

## White Paper

**Title:** Holding Parents Criminally Liable for Knowingly Exposing Children to Digital Harm: A Legal and Forensic Examination

**Prepared by:** Behavioral Forensics LLC July 2025. ([www.bfll.net](http://www.bfll.net))

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### Executive Summary

In an era of widespread digital connectivity, children are increasingly exposed to harmful online content, including pornography, violent imagery, and cyberbullying. When parents knowingly provide smartphones to young children without safeguards, despite clear and growing evidence of these dangers, it raises urgent questions of legal responsibility. Behavioral Forensics LLC proposes a national exploration of the feasibility of criminal liability for parents who, with prior knowledge of these risks, enable harm through digital access. This white paper outlines the rationale, legal frameworks, forensic implications, and ethical necessity of such accountability.

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### 1. Introduction

The psychological and emotional harm resulting from early exposure to online content is now well established. Studies have linked smartphone use in children under 13 to increased rates of depression, anxiety, self-harm, and suicidal ideation (Twenge et al., 2018; Orben & Przybylski, 2019). Recent research published in *The Journal of Human Development and Capabilities* (2025) and reported by CNN (2025) confirms that preteen access to smartphones leads to statistically significant mental health deterioration (Thiagarajan et al. 2025).

Despite this, millions of children continue to receive unsupervised smartphones from their parents. In many cases, parents are either aware of the potential risks or have received direct warnings from schools, health professionals, or media. This raises the issue of culpability when harm results.

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### 2. Legal Foundations for Criminal Accountability

Several legal doctrines are relevant to holding parents accountable:

**A. Child Endangerment.** Many state statutes define endangerment as knowingly placing a child in a situation likely to result in physical or mental harm. If a parent knows that a device grants access to harmful material and does nothing to mitigate that access, the conditions for criminal liability may be met.

**B. Criminal Negligence.** Criminal negligence occurs when an individual fails to exercise reasonable care, resulting in foreseeable harm. The widespread documentation of digital risks to children satisfies the foreseeability standard in many jurisdictions.

**C. Failure to Protect.** In family and dependency courts, failure to protect a child from foreseeable harm can lead to loss of custody, monitoring by child protective services, and civil or criminal sanctions. Extending this principle to digital harm is both logical and necessary.

**D. Contributing to the Delinquency of a Minor.** If digital exposure leads to risky behavior, sexualized conduct, or aggression in the child, parents may be legally liable under this longstanding criminal framework.

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### 3. The Forensic Rationale

Behavioral Forensics LLC approaches this issue from a child protection and forensic sociology perspective. Smartphones without restrictions effectively act as delivery systems for:

- Violent imagery
- Sexually explicit content
- Predatory grooming
- Cyberbullying and peer exploitation

Repeated exposure to these harms has been linked to long-term trauma responses, deteriorated impulse control, and dissociative symptoms in minors.

Professionals in child welfare, law enforcement, and mental health are increasingly reporting that unrestricted smartphone access is a root cause of behavioral crisis and developmental regression in children (APA, 2019; Twenge et al, 2019).

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### 4. Why Criminal Accountability Matters

**A. Prevention Through Accountability.** Legal consequences act as powerful deterrents. Holding parents criminally accountable in severe or repeated cases would likely reduce negligent behavior and incentivize digital supervision.

**B. Closing the Gap Between Physical and Digital Endangerment.** Parents who leave weapons, drugs, or abusive individuals within reach of their child are already subject to criminal prosecution. The same logic should apply to knowingly allowing unsupervised digital access.

**C. Reinforcing Duty of Care.** The law must reflect the reality that digital neglect is just as harmful as physical neglect. Establishing accountability promotes parental responsibility in the digital era.

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## 5. Recommendations

Behavioral Forensics LLC recommends: Further legal exploration and precedent-setting litigation - Cross-sector task forces involving child advocates, prosecutors, and legislators - Clear legislative language defining digital endangerment as a prosecutable offence - Educational campaigns for parents on legal liability for digital harm

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## 6. Conclusion

We are at a pivotal moment in child protection. When a parent provides a smartphone to a child under 13, **knowing** that it will result in exposure to pornography, violence, or abuse—and does nothing to prevent it—this is no longer poor parenting. It is **preventable harm**, and in many cases, it may be **criminal**.

Behavioral Forensics LLC believes it is time the legal system caught up with the psychological science. Children deserve more than guidance—they deserve **protection enforced by accountability**.

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