

PARENT-TIME RESTRICTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Deidre M. Henderson

Cosponsor: Patrice M. Arent

LONG TITLE

General Description:

This bill creates provisions related to a child conceived through a sexual offense.

Highlighted Provisions:

This bill:

- ▶ provides that a person convicted of a sexual offense resulting in conception of a child, be restricted from custody or parent-time rights; and
- ▶ provides that a child conceived from a sexual offense may receive financial support from the convicted biological parent.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-5-414, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-414** is enacted to read:

76-5-414. Child conceived as a result of sexual offense -- Custody and parent-time.

(1) A person convicted of a violation of Title 76, Chapter 5, Part 4, Sexual Offenses,

29 except for Sections 76-5-401 and 76-5-401.2, that results in conception of a child may not be
30 granted custody or parent-time rights by a court regarding the child, unless:

31 (a) the nonconvicted biological parent or legal guardian of the child consents and the
32 court determines it is in the best interest of the child to award custody or parent-time to the
33 convicted person; or

34 (b) after the date of the conviction, the biological parents cohabit and establish a
35 mutual custodial environment for the child.

36 (2) A denial of custody or parent-time under this section may not in and of itself:

37 (a) terminate the parental rights of the person denied parent-time or custody; or

38 (b) affect the obligation of the convicted person to financially support the child.