

CHILD SUPPORT REGARDING RAPE OFFENDERS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires offenders convicted of sexual assault to pay child support if a child results from the assault.

Highlighted Provisions:

This bill:

requires offenders convicted of sexual assault to pay child support if a child results from the assault and the nonconvicted parent requests an order from the court or requests assistance from the Office of Recovery Services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-414, as enacted by Laws of Utah 2013, Chapter 193

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

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

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



28 (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.

39 (3) The convicted person shall, upon request of the nonconvicted parent through a
40 court or child support services through the Office of Recovery Services, Department of Human
41 Services, be required to pay child support in accordance with Title 78B, Chapter 12, Utah
42 Child Support Act.

Legislative Review Note
Office of Legislative Research and General Counsel