

**PARENT-TIME RESTRICTION AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig Hall**

Senate Sponsor: Deidre M. Henderson

Cosponsor: Patrice M. Arent

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**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

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*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.