

**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, except for Sections 76-5-401 and 76-5-401.2, that results in conception of a child may not be granted custody or parent-time rights by a court regarding the child, unless:
  - (a) the nonconvicted biological parent or legal guardian of the child consents and the court determines it is in the best interest of the child to award custody or parent-time to the convicted person; or
  - (b) after the date of the conviction, the biological parents cohabit and establish a mutual custodial environment for the child.
- (2) A denial of custody or parent-time under this section may not in and of itself:
  - (a) terminate the parental rights of the person denied parent-time or custody; or
  - (b) affect the obligation of the convicted person to financially support the child.

Enacted by Chapter 193, 2013 General Session