with their child outside of scheduled phone calls. Sadly, a common complaint for children in counselling sessions is feeling uncomfortable talking to their other parent, especially if they know their on-duty parent is unhappy about it. Other uncomfortable and stressful scenarios include the on-duty parent monitoring the call or expects the call to be on speaker phone.

The stress that children can experience with their devices can cause anxiety for them and it is especially heightened within a divorce context. There are many risks that children face when parent conflict is high because technology can facilitate access and communication that can put children in a position of fear of having contact with the other parent if contact is not supported by the on-duty parent. As a result, the child may feel the need to communicate with the parent secretly or in fear of upsetting a parent or both parents. This is when loyalty binds occur leaving the child not knowing how to please both parents.

Healthy digital communication and boundaries can help to reduce parenting conflict and can facilitate the necessary communication to deliver the best care to their children. As with all aspects of co-parenting, protecting your child is best achieved when there is open communication, mutual respect, and a shared focus on the child's best interests.

2. THE ISSUE AND THE STEREOTYPING

Stereotypes typically paint all screen time as harmful and can prevent us from leveraging the educational and social opportunities that digital media can offer. While it is essential to limit screen time, it is equally important to recognize the potential benefits.

While excessive or inappropriate screen time can have negative impacts, limited use of high-quality and developmentally appropriate media can have a positive influence.

Given that screen time stereotypes often focus on the potential harm (poor mental health, aggression, poor academic performance) there tends to be a simplistic labeling of the harm rather than looking at the complexities of a child or teen's interactions with screens and other environmental factors.

Contrary to the prevalent stereotypes there are benefits to screen time when used appropriately according to Pappas, S., (2022).⁴

1. **Educational:** content-high quality educational content for learning and skill building.
2. **Digital literacy:** build skills that are essential in our digital world. It is responsible for children to have this exposure.
3. **Social connection:** when in-person contact is not an option, children can stay connected to friends and family, especially if there are two households and alternating parenting time.

⁴ Pappas, S. *What do we really know about children and screens?* Monitor on Psychology, (2022) 51(3).

4. **Creativity and expression:** access to safe self-expressive platforms.
5. **Relaxation:** can help children to settle if they are using apps that support relaxation or quiet time.

When considering the risks associated with screen time for children, it's essential to take into account the child's environment, as it can play a protective role (Madigan S., *et. al.*, 2019).⁵

For children under five-years of age a rich learning environment where there is opportunity for physical activity can help them to develop motor skills and their curiosity. If their home environment is stimulating and active this can offset sedentary activity such as screen time.

Quality time with parents that is interactive, social and supportive can buffer the negative effects of screen time on social skills (Madigan S., *et.al.*, 2019).⁶

A structured home environment can provide healthy tech habits with clear limits about what the expectations are for screen time (such as, time of day allowed, number of minutes allowed, whether screentime is 'earned' or a daily or weekly 'right' or privilege, the level of cooperativeness expected when logging off of screen time and shifting to other activities). This structure can help children develop healthy screen habits from a young age.

Parent involvement can protect children from many of the risk factors that have proven to be harmful. Co-viewing media with parents can help to protect young children by monitoring what they are exposed to. However, for optimal protection, co-engaging media use is the most protective. This is when the parent is also educating the child about the content that they are watching to safeguard against potential misunderstanding about the content (Coyne, S.M. *et. al.*, 2017).⁷

For older children and teens promoting physical activity can protect against the obesity risk correlated with television viewing time. There are also physically active gaming options made available to children and teens to increase body movement and exercise, such as motion-detected gaming devices that feature virtual reality (VR) or screen interactivity via the use of 'nun-chucks' or movement sensitive remotes.

A child's environment that includes education on digital media literacy can absolutely help them navigate online spaces more safely, critically and healthfully.

⁵ Madigan S, Browne D, Racine N, Mori C, Tough S. *Association Between Screen Time and Children's Performance on a Developmental Screening Test*. JAMA Pediatrics. (2019), 173(3): 244-250.

⁶ Madigan S, Browne D, Racine N, Mori C, Tough S. *Association Between Screen Time and Children's Performance on a Developmental Screening Test*. JAMA Pediatrics. (2019), 173(3): 244-250.

⁷ Madigan S, Browne D, Racine N, Mori C, Tough S. *Association Between Screen Time and Children's Performance on a Developmental Screening Test*. JAMA Pediatrics. (2019), 173(3): 244-250.

Furthermore, an environment where children feel emotionally supported and when they are protected from parental conflict, they are less likely to use screen time as a coping or escape mechanism for stress or emotional neglect.

As a grounding and bridging reminder, in the real-world (non-digital / screen time) it is important to balance a child's excessive exposure or access to all things good or bad. For example, if our children are not social, we encourage them to socialize. In contrast, if our teens are excessively partying then, we would likely intervene to decrease the frequency or if our child was spending all their time studying, we would want to expose them to non-studious activities. It's not just about limiting screen time, but also about promoting healthy habits and activities that can provide a balance.

Parents who model a healthy balanced lifestyle may find there is less of a need to talk about limiting screens because this balance may mitigate their child's attachment to digital media. Healthy balance and habits include modeling physical activity, outdoor experiences, in-person socializing and proper sleep hygiene. Furthermore, a healthy tech diet that is balanced can include: screen-free zones where screens are off in the car; and during mealtimes. The TV is off when not in use, screens are off 2-3 hours before bedtime; and no screens in the bed or bedroom.

3. BREAKING DOWN THE CATEGORIES⁸

Screen time includes time spent utilizing any technology that involves a screen, including smart phones, tablets, television, video games, and computers. Different types of screens can have varying impacts on children, largely due to the different ways they are used.

Screen Type	Description
Television	Traditional forms of screen time are often used for watching shows, movies, or playing console games. It's typically a passive form of screen time.
Computer	Used for a variety of activities including homework, research, gaming, and social media. It can be both educational and recreational.
Tablet	Portable device often used for interactive activities such as games, educational apps, and video watching. Its touch-based interface makes it user-friendly for younger children.
Smartphone	Highly portable device used for communication, social media, games, and internet browsing. It's often the most personal and frequently used screen.
Video Game	Devices specifically designed for interactive gaming on a television

⁸ In this article, we sometimes use the collective noun "screens". This is merely for ease of reference.

Screen Type	Description
Consoles	screen. They can range from simple handheld devices to complex systems that involve movement, exercise, social interaction and community-building.

The American College of Pediatricians (2020)⁹ outlined some key points:

Television: Television is often a passive form of screen time. Excessive screen time is correlated with lower academic performance, sleep disturbances, obesity, attention deficit disorder, increased aggression, lower self-esteem, depression and increased rates of high-risk behaviour. However, educational programming can have positive effects on learning. Also, parents' television viewing time is closely associated with children's viewing time and impacts the screen time of their children more than household rules. Attempts to decrease children's viewing times will be more effective when parental screen time is also limited.

Tablets and Smartphones: These devices are often used for interactive activities such as games, educational apps, and social media. They can help children develop digital literacy and stay connected with friends and family. However, excessive use can lead to similar issues as with TV, including sleep disturbances and lower academic performance. The portability of these devices also means that children can easily spend too much time being sedentary.

Computers: Computers can be used for a variety of activities, from homework and research to gaming and social media. They can be educational and help develop digital literacy. However, like with tablets and smartphones, excessive use can lead to physical and mental health issues.

Video Games: Video games can be played on various devices, including TVs, computers, and consoles. They can help improve problem-solving and strategic thinking skills, but excessive gaming can lead to sedentary behaviour, addiction, and social isolation. According to researchers, Boers E., et al., (2019)¹⁰ teens playing video games is not harmful to their mental health because it has social and emotional benefits. They mentioned that the typical video gamer is not socially isolated. In fact, more than 70% of gamers play their games with a friend either in-person or online. This study indicated that playing video games is among the most effective means by which teens generate positive feelings.

(a) Digital Parenting Approaches

Parent Mediation refers to an interaction that a parent has with their children about media content consumption. Some common parent mediation styles regarding media content that parent use include:

⁹ *Media Use and Screen Time - Its Impact on Children, Adolescents, and Families*. American College of Pediatricians (2020).

¹⁰ Boers E, Afzali MH, Newton N, Conrod P. *Association of Screen Time and Depression in Adolescence*. *JAMA Pediatrics*. (2019); 173(9): 853-859.

1. *Restrictive mediation* — is when a parent has set rules regarding media use; this can include the amount of time they spend on screens or what type of content is allowed or both.
2. *Active mediation* — is when the parent and child have conversations about social media content to enhance critical viewing skills (co-engaging).
3. *Reactive mediation* — sporadic or inconsistent limits/rules that could be based on parents mood or child's behaviour. Not an effective approach.
4. *Co-viewing* — is when parents view content together but there is no dialogue, the content is not discussed.

Restrictive and active mediation have been associated with reducing the negative effects of social media content and co-viewing alone can increase it. (Coyne, S.M. et. al., 2017).¹¹

(b) Screen Time Use Recommendations

According to the World Health Organization (2019)¹² and American Academy of Child and Adolescent Psychiatry (AACAP) (2020)¹³ the following are recommended screen time use for these specific ages.

Age Group	Recommended Screen Time
Infants (less than 1 year)	Screen time is not recommended, except for video chatting
Toddlers (1-2 years of age)	Limit screen time to high-quality programming with parent involvement. Less than 1 hour per day
Preschoolers (2-5 years)	Limit screen time to 1 hour per day of high-quality programming
School-aged Children (6-12 years)	Consistent limits on screen time; ensure it doesn't interfere with sleep, physical activity, or other behaviours essential to health
Teens (13-18 years)	Set consistent limits; prioritize healthy habits and ensure screen time does not interfere with sleep, physical activity, or other important behaviours, such as family connection, academics and self-care. Recommended daily is less than 2 hours.

Contrary to the above stated recommendations, actual screen time use looks very different on a daily basis for these age groups. In reality, children and teens

¹¹ Boers E, Afzali MH, Newton N, Conrod P. *Association of Screen Time and Depression in Adolescence*. JAMA Pediatrics. (2019); 173(9): 853-859, reference 3.

¹² *Guidelines on physical activity, sedentary behaviour and sleep for children under 5 years of age*; World Health Organization, (2019).

¹³ *Media Use and Screen Time - Its Impact on Children, Adolescents, and Families*. American College of Pediatricians (2020).

have been steadily consuming more media over the past 5-10 years (American College of Pediatricians, 2020).

More recently, the *American Academy of Child and Adolescent Psychiatry*, (2024)¹⁴ article reported on average, children ages 8-12 in the United States spend 4-6 hours a day watching or using screens, and teens spend up to 9 hours. These numbers do not include time the children are using screens for schoolwork.

Finally, there is a connection between a parent's individual set of digital skills and the manner in which they will approach, and succeed/fail, issues relating to digital media use. In Alicia Blum-Ross and Sonia Livingstone's paper, "*Families and Screen Time: Current Advice and Emerging Research*,"¹⁵ the authors observe that parents have "diverse relationships to digital media in their own lives"¹⁶ ranging from basic levels, average levels of digital literacy, and then the highly skilled. Those levels in part impact the strategies available to a given parent in managing their children's digital lives. The connection that Blum-Ross and Livingstone make is that the parent plays a role, and their relative level of digital knowledge may operate as a mitigating force, or where it is limited, may enable the problem.

4. THE BEST INTERESTS TESTS (PROVINCIAL AND FEDERAL)

In the sections above, and those which follow, we review the issue of screens and digital media through breaking them down into categories. One category is a preliminary determination of what media or platform is the issue. Another is a determination of whether the use is in fact detrimental or beneficial. Often, there will be both positive and negative consequences of the use.

The case law suggests that screen use concerns are often advanced in very simplistic terms. The court is very rarely given any nuanced argument about the role that screens play in a child's life and the way in which that role is connected to parenting arrangements. It is even more rare that the court has the benefit of objective or expert evidence.

However, as the social science, and some of the few cases where a fulsome record was before the court demonstrate, screen use is a complex issue which can touch upon many subsets within the best interests test (hereinafter, the "BIOTC Test"). Below, we set out some preliminary observations using the *Divorce Act* language. We have selected the *Divorce Act* as the language largely overlaps with the provincial legislation. Where there are factors in the latter which are unique to a given province, we comment as necessary.

Attached as Schedule A to this article are copies of s. 16 of the *Divorce Act*, and each of the BIOTC sections from the provincial legislation.

¹⁴ "*Screen Time and Children*." American Academy of Child and Adolescent Psychiatry, (2024).

¹⁵ The London School of Economics and Political Science Department of Media and Communications (2016) *Media Policy Brief 17*.

¹⁶ Page 24.

Attached as Schedule C to this article is a table of concordance using the *Divorce Act* as a baseline and correlating the subsections of s. 16 to each of the provincial statutes.

Where screens fit into the BIOTC Test are as follows:

FED. (DA)	Comments
16(1) The court shall take into consideration only the best interests of the child of the marriage in making a parenting order or a contact order.	Does not need to be addressed. Trite.
(2) When considering the factors referred to in subsection (3), the court shall give primary consideration to the child's physical, emotional and psychological safety, security and well-being.	Four of these five factors are directly in play, with the fifth (physical safety) only where cyberbullying or sextortion are in issue, but which are not the areas which generally arise in custody matters. It is also possible that the issue of obesity and shortcomings in self-care and hygiene, will be of sufficient concern to attract a consideration of physical safety.
(3) In determining the best interests of the child, the court shall consider all factors related to the circumstances of the child, including	Multiple factors apply.
(a) the child's needs, given the child's age and stage of development, such as the child's need for stability;	Relevant. This article sets out the child's needs from both perspectives: 1. Where the child's "need" is to be protected from the harm that can come from sustained overuse of screens and digital media and which can result in, among other things, mental health issues, isolation, and poor academic performance; and 2. Where the child's "need" is a sense of community, digital literacy, creativity and expression, etc.
(b) the nature and strength of the child's relationship with each spouse, each of the child's siblings and grandparents and any other person who plays an important role in the child's life;	N/A
(c) each spouse's willingness to support	N/A

FED. (DA)	Comments
the development and maintenance of the child's relationship with the other spouse;	
(d) the history of care of the child;	N/A
(e) the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;	Child and context driven. The child's views will be relevant but as always will be subject to the appropriate weight to be afforded given the child's age, level of maturity and objectivity on the subject.
(f) the child's cultural, linguistic, religious and spiritual upbringing and heritage, including Indigenous upbringing and heritage;	N/A
(g) any plans for the child's care;	N/A
(h) the ability and willingness of each person in respect of whom the order would apply to care for and meet the needs of the child;	This comes into play where there will be an obligation on the parties to agree to a plan for screen management and questions arise whether one parent will — or can — execute on that agreement. There is also an echo/pattern argument to made that a parties' approach to screens (whether poor or excellent) is a marker of their overall lack/presence of skills in other areas.
(i) the ability and willingness of each person in respect of whom the order would apply to communicate and cooperate, in particular with one another, on matters affecting the child;	Clearly relevant, both as to execution as described above, and also as a barometer of their co-parenting skills generally.
(j) any family violence and its impact on, among other things, (i) the ability and willingness of any person who engaged in the family violence to care for and meet the needs of the child, and (ii) the appropriateness of making an order that would require persons in respect of whom the order would apply to cooperate on issues affecting the child; and	N/A
(k) any civil or criminal proceeding,	N/A

FED. (DA)	Comments
order, condition, or measure that is relevant to the safety, security and well-being of the child.	
Other Factors From Provincial Statutes	Comments
The ability and willingness of each guardian or proposed guardian to exercise the powers, responsibilities and entitlements of guardianship. (ALTA, s. 18(2)(b)(x))	The same considerations as set out above. This issue distills to a question of capacity, in relation to screens but also as a fundamental question at large.
The ability of each parent seeking the custody or access to act as a parent; (NFLD, s. 31(2)(e))	

5. THE CASE LAW

There does not appear to be appellant consideration of screen time in the BIOTC Test.

Among the superior and provincial courts, we considered eighty-five (85) reported decisions (see Schedule B) from 2013 to present. We included both civil and ministry/protection cases. We included cases where the lines between screen “parenting time” (Zoom access; WhatsApp, etc.) and screen entertainment are blurred.

Without intending disrespect, we did not include cases from Quebec, the Yukon, Northwest Territories, or Nunavut.

The compiled cases came from:

Year	BC	ALT-A	SASK	MAN	ONT	NB	NS	PEI	NFL-D/L	Sub-tals
2013	1									1
2014	1	1								2
2015	1				1					2
2016	1				1					2
2017	1		1		5					7
2018	3		1		2					6
2019	2	2			3				1	8
2020		1			4					5
2021	2			1	8	1	3			15
2022	4	1	1		3	4	1	1	1	16
2023	2	1			5	2	2			12

Year	BC	ALT-A	SASK	MAN	ONT	NB	NS	PEI	NFL-D/L	Sub-totals
2024 ¹⁷	3				1	1				5
Sub-totals	21	6	3	1	31	8	6	1	8	
Total	85									

There is a clear increase in the frequency with which these issues come before the court. Ignoring 2024 as it is only a partial year, the uptick is unmistakable. Whether that reflects the increased role screens and devices took after COVID, a reflection of how ubiquitous tech and screens have become, or some other factor, is beyond the scope of this article. However, if we were asked to speculate we would say it is a natural result of the all-encompassing role screens and digital media play and which has grown exponentially in the last ten (10) years, a phenomenon observable to anyone.

In reviewing the cases, certain themes appear. We have used those themes to group and consider the decisions.

(a) Cases Where Discipline is the Issue

Discipline strategies, whether arising in the form of a criticism or compliment, arise frequently. Unsurprisingly, allegations about a lack of discipline are frequent. Sometimes the issue of screen time takes centre stage, but more often than not screens come into play as part of larger complaint about the habitual shortcomings (generally) of a parent.

The inverse is the compliment. In several cases we reviewed a parent's approach to screens worked in their favour, generally. Often such plans were indicative of an overall pattern of responsible, structured parenting.

In several cases, not just in this section but the sections which follow, concerns leveled against one parent are generally mitigated entirely through a commitment by the parent to do better. Often, except in those cases where the flaws in the parent run deep and across subject areas, a bare assertion sufficed to save the day.

In *J.B. v. B.F.*, 2023 NBKB 55, 2023 CarswellNB 211, 2023 CarswellNB 212 (N.B. C.K.B.), the court was concerned with the mother's parenting generally. Screen time was but one factor in an overall lackadaisical approach to parenting that the court could not countenance:

26 It is obvious from the evidence and the psychologist's interviews with the mother that discipline is not a priority for her. **She says she uses gentle parenting. I see it more as almost no parenting.** She is there to ensure that her children are loved and physically safe, but when the times come to teach them life, she fails. For instance, even though D.B. is now eight years old, he still sleeps with both his mother and sister, all

¹⁷ Through March 2024.

in the same bed, at least until the hearing of this motion. B.F. seems to know that it is not appropriate, but she says that she's not ready to fight this battle.

27 The same goes with discipline in general, like screen time or when and what to eat. It appears that the children are the bosses. Since the children are not able to know where their mother put the limits, if any, this can bring stressful situations. As Christine Martin wrote, "she sometimes feels overwhelmed and lose her temper with the children".

[Emphasis added.]

Also:

- *Douglas v. Faucher*, 2023 ONSC 5026, 2023 CarswellOnt 13763 (Ont. S.C.J.) at para. 29;
- *J.B. v. B.F.*, 2023 NBKB 55, 2023 CarswellNB 211, 2023 CarswellNB 212 (N.B. C.K.B.) at para. 27;
- *JMM v. TLG*, 2019 ABQB 81, 2019 CarswellAlta 207 (Alta. Q.B.) at para. 79;
- *C.J.A. v. E.M.A.*, 2018 BCSC 2175, 2018 CarswellBC 3319 (B.C. S.C.) at para. 43;
- *G.B. v. L.R.*, 2017 BCSC 1342 at para. 328; and
- *M.L. v. J.C.*, 2017 ONSC 166 at para. 266.

(b) Cases Where Parties are Left to Manage Their Own Day-to-day Care (Or Not)

In *R.F. v. K.F.*, 2022 NSSC 194, 2022 CarswellNS 473 (N.S. S.C.), the court found that there were shortcomings in both parents' homes including matters as serious as exposure to second-hand smoke. The Court was not convinced that most of the items of each parties' laundry list of complaints about the other presented a threat to the child's best interests. Shared parenting ordered.

In *Hatcher v. Golding*, 2017 ONSC 785, 2017 CarswellOnt 1863 (Ont. S.C.J.), additional reasons 2017 ONSC 3135, 2017 CarswellOnt 7982 (Ont. S.C.J.), the court also ordered a shared parenting arrangement and specifically ordered that the parties had day-to-day decision making when the children were in their care and with specific reference to screen time. The same result was ordered in *M.L. v. J.C.*, 2017 ONSC 7179, 2017 CarswellOnt 20255 (Ont. S.C.J.).

Conversely, in *Callwood v. Purdy and Callwood*, 2021 ONSC 5815, 2021 CarswellOnt 12248 (Ont. S.C.J.), affirmed *Callwood v. Purdy*, 2022 ONSC 3941, 2022 CarswellOnt 9313 (Ont. Div. Ct.), the court concluded that were a parent had primary care of a child and had built careful and detailed structural arrangements, including as to use of screens, the other parent was obligation to implement the same program in their home:

16 With respect to item 10 in the Notice of Motion, I agree with counsel that the person having care of Tyson should have authority to make the day-to-day decisions required while he is in their care. However, it is

also appropriate that as Tyson's primary caregiver, Matthew will have authority to set Tyson's routine, and Cynthia is to respect that routine while she is caring for Tyson. **For example, if Matthew has established rules for Tyson about how much screen time he is allowed, certain video or other games he can and cannot play, or the time he gets up and the time he goes to bed, these routines should be respected and followed while Tyson is in Cynthia's care.** Matthew will need to communicate what these routines are to Cynthia. Given Tyson's needs and ongoing efforts to address his psychological health, consistency in routine between households will be very important for Tyson.

[Emphasis added.]

In *Morrison v. Harder*, 2021 ONSC 5107, 2021 CarswellOnt 10801 (Ont. S.C.J.), in a case where the court imposed controls on such things as the posting of the child's photos on social media, physical discipline, and the exposure of the child to exotic dancing or prostitution, the court left screen time to the sole discretion of the parent with day-to-day care (at para. 162(6)).

(c) Cases Where It Simply Didn't Matter

In some cases, the complaint is launched and is either unsupported on the evidence or is of insufficient concern to warrant judicial intervention. The following are some examples:

Case	Note
<i>Leonard v. Leonard</i> , 2022 SKQB 164, 2022 CarswellSask 366 (Sask. Q.B.)	26 The petitioner's only other negative observation is she thinks there may be too much screen time with A.J. and his father or A.J. and his cousins in Cape Breton. This, of course, is a matter of debate in many households. The minor quibbling over screen time will not play a part in my analysis.
<i>R. v. L.</i> , 2022 ONSC 1756, 2022 CarswellOnt 3969 (Ont. S.C.J.)	77 The parents have had communication challenges in the past. During the course of the trial, it was clear that they had different opinions on issues of medication, alcohol experimentation, and screen time, etc. These are common issues for parents, particularly in the teenage years. The father has now taken parenting courses and the mother has engaged in her own counselling. As the mother indicates, things are not 100 percent but have certainly improved. Provided that both parents continue to use the tools they have learned in their course work and therapy, I find they will be able to co-operate and communicate on matters affecting the child. I find this factor favours shared parenting.
<i>R.V. v. K.M.</i> , 2022 NBQB 105, 2022 CarswellNB 247	The mother led evidence that the father did not properly control screen time. The father's evidence was a complete answer. The complaint played no role in the analysis.

Case	Note
(N.B. Q.B.), affirmed 2022 NBCA 71, 2022 CarswellNB 624, 2022 CarswellNB 625 (N.B. C.A.)	
<i>Sammon v. Krajewski</i> , 2021 ONSC 8310, 2021 CarswellOnt 19595 (Ont. S.C.J.)	The problem was not the screen time per se, but rather one parties' refusal to engage in communication on that and other issues.

(d) Where Screen Use Overlaps with Virtual Parenting Time

In *C. v. C.*, 2023 ONSC 3754, 2023 CarswellOnt 9992 (Ont. S.C.J.), the father opposed a relocation to Germany on various grounds, including that the mother would frustrate his time with his daughters under the guise of controlling screen time. The court rejected that argument as weak, reasoning:

42 With respect to Mr. C.'s second argument, that his communication with the girls will be hampered by a move to Germany, I find that too is weak. Mr. C. has very open communication with I.C. and O.C. He currently connects with them by FaceTime, telephone calls, text messages, emails and chat apps. He submits that his communication with the girls is interfered in by Ms. C. in that she controls the children's electronics and their access to their cell phone. **Ms. C. does not dispute that she "puts the phone away", usually after 8:00 p.m. or that she controls I.C.'s time on social media. In fact, she states that she does so in furtherance of the recommendations of I.C.'s counsellor. It is clear from the materials that there exists a bit of a power struggle between I.C. and Ms. C. over her use of electronics/time on social media. I.C. is 12 and clearly resents Ms C.'s level of parental oversight in these matters.** Mr. C. appears to support I.C. in this power struggle as opposed to support Ms. C. in setting boundaries with her. Mr. C. moreover, takes the view that all of Ms. C.'s efforts at monitoring I.C.'s use of her cell phone, Ipad, and chat applications are directed at limiting her contact with him. Ironically, he does so while communicating with I.C., something he appears to do very freely, albeit not as freely as he would like. Indeed, I.C. reported to Ms. Hasbani that she speaks to her father "a few times per week up to every day" (page 8 of the Hasbani report). Certainly, Mr. C.'s contact with the girls far exceeds that contemplated in the Final Order of Justice Phillips of January 25, 2019. I see no reason that an accommodation that permits Mr. C. to have at least his three court order FaceTime communications, and more, cannot be found, notwithstanding there being a time difference between Nova Scotia and Germany.

[Emphasis added.]

See also *C.R.B. v. K.J.M.*, 2023 NBKB 224, 2023 CarswellNB 572 (N.B. C.K.B.) where the child's phone problematic phone usage overlapped with the phone access the mother was to have. The court noted:

20 The mother testified that the child and his father have a good, "but not very close bond". The father was just not around that much. They "buted heads" quite a bit, but also had fun together. The mother nonetheless confirmed that the father is a "good dad" and loves the child. However, his attitude toward the mother hinders the child because "he reads into it". The father has simply not provided the child with the same nurturing as her; his parenting style is different. He is more "black and white", authoritative and structured. She described his parenting style as "very objective and sterile", whereas her approach is more "emotion-based". She testified that the child does not like being disciplined. The mother tends to negotiate more with the child and involves him in discussions before removing his privileges, such as TV time and phone use. The mother imposes no restrictions on calls with the father.

21 The father testified that the child misbehaves and becomes angry when he hears "no". This is especially true if he restricts the child's phone time. His evidence is that the child's behavior changes when he is on his phone too much and after FaceTiming with his mother in the evenings. The father says he never speaks negatively about the mother to the child.

Ultimately, the court found that:

164 The father says that he has a different parenting style than the mother. He has more structure and, as a result, the child hears "no" more often from him than his mother. However, the child is now "very comfortable", has "gotten stronger" and has a better understanding of home rules. They have a great, loving relationship. I accept the father's evidence on this point.

165 I find the parents have different parenting styles, but they both meet the child's needs in different ways. Parenting styles do not need to be identical to achieve stability. Have there been bumps in the road? Will there be more bumps in the road moving forward? Of course; the road to divorce is rarely perfectly smooth. I am satisfied that the child is reasonably happy now spending time with both parents.

The court eventually concluded that:

248 There is a need for the child to have regular sustained contact with his father not only to ensure maximum contact (see s.16(6) of the Divorce Act), but to create stability and continuity for the child moving forward. I further find that it is important to tailor the parenting schedule in a manner that considers the father's work schedule because

of the nature of his work and the accommodations afforded to him by his employer. Stated otherwise, consistency in the father's work schedule will translate into consistency and predictability in terms of parenting time. Consistency and predictability in the parenting schedule will in turn benefit the child because he will know what to expect.

In *M.S.R. v. D.M.R.*, 2022 BCSC 1398, 2022 CarswellBC 2203 (B.C. S.C.), additional reasons 2023 BCSC 860, 2023 CarswellBC 1435 (B.C. S.C.), the court was faced with a particularly complex and troubling alienation case where the father had committed nearly every conceivable act normally associated with a campaign to affect non-justified rejection. Those efforts included the use various platforms to have backchannel communication with the child. In ordering a draconian but necessary guillotine order (90 day blackout, with the clock reset in the event of any breach) the court including conduct orders that:

2. Pursuant to sections 225 and 227 of the *Family Law Act*, the respondent is prohibited from:

a) Having any direct or indirect contact with J.S., including but not limited to phone contact, text messages, letters, contact via computer, Snap-chat, Face-time, Skype, Instagram, video game or other forms of electronic communication, in-person contact, and/or communication via third parties;

(e) Screen Use as a Clear BIOC Factor

In *J.L.L. v. A.J.M.*, 2023 BCSC 1698, 2023 CarswellBC 2855 (B.C. S.C.), additional reasons 2024 BCSC 156, 2024 CarswellBC 258 (B.C. S.C.), a relocation case, the overuse of screens was a front-and-centre issue:

Claimant's and Respondent's Approach to School and Setting Boundaries

* * *

101 The respondent testified that he provided an environment for the Children with regular routine and positive discipline, where boundaries are well-known to the Children. The Children are encouraged to have playtime outside, **away from computer devices and television screens**. The respondent testified about the healthy diet and regular bedtimes which he encouraged. No similar evidence was led by the claimant. In fact, the claimant, according to the evidence of the respondent's mother, had difficulty setting boundaries for the Children or following through with established boundaries, once set.

Claimant's At-Home Entertainment Arrangements for the Children

102 Two other issues which occupied some time during trial while the claimant was giving her evidence involved **video games and televisions**. **In the claimant's Kamloops home, the Children were provided with small gaming computers loaded with video games, and televisions were installed**

in each of the Children's rooms. It was agreed that at least one videogame installed on the computers called "Fortnite" has violent programming rated for children over the age of 14 years. Fortnite was installed for use by M.L.'s children who are senior teens. The claimant testified that M.L. had reviewed the programs on the gaming computer prior to allowing the Children to use the computers. M.L. testified, to the contrary, that the claimant was responsible for the programs the children played. Shortly put, neither the claimant nor M.L. knew of or had reviewed the programs on the gaming computers and neither knew whether those programs were appropriate for the use of the Children. Based on its own rating, Fortnite was not suitable for the Children due to their young age.

103 These discrepancies further diminished the credibility of the claimant.

104 Placing a television in each of the children's bedrooms occurred without consulting the respondent, who had a far more restrictive screen time policy in his home. When the issue of access to television screens was raised by the respondent, the claimant stated that she did not care what the respondent thought about this issue, and that she could do what she wanted during her parenting time. It is clear from this circumstance that the claimant would not consult with the respondent about the activities of the Children and the respondent would have limited or no parenting input into decisions about the Children's activities while they were in the care of the claimant.

The claimant's relocation application was dismissed. The respondent father was given primary care of the children (for many reasons; not just those above).

Playing a slightly different role in another relocation¹⁸ case, in *Boxhorn v. Hessdorfer*, 2023 ABPC 20, 2023 CarswellAlta 3256 (Alta. Prov. Ct.), the father seeking to relocate was able to overcome an allegation of "unlimited screen time" which echoed through the voice of the child himself. The court heard through the child's lawyer that:

15 Austin expressed the following primary reasons for wanting to live with his father: "he will be kinder to me," "he lets me stay up until 11 pm," **"he doesn't kick me off electronics unless I have to do chores,"** and reported that his father gives him **almost unfettered access to his electronics.**

For his part, the father argued:

22 The father insists that although he must work outside the home, Austin will have the supervision he needs, in that his employment is somewhat flexible, and he had good success with meal-planning and activities when Austin stayed with him over the summer. **He denies that Austin has virtually unlimited screen time** (as reported by Austin).

¹⁸ Perhaps not technically a relocation case, but rather a switch of care case, as the parties were already geographically apart.

Essentially, he appreciates that Austin wants him in his life, and he is committed to being in the boy's life as Austin has requested (which is to say, Austin living with him full time). He has some IT background, and therefore a point of common interest with Austin, allowing him to fruitfully engage with Austin in discussions about gaming and media.

The court reconciled the issue thus:

29 **I will comment also that I do not accept as reliable Austin's reporting of his almost unfettered use of electronics in his father's home, although it is likely not as carefully monitored there.** Nor do I accept his reporting of his stepfather's disciplinary approach as being unreasonably strict or oppressive. I sense a certain amount of exaggeration inherent in Austin's self-expression, perhaps as part of his earnest attempts to effectively express his feelings. But I do not accept that his relationship with his stepfather is a disaster, **nor that his times with his father are an electronics free for all;** the former I assess as a generally positive and supportive relationship with a stepfather who has repeatedly demonstrated that he cares deeply for Austin and is committed to his best interests; the latter I assess as a newly developing relationship with his father which is rewarding for them both, and in the context of expressed and demonstrated commitment by his father, albeit of very recent vintage.

[Emphasis added.]

Ultimately, the child's views, even at 14, were not enough to overcome the cumulative weight of all other factors. In a razor's edge decision, what might have been weighty evidence against the father's application turned out to be not where the decision was made.

In *A.J.S.A. v. K.L.W.*, 2024 BCSC 453, 2024 CarswellBC 1149 (B.C. S.C.), excess screen time use was in issue, with the father facing an allegation that he did not employ proper limits. The court found that his evidence suffered from general inconsistencies. The mother sought primary care of the children on various bases including family violence, including a level of confrontation that made it difficult if not impossible to co-parent. She further pointed to his failings as a day-to-day parent, pointing to his lack of engagement in the children's schoolwork and extracurriculars, and his failure to place limits on "screen time" use when in his care.

Notwithstanding the father being a loving parent, the court found that the lack of structure in his home was a weighty factor, finding:

34 I find that the children are in an equally loving, albeit much less structured, environment when they are with Mr. A.J.S.A.. He did not describe any routines for the children or strategies to assist them, and he described struggles with getting the children to school. He described an excellent learning application that the middle child is able to use to help her with her learning challenges, but (up until mid-trial) **he has not imposed any limits on the children's screen time.** He suggests that the many hours (frequently in the range of 7-12 hours) that the children

[sic] spent on their iPads on the dates in evidence during the months of March, April, and May 2023 during his parenting time were just them listening to music or playing learning games. However, the evidence indicates that these were not the main applications being used by the children. **Furthermore, I do not accept his evidence that he was effectively monitoring their use before the issue was brought to his attention, and, even then, I find that he is not directly engaging with the children and what they are doing during much of his parenting time, including when they are on their iPads.**

[Emphasis added.]

The Court ultimately awarded the mother with the predominant school-day time to ensure the children had the structure they required and left the parenting coordinator in place at the time to continue to manage screen use in the father's time.

In *Rygiel v. Mathes*, 2024 ONSC 33, 2024 CarswellOnt 352 (Ont. S.C.J.), the father argued screen time abuse, and his efforts to curb it, as one of the many reasons to reject the mother's application to relocate with the child. It was one factor amongst many that he used to successfully argue that he ought to remain active in close proximity to the child, both things that a relocation would negatively affect.

A parent's conservative approach to screen time, was among other things, part of the "nature and strength of the child's relationship with each parent and others (siblings and grandparents) in *Moses v. Weekes*, 2023 ONSC 6140, 2023 CarswellOnt 19159 (Ont. S.C.J.). The father's structured home, populated by other family members, was marked by a structure which included rules about responsibilities which, once met, would allow the child to partake in "privileges" and which included playing outside and screen time.

However, a bare assertion will not win the day. In *J. v. L.*, 2023 ONSC 1689, 2023 CarswellOnt 3391 (Ont. S.C.J.), additional reasons *Jacques v. Leblanc*, 2023 ONSC 4269, 2023 CarswellOnt 11335 (Ont. S.C.J.), one parent lodged a series of complaints about the other, including that [the child was] "poorly cared for at her mother's place, exposed to conflict and insults about the father's family, unhappy because she has to share a room with her sisters, and subject to excessive and unsupervised screen time". While spicy and prejudicial at first blush, and if borne out in the evidence potentially dispositive of the matter, the complaining parent's case failed given that the evidence was a child's hearsay and which was contradicted by witnesses who had firsthand observation evidence.

In *Traplin v. Ruckstuhl*, 2022 ONSC 1093, 2022 CarswellOnt 1840 (Ont. S.C.J.), the father argued among other things that the screen time relationship with children at a child's school should factor in a choice-of-schools debate. It does not appear that this was a factor of any kind and in any event the father was unsuccessful.

Screen time played a role in the fashioning of interim arrangements in *Souleiman v. Yuusuf*, 2021 ONSC 6994, 2021 CarswellOnt 15747 (Ont. S.C.J.), additional reasons 2021 ONSC 8231, 2021 CarswellOnt 19414 (Ont. S.C.J.):

44 These terms shall come into effect if the respondent chooses to move out of the family home. With both parents remaining in the home, the concept of trying to alternate parenting weekends between them seems to invite conflict, especially since neither will be occupied by their employment obligations during the other parent’s weekend. While they continue to occupy the family home, the respondent’s parenting time shall be as follows: the respondent may exercise parenting time every Wednesday evening from 4 to 7 p.m., every Saturday morning from 8 a.m. until noon, and every Sunday afternoon from noon until 5 p.m. This order will facilitate him continuing to take the children out on Saturday mornings and to visit with his extended family on Sunday afternoons, as is his current practice. **My order eliminates his former practice of bringing the younger child to the basement with him for two hours each morning while he works. It is not in her best interests to be cared for in a way that consists primarily of screen time.**

[Emphasis added.]

In *Kaiser v. Bezanson*, 2021 NSFC 2, 2021 CarswellNS 91 (N.S. Fam. Ct.), screen time was a factor in the mother having primary care. However, the father had other problems in respect of his parenting capacity that were much, much worse. It was one small factor among scores.

In *TAS v. GAS*, 2020 ABQB 761, 2020 CarswellAlta 2344 (Alta. Q.B.), additional reasons *Spiess v. Spiess*, 2021 ABQB 730, 2021 CarswellAlta 2196 (Alta. Q.B.), additional reasons *Spiess v. Spiess*, 2021 ABQB 961, 2021 CarswellAlta 3054 (Alta. Q.B.) the mother stood in the doorway of her glass house, throwing screen-time stones:

- *that daughter’s screen time*:¹⁹ the father may have been lax in this department, but the mother did not provide evidence of communicating her concerns and expectations (or at least wishes) about this daughter’s screen time. Her complaint here, as with others above, would have more force if she had followed up with the father or done anything else to “elevate” the issue i.e. before complaining about an apparently long-running problem;

It didn’t work:

50 Where the mother does provide “comparator” details, the “comparator” does not necessarily signal any needed change in the allocation of parenting. For example, contending that the father has allowed the older daughter to “screen” for upwards of 8 to 15 hours per day (which he disputed), she says that, at her home, she has limited her to **68 per**

¹⁹ In the judgment, the court listed the mother’s concerns in italics, with the courts comments which followed.

cent of those totals i.e. 5.75 to 10 hours per day. Either way, this seems like excessive screen time. At minimum, it does not reflect a radically different approach between the households.

* * *

52 My overall impression was that, while the father needs to realize that shared parenting requires a core level of communication about the children's interests, and to perform better in that vein, he is fundamentally an involved parent. He communicates with the children at their respective levels, spend engaged time with them, wants them to succeed, and has shown a willingness to step up even more to ensure their best interests are maximized. **(For example, he said he would be open to setting a "both households" screen-time policy and enforcing it, and also to obtaining the input of professionals, and acting on it, in gauging how the children's various needs might be better met.)**

Contrasting parenting styles was also front and centre in *G. (J.M.) v. G. (L.D.)*, 2016 ONSC 3042, 2016 CarswellOnt 7799 (Ont. S.C.J.), additional reasons 2016 ONSC 7990, 2016 CarswellOnt 20790 (Ont. S.C.J.), where the court noted as follows before ultimately allowing the mother to continue to have the children in her care on terms:

177 The Mother and the Father have very different personalities and different parenting styles. Both parents presented as caring parents. The Mother seemed to have a naturally warm, nurturing and easygoing nature with the children. She is clearly a more permissive parent who has struggled maintaining boundaries and limits for the children. The Father is obviously devoted to his children and enjoys participating with them in sports, games and other activities. The Father also sought to provide educational guidance for the children. The Father not inappropriately stressed the need for discipline and structure and he was concerned about the children's autonomy in areas such as 'screen time'. Both Dr. Morris and Dr. Fidler noted these differences in parenting styles.

In *J. (N.M.) v. G. (D.C.)*, 2015 BCPC 148, 2015 CarswellBC 1487 (B.C. Prov. Ct.), the contrast went too far. The 12-year-old child not only had a problem with excessive screen use, but he had also not been to school in three years. The court observed:

21 NMJ was not able to get BG onto a routine either to go to school regularly or to be monitored in the home and to do school work when he did not attend school. He spends four to five hours a day in front of a screen, (i.e. computer, or television/movies). She agreed in cross examination that she has not been able to maintain a hygiene schedule for BG as she drops it when he becomes too anxious, because at that point it seems counter-productive to her.

* * *

32 When NMJ moved back to Stewart in 2010 he spent his parenting time with BG in Stewart at NMJ's home for quite some time. He would work for 12 days and then take two off and go to see BG. On three occasions he did not make it up for three months at a time because he had vehicle problems. Since last May he has stopped having parenting time in Stewart and has picked BG up and brought him to Telkwa. On a typical weekend he would pick him up on Friday in the early afternoon and drive him back to Smithers. He would then go to bed as he would not have slept since the day before and BG would watch a movie and then go to bed. Their routine is to get up at 7:30 - 8:00 in the morning. BG showers either when they arrive at his place or the next morning. They stay busy doing activities such as swimming, bowling or local hikes and window shop for things BG is interested in such as four wheelers or computer games. JG (1)'s daughter E who is about 6 years of age is with them a lot and BG also sees his sister JG (2) for whom he has a "huge affection". He has about three hours a day of screen time, usually watching one movie or playing Minecraft.

* * *

57 BG has loving relationships with both of his parents. He has been raised primarily by NMJ and his relationship with her is a complex one characterised by Dr. K in a note he made of a conversation with Dr. B in October 2014 as "pathological". As a non-medical person I interpret this as meaning that BG's anxiety and difficulty in separating from NMJ is causing him real problems in his day to day life. He is not going to school and hasn't attended in any regular and meaningful way for three years. How far behind he is in his learning is unclear. He spends a great deal of time each day in front of a computer or TV screen and has no regular activities with other children or out in the community.

* * *

60 Despite what I accept are NMJ's best efforts she has not been able to manage the kind of predictable routine that BG currently needs and in my view her plan to have him home schooled is not in his best interests right now. The counselling services BG needs are not available in Stewart and the option of receiving counselling via video has not been particularly effective.

(f) Cases Where the Court Had Expert²⁰ Evidence

The court often relies on others to help interpret the role screens play in a child's life and design strategies to address problems where necessary. In other

²⁰ This word is being used informally. In this context it means specialized non-party

cases, the allegation of a problem will be a factor in ordering a custody and access report; see *L.T.C. v. D.P.*, 2021 ONSC 7806, 2021 CarswellOnt 18102 (Ont. S.C.J.); *R.A. v. M.P.B.*, 2021 NSSC 102, 2021 CarswellNS 213 (N.S. S.C.).

In *New Brunswick (Minister of Social Development) v. C.M.R.*, 2024 NBKB 065, 2024 CarswellNB 163 (N.B. C.K.B.), a child protection case, the Minister had taken children into protection care. The Minister subsequently sought a guardianship order. The parents opposed. A social worker provided evidence to the court of various serious shortcomings in the parent's capacity to parent.

The parties received assistance from a clinical therapist. The initial sessions were to support and guide the parents to make good decisions with their children. Initial sessions with both parents devolved rapidly; one-on-one sessions followed.

The therapist's recommendations to the parents went largely unheeded. Ultimately they began to reject any input, and allowed the children to do as they pleased:

[117] In late October 2023, the mother became less cooperative with any suggestions made by Ms. MacNeil. During the last visit before the hearing, on November 8, 2023, Ms. MacNeil recommended that the mother limit the children's screen time and enforce consequences. However, the mother informed Ms. MacNeil that she and the father had decided to allow the children to do as they pleased. Her reasoning for doing so was because she was uncertain if the children would ever return home and how much time she still had with them.

In this case, the parties' approach to screens was illustrative of their overall lack of capacity to parent in a healthy way. As the Court observed:

[178] In this matter, both parents allege that they have improved their parenting skills, that they are better in communicating and respecting boundaries, and that the visits are going better. They both testified that they reduced the amount of screen time the children had during visits. However, my understanding is that they actually reduced the screen time for each child by requiring them to take turns playing video games; playing video games is still the primary activity during visits. **It also took five days of hearings and testimony from various people for the parents to acknowledge that the video game Grand Theft Auto was not age appropriate for their children and needed to be removed from the X-Box.**

[Emphasis added.]

A similar situation arose in *New Brunswick (Minister of Social Development) v. L.C.*, 2022 NBQB 37, 2022 CarswellNB 56 (N.B. Q.B.), where a social worker for the Minister commented on difficulties in obtaining the cooperation of the parents to adjusting rules around screen time.

Again, a similar situation arose in *DCP v. M.M. and D.C.*, 2022 PESC 31, 2022 CarswellPEI 45 (P.E.I. S.C.) where the father's social worker observed in

witnesses generally. It includes traditional experts like psychiatrists and counselors but also teachers and social workers.

her evidence a concern about the method of communication used between father and child as well as the presence of screens during their supervised visits. Suffice to say, she did not approve. However, it was to the father's benefit: she argued that the father out to have unsupervised time in the community as part of her proposed resolution to the problem.

In *J.A.J., Re*, 2018 SKQB 232, 2018 CarswellSask 428 (Sask. Q.B.), the child's treating psychiatrist connected the child's emotional stress to, among other things, "excessive screen time". This was but one factor in devising a slow and cautious reunification plan between the parents and child under the supervision of the Minister.

In *Children's Aid Society of Toronto v. J. (V.)*, 2017 ONCJ 325, 2017 CarswellOnt 7600 (Ont. C.J.) the court was looking for some specialized evidence when reviewing the concerns of social workers:

184 When asked if there were concerns during visits it was noted that at times there appeared to be a lot of screen time type of entertainment with A., either with an electronic device, or Ms. J.'s cell phone, which he enjoys as he loves watching cartoons such as Paw Patrol.

185 In particular, Ms. Holland Green noted that it would be more beneficial for A.'s, linguistic and developmental skills if he was entertained through cartoon books, reading and other forms of toys that would assist him with his language, development and overall cognitive development.

186 When asked if the workers knew if there was any particular report and/or specific direction from the numerous professionals involved in A.'s life over the past several years that screen time should be limited or some suggestion as to how to work with this issue given A.'s needs, no professional direction or report could be provided. In other words, there is no direct evidence from the professionals that would discourage this as it relates to A.'s particular needs and age and stage of development given his medical and developmental profile.

The mother was ultimately successful in her application and the child was placed back in her care.

(g) Cases Where Orders were Made to Manage Tech

The following are some examples of orders made to specifically address the issue of screen time or use of online platforms to affect unsanctioned or inappropriate contact with one parent:

Case	Order
<p><i>M.S.R. v. D.M.R.</i>, 2022 BCSC 1398, 2022 CarswellBC 2203 (B.C. S.C.), additional reasons 2023 BCSC 860, 2023 CarswellBC 1435 (B.C. S.C.)</p>	<p>2. Pursuant to sections 225 and 227 of the <i>Family Law Act</i>, the respondent is prohibited from:</p> <p>a) Having any direct or indirect contact with J.S., including but not limited to phone contact, text messages, letters, contact via computer, Snap-chat, Face-time, Skype, Instagram, video game or other forms of electronic communication, in-person contact, and/or communication via third parties;</p>
<p><i>Carolo v. Carolo</i>, 2022 BCSC 311, 2022 CarswellBC 479 (B.C. S.C.)</p>	<p>13) The parents [will] use their best efforts to ensure the children:</p> <p>a) do not use their cell phones or electronic devices in their bedroom during wind down time, homework, sleep hours, or at meal times.</p> <p>b) Limit screen time to maximum a 1 hour at a time and downtime.</p>
<p><i>Fias v. Souto</i>, 2020 ONSC 6346, 2020 CarswellOnt 15504 (Ont. S.C.J.)</p>	<p>(vi) The parents shall follow the same rules about screen-time allowed for K. in his/her house. The parents shall abide by the advice of the therapist(s) working with K. as to how much screen time is appropriate for K. and ensure that his/her household does not deviate from the therapist's recommendations;</p>
<p><i>E.D. v. J.S.</i>, 2020 ONSC 1474, 2020 CarswellOnt 3460 (Ont. S.C.J.)</p>	<p>146 As set out above, I have two parents who truly love their children. They have erred in the past by involving them in the conflict which roils between them. They need to invest the energy they previously employed in tearing each other down to now elevate the children above and out of the conflict. The parents have already come to recognize they were being played with the children. They need to put aside their differences and be on the same page regarding discipline, bed times, electronic privileges, school attendance and mental health treatment. They are hereby ordered to comply with all of the following basic parenting rules:</p> <p>* * *</p> <p>d. Neither child shall have more than 1 hour of non-academic screen/gaming/ computer time on school days, and no more than three hours on weekends, unless both parties agree, in writing.</p>

Case	Order
	<p>Exceptionally, as a reward for good behaviour, one additional hour of screen time may be permitted per day.</p> <p>e. The children are to have proper alarm clocks, which are not their electronic devices.</p>

6. THE VIEW THROUGH THE EYES OF COUNSEL

Having reviewed the case law and the patterns which arise and having considered the views from the mental health perspective, it is clear the issue of screen time (in all its varied forms) could be argued more effectively than the reported decisions (as a whole) suggest. Often, “screen time” is thrown at the court as a topic at large, with little explanation of what it is, what it means, and what ought to be done about it. This is missed opportunity.

Screens are ubiquitous in modern times. That applies to parents, children, and everyone else. They are an indivisible component of daily life. That will not change except as to become even more prevalent. The tensions which arise with the addition into that milieu of broadly applied artificial intelligence (AI) will only worsen.

On the one hand screens represent a significant threat to the wellbeing of children. Where abused they increase the likelihood of a host of serious problems. The gatekeeper is the parent. On the other, they provide education and in some cases a lifeline to children in need. Now, the champion is the parent. Both situations reflect on the capacity — or lack thereof — of a parent to fulfil their duties. They provide either hard or at least collateral evidence of a parent’s parenting skills or inabilities. The effects on the child from use of screens, where those effects are negative especially to a child’s mental health, trigger a statutory obligation on the court to consider and address those effects. The threat may be indirect, such that the issue becomes the subject matter over which parents who cannot communicate battle, and which is itself of course anathema to a child’s best interests.

The opportunity and obligation on counsel, in advancing their client’s claims, is to properly:

- Determine what harm/benefit arises through the child’s relationship with screens and digital media;
- Consider the contextual circumstances to ascertain the cause or contributors to the harm/benefit, while being cautious to look past broad stereotypes;
- Where benefits arise, give credit where credit is due and use that credit towards one or both parents in fashioning an appropriate outcome;
- Where harm arises, isolate the source of the harm, and then frame it within the enumerated factors under the BIOTC Test; and
- Design a remedy, whether that be (the following is non-exhaustive):
 - Arrangements which obligate parties to following a mutual regime;

- Where that remedy will not suffice, give one parent authority to make decisions on the issue and obligate the other to comply; and
- If compliance is unrealistic or unachievable, fashion a parenting plan that provides one party with the necessary time and influence to meet the child's needs; and
- In the more difficult cases, provide the court with more than just the parties' evidence. Bring the nuance of the issue to the court's attention through non-party or expert evidence so that the court is fully equipped to fashion the best outcome possible.

7. THE VIEW THROUGH THE EYES OF THE PSYCHOLOGIST

Family lawyers play a pivotal role in guiding parents through the complexities of digital parenting during divorce. By promoting a balanced and child-centric approach, family lawyers with age-appropriate digital media knowledge can help ensure that screen time and social media use are managed in a way that supports the child's development and maintains the integrity of both parents' roles in their lives.

A parent's approach to managing their child's digital engagement is not a black-and-white indicator of their parenting quality. The goal in any co-parenting dispute should not be to vilify one parent's approach but to strive for a balance that serves the best interests of the child.

Without the consideration of a child development framework, it can be easy to default to screen time issues originating with the other parents' deficiencies as a parent rather than the entire family dynamic as a contributor.

Digital technology is more nuanced than the generic stereotype it has for leading to negative mental health outcomes for children and teens. It can be helpful for family law professionals to consider how to strike a balance and pay attention to the nuances of individual cases when representing clients. Empathizing with your clients' concerns about screen time use in their co-parent's home is obviously front and centre; and is always the first step. However, as there are so many guiding principles and a depth of research available to us all on this topic, that curiosity about the unique family circumstances, parenting practices, co-parenting relationship, among other variables, is the next and most important step before committing to a line of legal action or planning.

(a) High-Conflict Parents and Technology Use

How divorced parents themselves are using screen devices to communicate can be a bigger problem for some children; rather than how the child is actually using their own technology. Parents who use technology to control the other household environment while the child is in the care of the other parent can be harmful.

In a clinical setting it is often observed that high conflict parents tend use technology to access their children in ways that are harmful:

1. Seeking information via technology to find out what is happening in the other household while the child is away from them.
2. Demand an immediacy of digital response from a child that causes anxiety, distress and hypervigilance about incoming messages from the off-duty parent — which also increases the use of the child’s screen device.
3. Control the other household routine through the child (i.e.) meals, homework, bedtime
4. Inquire about the other parents parenting (i.e.) What did daddy/mommy say when they saw your report card?
5. Interrogate child (i.e.) significant other, about other parents’ whereabouts, or their scheduled activities.
6. Talking or texting negatively about the other parent.
7. Technology can be weaponized — prevent the child from connecting with their parent during parenting time (alienating), to track children or the other parent, video/record conversations for court.

Not all conflict is bad- it can teach children conflict resolution skills. Not all screen time is bad — it can reduce social isolation, increase connectedness and assist with digital literacy. If we had to narrow down the single most important intervention when working with divorced or separated parents, it would be to reduce parent conflict. By reducing conflict then the decision-making about screen use may be more cooperative and digital access as listed above that is initiated by the parents’ may be less harmful to their child.

(b) Mental Health Impact

Parental conflict can take many forms, including verbal arguments, unkind/aggressive texts or other digital communication, physical altercations, passive aggression, or even silent or ‘ghosting’ (reference to a type of withholding of responses, often digital responses) treatment. The tension and negativity associated with such conflict can create a stressful environment for children, which invariably results in a negative outcome on their emotional and psychological well-being.

The mental health issues associated with screen time can be compounded by co-parent conflict. From a clinical psychology practice perspective when working with children and youth, they can experience similar stress, anxiety, depression (internalized behaviour problems) aggression, addiction (externalized behaviour problems) from exposure to high-conflict parents post-divorce as they do from excessive screen use.

Internalizing behaviour problems refer to issues that are internal to the individual, and they may not be readily visible to those around them. Examples of internalized behaviour problems are depression and anxiety. Children exposed to parental conflict often express feeling a sense of fear and insecurity, which can

manifest as anxiety. They may worry about the stability of their family, the potential for future conflict, or the well-being of their parents.

Depression can also be a concern. Children may feel a sense of loss or sadness about the changes in their family structure. They may also internalize the conflict, leading to feelings of guilt, self-blame and, or hopelessness.

Externalizing behaviour problems, on the other hand, are outwardly directed and are often easier to spot, but are just as problematic as their internalized counterparts. They can include high-risk behaviours, aggression, and conduct problems. High-risk behaviours, such as substance use or risky sexual behaviour, may be a way for teens to cope with the stress of parental conflict.

(b) Screen Time and Social Media Use

Similar to the mental health concerns above, excessive screen time and social media use can have the same impact on children. However, the negative effects of screen time use can be buffered by the quality of the parent-child relationship and family atmosphere.

There is growing research indicating that there are other factors such as, parent responsiveness, family conflict and parent screen time that can either buffer or intensify the negative effects of screen time and *problematic social media use (PSMU)* (Vossen, H.G.M., et. al., 2024).²¹

Some key findings from the review include:

- a. There is consistent and compelling evidence that positive parent-child relationships and positive family atmosphere at home are highly related to *less PSMU*.
- b. Positive parenting characterized by affection and responsiveness is associated with less PSMU.
- c. Parenting characterized by inconsistency, reactivity, and control is associated with more PSMU
- d. Restrictive mediation shows, when it involves consistent rule setting and follow through, a negative correlation with PSMU is found (this actually works). However, when it refers to reactive restrictions and positive correlation is found (for example, when parents pull screentime in an inconsistent or punishing manner based on their own mood or sporadic life challenges).
- e. Active mediation is not consistently correlated with PSMU
- f. consistent positive correlation between parental phubbing and PSMU was found. Phubbing is a term that combines the words “phone” and “snubbing”. It refers to the act of ignoring someone that you are interacting with in-person because instead you choose to scroll through your phone. Children often report feeling unimportant when parents are phubbing.

²¹ Vossen, H.G.M., van den Eijnden, R.J.J.M., Visser, I. et al. *Parenting and Problematic Social Media Use: A Systematic Review*. Current Addictions Report (2024).

(c) Parental Influence and Family Dynamics

The role of parents and the overall family environment play a significant role in mediating the effects of screen time. For instance:

Parental Responsiveness: A parent's ability to respond to their child's needs appropriately can mitigate the potential harm caused by screen time. When parents are attentive and engaged, they can guide their child's digital consumption, ensuring that the content is age-appropriate and the duration is reasonable and balanced with real-life activities. When parent conflict is high screen use duration can be high. Children may seek out their devices to distract, soothe or seek connection when there is conflict or stressors in the family that they are trying to cope with. Some may see this as protective if they are seeking comfort and connection.

Parent – Child Shared Experiences: In a clinical context we discuss with parents monitoring and management of screen time. We also know that there are benefits to sharing these experiences together. Parents and children who view movies, TV shows or video or engage in interactive media use, such as video gaming or digital board games together in a way that both parent and child can share experiences of joy, challenges or awe; can be both protective of that parent – child relationship but also can be relationship enhancing.

Family Conflict: High levels of family conflict can exacerbate the negative effects of screen time. In contrast, a harmonious family atmosphere can serve as a *protective* factor. It's not just the presence of screens but rather the relationship context within which screen time occurs that determines its impact.

Parent Screen Usage: Children's strongest modeling influence is their parents. If a parent's screen time is excessive, interrupts their social relationships and leads to poor self-care habits, it's likely that their child will also develop similar habits. Fortunately, the opposite is also true, parents who set healthy boundaries for their own screen use can positively influence their child's screen use. Therefore, what parents' model to their children is a key element in helping children grow and develop. Parents that model a high ratio of screen time versus non-screen time use, such as grabbing a device as their go-to boredom-reducer, regularly phub their child, or even react angrily if their child interrupts their own screen time use; this can leave their child feeling lonely and disconnected and unimportant. These feelings can lead to children seeking out comfort via their own screen time choices. Screen time habits that parent's model is also associated with risk of PSMU in children.

(d) Quality of Parent-Child Relationship

The quality of the parent-child relationship is perhaps one of the most significant factors. A strong, nurturing relationship can provide a solid foundation for children to thrive, even in the face of potential risks such as overuse or problematic use of screen time. When children feel secure and supported, they are better equipped to navigate the challenges that come with digital media use.

(e) Family Environment

The risks and benefits of the digital world are also influenced by real-life experiences. The family environment is one of the most impactful real-life experiences that shapes a child's development and can be associated with the positive and harmful effects of technology use. Screen time should not be judged solely on usage but also within the context of the environment.

A positive family atmosphere, characterized by open communication, shared activities, and mutual respect, can also play a crucial role. In such environments, children are more likely to discuss their online experiences, seek guidance and adhere to agreed-upon screen time values, guidelines and rules.

We have observed, in a clinical context, that if parental conflict is low there tends to be less motivation or desire to interfere with; or monitor the parenting time of their co-parent. In turn, then there is more trust that their child will be fine without their involvement.

Additionally, a family atmosphere where parents have strong relationships, mutual respect and spend time together, they report having less of a problem separating from their child. With the families we work with this can lead to a reduced need, desire or demand to frequently video call, telephone call or text their child when their child is at their other home.

If co-parents can create an environment where they work together to reduce the conflict between them and get on the same page about screen time usage then a dual benefit to the children is achieved. The children are being both protected from the negative effects of parental conflict and of screen time use by managing it in a child-centric and developmentally appropriate way.

Some clinically informed guidelines for effective co-parenting that fosters a respectful atmosphere to jointly navigate screen time use are as follows:

1. **Consistency:** the hallmark of effective parenting is consistency. Although this can be extra challenging when there are two homes it is essential for both parents to align on access to technology and the limits.
2. **Set Expectations:** screen time written agreements that are adopted as family rules for each home can reduce parent conflict and create less confusion for the children.
3. **No Interrogations:** with written screen time agreement for each home can prevent a parent from questioning the children about the screen time used in the other parent's home.
4. **No Screen Time-Related Rewards / Punishments as part of parental conflict:** additional screen time allotted in order to be 'favored parent', decreased screen time allotment because the child's other parent brought the child late to school or soccer practice
5. **New Device:** access to devices should be a co-parenting decision. Secrecy about new devices can cause conflict which will in turn be just as problematic as the new device and potential risks.
6. **Interrupt Parenting Time:** boundaries regarding technology should not include using it to intrude on the other parent's parenting time or gain

information about the other parent. Screen-free zones such as no screens in the bedroom at night. This can be protective of children if they have a parent that over communicates with them during the other parent's parenting time.

7. **Tracking Apps:** these apps can be effective for child safety concerns, however, both parents should be aware if they are being used. When the child is with their other parent that means the parent is also being tracked. Privacy issues will need to be discussed.

In conclusion, while screen time does present certain risks, its impact is not guaranteed to be negative. Family law professionals sit in a unique and powerful seat to help parents to navigate the research and clinical best practice to mitigate screen time risk and maximize screen time benefit. A supportive family environment, characterized by responsive parenting, low conflict, and mindful media use, can significantly buffer the potential negative effects of screen time. It's essential for parents to be proactive and intentional in creating a family atmosphere that promotes healthy screen habits and fosters strong parent-child relationships.

Appendix — SCHEDULE A**2024 Cases**

Style of Cause	Citation	Notes
British Columbia		
A.J.S.A. v. K.L.W.	2024 BCSC 453	Children’s use of screen time during parenting time is discussed (para 17); one parent argues the other did not provide limits on screen time use in their care (paras 22, 34); court orders that parenting coordinator would continue to have final decision making authority regarding screen time protocol (para 293).
Y.G. v. C.L.S.	2024 BCSC 713	“Phone time” is discussed in the context of one parent having time to speak to the child at certain agreed upon times when she did not have specified parenting time (para 56).
Havelette v. Morrison	2024 BCSC 319	“Phone time” and FaceTime is discussed in context of time where parent is entitled to talk to the child (para 127).
Ontario		
Rygiel v. Mathes	2024 ONSC 33	Father expressed concerns about screen time, phone access, and sleep patterns; court considered in analysis re: parenting time (para 49)
New Brunswick		
New Brunswick (Minister of Social Development) v. C.M.R.	2024 NBKB 65	Discussion of clinical therapist’s advice regarding limiting screen time (para 87); limiting screen time for children discussed in context of parenting sessions (para 113-115); it was recommended that the parent limit children’s screen time and enforce consequences (117); evidence of reducing screen time is discussed at paras 140 and 178.

2023 Cases

Style of Cause	Citation	Notes
British Columbia		
J.L.L. v. A.J.M.	2023 BCSC 1698	One parent had more restrictive screen time policy than the other, this was considered in court's analysis (paras 101-104)
P.M.Z. v. D.J.T.	2023 BCSC 1444	Discussions re screen time briefly mentioned in recounting prior conversation between parties (not dealt with in analysis) (para 6)
Alberta		
Boxhorn v. Hessdorfer	2023 ABPC 20	In decision allowing relocation to father's residence, court refers to evidence that the father denied allegations that he the child has virtually unlimited screen time at his home (para 22).
Ontario		
Douglas v. Faucher	2023 ONSC 5026	One parent argues the other's parenting style suffers from lack of discipline re screen time (para 29)
C. v. C.	2023 ONSC 3754	Power struggle between child and parent re: phone/social media time relevant to relocation dispute (para 42)
J.I. v. A.A.	2023 ONSC 2942	Argument between child and parent regarding screen time is discussed (para 54).
Moses v. Weekes	2023 ONSC 6140	Court references screen time in context of the nature and strength of child's relationship with parents (para 57).
J. v. L.	2023 ONSC 1689	In considering application of BIOC test, court references testimony from one parent that the child is subject to excessive and unsupervised screen time at the other parent's place (para 103).

Style of Cause	Citation	Notes
New Brunswick		
J.B. v. B.F.	2023 NBKB 55	Court is concerned with parent's discipline, including with reference to screen time, and states it appears that the children are the bosses (para 27).
C.R.B. v. K.J.M.	2023 NBKB 224	Court refers to testimony regarding parenting styles and restrictions on phone use and phone time (paras 20-21); court refers to strategies one parent has discussed with a clinical psychologist which made reference to phone access (para 67); court orders that the child shall have FaceTime or telephone access to the non-access parent at dates/times to be arranged by the parents (para 281).
Nova Scotia		
Low v. Smith	2023 NSSC 195	Screen time is a minor issue that comes up where one parent argues the other was not parenting when she assisted/participated in screen time with them (para 159)
Barnhart v. Murphy	2023 NSSC 31	One parent has concerns about amount of screen time child has in the other parent's care in dispute over ongoing parenting arrangement (para 54)

2022 Cases

Style of Cause	Citation	Notes
British Columbia		
N.N.N. v. D.E.B.	2022 BCSC 1847	S. 211 report suggests standardized routines between homes would be beneficial, including parenting approaches to restrictions on the child's screen time and use of other devices (paras 45-51).
British Columbia (Director of Child, Family, and Commu-	2022 BCPC 223	Overuse of screen time (TV/video games) during parenting

Style of Cause	Citation	Notes
nity Service v. E.L.G.		visits discussed as ongoing issue (para 136).
M.S.R. v. D.M.R.	2022 BCSC 1398	Screen time (time on iPhone/ video games) is discussed in context of section 211 report in decision related to parenting arrangements (paras 199, 293)
Carolo v. Carolo	2022 BCSC 311	Court orders that parents use their best efforts to ensure children do not use cell phones or electronic devices in their bedroom during wind down time, homework, sleep hours, or at meal times, and limit screen time to maximum 1 hour at a time and downtime (Schedule A, para 13).
Alberta		
TL (Re)	2022 ABPC 112	Parent is instructed to limit screen time in parenting (para 541).
Saskatchewan		
Leonard v. Leonard	2022 SKQB 164	One parent thinks other parent allows too much screen time. The court declines to factor it into its analysis re parenting arrangements (para 26).
Ontario		
K. v. S.	2022 ONSC 6413	Screen time is a minor issue of dispute between parties in application for decision-making responsibility (parenting time issues already resolved) (para 84)
R. v. L.	2022 ONSC 1756	One parent set limits on screen time, other did not. Court discusses parties' different opinions on the issue of screen time, calls this a common issue for parents (paras 47, 77)

Style of Cause	Citation	Notes
Traplin v. Ruckstuhl	2022 ONSC 1093	In context of moving child to another school, court notes parent's evidence that child continues to have play dates and screen time with their friends at that school (para 20)
New Brunswick		
T. L'H. v. G. L'H.	2022 NBQB 155	Screen time is briefly mentioned in context of a social worker telling a parent screen time for the children should be limited (para 204)
R.V. v. K.M.	2022 NBQB 105	Screen time (video games, use of iPad to watch YouTube and communicate friends) is issue of dispute between parties (paras 249-251).
M.D. v. N.R.	2022 NBKB 220	One parent testifies that reasonable restrictions should be in place for screen time, no phones at table, court references this evidence (para 46).
New Brunswick (Minister of Social Development) v. L.C.	2022 NBQB 37	In decision granting guardianship order to the Minister, court references testimony related to how much screen time the children get (paras 314 and 503)
Nova Scotia		
R.F. v. K.F.	2022 NSSC 194	One parent concerned the other parent fails to properly limit the child's screen time (paras 15, 38).
PEI		
DCP v. M.M. and D.C.	2022 PESC 31	Social worker expresses concerns about screen time used during visits between the child and parent, including when the parent was using his own phone (para 96).

Style of Cause	Citation	Notes
Newfoundland		
K.H. v. E.B.	2022 NLSC 21	Screen time is discussed in context of contact with parents through facetime/video calls/ playing electronic games (paras 42-47).

2021 Cases

Style of Cause	Citation	Notes
British Columbia		
Arulsothynathan v. Ganeshalingam	2021 BCSC 946	Court notes that screen time (in context of communication between child and parent) is not a substitute for being in physical contact (para 71).
A.G. v. C.A.G.	2021 BCSC 2374	Court references claimant's request that screen time be at the discretion and supervision of the supervisor to monitor online material in application for supervised parenting (para 10).
Manitoba		
C.N.D. v. J.A.D.	2021 MBQB 151	Court makes general reference to screen time in context of it replacing extraneous supports/ activities (para 20).
Ontario		
L.T.C. v. D.P.	2021 ONSC 7806	Screen time was a factor in ordering section 30 report (para 12).
Sammon v. Krajewski	2021 ONSC 8310	Screen time briefly mentioned in reference to exchange between parties on OFW, not material to court's analysis (para 26).
Souleiman v. Yuusuf	2021 ONSC 6994	In making order for parenting time, court referenced that it was not in the child's best interests to be cared for "in a

Style of Cause	Citation	Notes
		way that consists primarily of screen time” (para 44).
R.M. v. P.M.	2021 ONSC 6743	Court discusses one parent’s reliance on “screen time, candy, or toys to bide his time with [the children].” (para 41).
C. v. G.	2021 ONSC 5019	Advice of a therapist regarding use of screen time and how much is appropriate is considered and written in the terms of parenting order (para 256).
Callwood v. Purdy and Callwood	2021 ONSC 5815	Court agrees that the person having care of the child should have authority to make day to day decisions required in their care, but if one parent establishes rules regarding screen time and other routines, these routines should be respected when spending time with the other parent (para 16).
Morrison v. Harder	2021 ONSC 5107	Court orders that the parent in whose care the child is shall make day to day decisions for her care including screen time and play time (para 162).
Swift v. Swift	2021 ONSC 684	Court discusses evidence that children do not always complete their homework and have a lot of screen time when they are with one parent (para 23).
New Brunswick		
K.L. v. M.L.	2021 NBQB 249	In making interim parenting order, court clarifies that Facetime/video time with the other parent during one parent’s parenting time shall not be considered “screen time” in the event such is restricted by either party (para 56)
Nova Scotia		

Style of Cause	Citation	Notes
S.S. v. J.G.	2021 NSSC 228	In determining whether shared parenting arrangement should be implemented, court acknowledges that “late night screen activities” were problematic to child’s school performance (para 46, 54-56).
R.A. v. M.P.B.	2021 NSSC 102	Screen time and bed time is a contentious issue between parents and their conflicting parenting styles (paras 53-54).
Kaiser v. Bezanson	2021 NSFC 2	Parents seeking settlement orders; one parent raises concerns about child’s screen time at the other parent’s home.

2020 Cases

Style of Cause	Citation	Notes
Alberta		
TAS v. GAS	2020 ABQB 761	One parent complains that other parent is “lax” in the department of screen time, court finds that mother did not provide evidence of communicating her concerns and expectations (para 34); excessive screen time used as an example to show that there is not a radically different approach between the households that would signal need to change allocation of parenting (para 50, 52).
Ontario		
Fias v. Souto	2020 ONSC 6346	One parent tried to limit screen time, but child was able to bypass her rules by accessing a data plan set up by other parent (para 58). Court ordered that the parents follow the same rules about screen

Style of Cause	Citation	Notes
		time and abide by advice of a therapist regarding how much screen time is appropriate for the child (para 114).
E.D. v. J.S.	2020 ONSC 1474	Court ordered that neither child have more than 1 hour of non-academic screen/gaming/computer time on school days, and no more than 3 hours on weekends, unless both parties agree in writing. One additional hour permitted per day for good behavior (para 146).
Chase v. Chase	2020 ONSC 5083	At issue is whether child should return to in person school, court discusses the concerns about screen time with virtual school (paras 35-37).
Children's Aid Society of Ottawa v. M.G.	2020 ONSC 79	Court references pediatrician's recommendation that child be offered developmentally-rich environment with a limitation on the amount of screen time (para 31).

2019 Cases

Style of Cause	Citation	Notes
British Columbia		
Salvador v. Creemer	2019 BCSC 2088	Parent trying to establish consistent approach to reducing child's screen time is discussed in context of existing parenting arrangement and communications between parent and child (para 80).
J.M.W. v. B.R.P.W	2019 BCSC 1395	One parent complains that children do not have set bed-times, are allowed too many sleepovers and too much screen time with other parent

Style of Cause	Citation	Notes
		(para 99).
Alberta		
Thember v. King	2019 ABQB 697	One parent alleges the other neglected children while parenting in favour of screen time — court does not accept this evidence (para 152).
JMM v. TLG	2019 ABQB 81	Discussion of one parents discipline method including time-outs and limits on screen time. Court finds this appropriate (para 79).
Ontario		
Baran v. Baran	2019 ONSC 2653	Evidence regarding parents time with child including community outdoor activities rather than screen time (para 32).
Stoughton v. O’Ney	2019 ONSC 1531	Screen time mentioned briefly in discussion of parent’s typical day with child (para 138).
Rezai v. Gibbons	2019 ONSC 199	Court notes parent’s failure in the past to abide by other parent’s routine including by permitting excessive sugar intake and screen time (para 34).
Newfoundland & Labrador		
A.G. v. A.Q.	2019 NLSC 85	Parent presents evidence in support of their positions regarding shared parenting time — one parent testifies that he tries to limit children’s screen time and spend more time doing outdoor activities with them (para 8).

2018 Cases

Style of Cause	Citation	Notes
British Columbia		
C.J.A. v. E.M.A.	2018 BCSC 2175	(appeal from provincial court re parenting time) - court suggests that deprivation of screen time is an appropriate form of discipline consistent with the established practice in the family during the term of the marriage (para 43).
Saskatchewan		
J.A.J., Re	2018 SKQB 232	Court references psychiatrist's advice that child would continue to benefit from structure and routine, and limited "screen time" (para 81); screen time identified by psychiatrist as a contributing factor to emotional stress (para 119).
Ontario		
A.-Z. v. A.H.	2018 ONSC 680	Court acknowledges deficits of one parent's parenting capacity such as permitting children to watch too much TV or have too much screen time but does not find this concern (among others) to rise to the level of requiring an order for supervised access (para 101)
Diaz v. MacKenzie	2018 ONSC 4497	Mention of screen time in context of parent's evidence that children know they have to move quickly during parenting exchanges or they will lose access to screen time (para 30).

2017 Cases

Style of Cause	Citation	Notes
British Columbia		
GB v. LR	2017 BCSC 1342	Screen time comes up in s. 211 report, where psychologist discusses depriving children of screen time or TV as form of discipline (para 328).
Saskatchewan		
A.M.D.L. v. S.K.	2017 SKQB 380	One parent argues when child was with the other parent he had lots of screen time which led to poor performance in school (para 37)
Ontario		
Hatcher v. Golding	2017 ONSC 785	Court orders that day to day decisions, including screen-time, shall be made by the parent having care of the children at any given time (para 214)
M.L. v. J.C.	2017 ONSC 7179	Court orders that parent having care of the child at any given time shall make day to day decisions concerning their care, including discipline and screen time (para 252).
H. (P.) v. J. (T.)	2017 ONCJ 166	Court references parent's evidence that he sets limit on screen time and places emphasis on learning and intellectual activities (para 48).
N.H. v. J.H.	2017 ONSC 4867	Brief mention of screen time in context of parents evidence noting he limits the amount of screen time (para 266).
Children's Aid Society of Toronto v. J. (V.)	2017 ONCJ 325	Court references social workers' evidence regarding "screen time type of entertainment" with the child (paras 184-186).

2016 Cases

Style of Cause	Citation	Notes
British Columbia		
R. (Z.S.) v. S. (R.)	2016 BCPC 200	Parent testifies that he would be okay with other parent's rule that there not be more than one hour of screen time daily for the child, and nothing after 9pm (para 39).
Ontario		
G. (J.M.) v. G. (L.D.)	2016 ONSC 3042	Court references screen time in relation to child's preferences (para 162) and noted children's autonomy in this area was relevant to parenting arrangement (para 177)

2015 Cases

Style of Cause	Citation	Notes
British Columbia		
J. (N.M.) v. G. (D.C.)	2015 BCPC 148	Court discusses that child spends excessive time in front of a screen and has no regular activities with other children (paras 21, 32, 57).
I. (D.W.) v. P. (L.A.)	2015 BCPC 162	Court discusses parents differing approaches to "child rearing" including schedules, bedtimes, and screen time (para 24).
Ontario		
Children's Aid Society of Toronto v. B. (R.)	2015 ONCJ 389	Court referenced testimony of pediatrician that it is generally recommended to limit children to 2 hours or less of screen time that includes computers and television except for specialized learning using an Ipad (para 98). Court accepted that father had trouble managing

Style of Cause	Citation	Notes
		children's behavior and using appropriate parenting strategies, including by letting the child play on the computer as a way of placating him which was a concern based on development needs to limit screen time (para 138).

2014 Cases

Style of Cause	Citation	Notes
British Columbia		
H. (B.W.) v. H. (J.A.)	2014 BCSC 2512	One parent complains the other lets the children have too much screen time (para 51).
Alberta		
P. (D.F.) v. B. (B.A.)	2014 ABQB 793	Screen time comes up in discussions of communication between child and parent where one parent alleges the child is prevented from responding to text messages in the other parent's care on the basis that the child is only permitted one hour of screen time per day (para 38).

2013 Cases

Style of Cause	Citation	Notes
British Columbia		
Catholic Children's Aid Society of Toronto v. B. (J.)	2013 ONCJ 583	Court notes findings about protection concerns including that the mother allows the child a lot of screen time during visits (para 76).

