

Child Conceived By Rape, Utah Law

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Utah law is strict and clear on the restrictions it imposes to prevent children from being exposed to sex criminals who caused their conception by committing a rape crime. Under Utah Code 76-5-414, the state does not allow child custody awards through the state courts for people convicted of raping their child's other parent and thereby causing a child to be conceived. However...

Under Utah 76-5-414, the law addresses only *one primary point* in cases in which a child is conceived in rape in the state of Utah. That point is that the convicted sex offender who has caused the conception of a child by committing a rape crime will not be awarded child custody or parent time by a Utah court. But, the law does allow for exceptions in these circumstances:

- The other biological parent or legal guardian of the child grants consent to parent-time for the convicted parent. The state court must first find that it is in the child's best interest to award parent-time or some percentage of custody to the parent convicted of a sex crime against the other parent.
- At some time after the date of the rape crime conviction, the child's two biological parents begin to cohabit and together create an environment of shared custodial parenting of the child.

Limited Restrictions on Convicted Parents Under 76-5-414

Child custody, parent time, and parental rights more generally are not governed entirely by the singular dictate of Utah 76-5-414. Even the specified law prohibiting the courts from granting child custody, except under the conditions stipulated, is not to be construed

as *terminating* the parental rights of the convicted person. The court's lack of authority to grant custody or parent time to the convicted person also is not to be interpreted as negating the financial obligation of that person to pay child support.

Protect Your Rights

In cases of children born of rape, a wrongly convicted parent is victimized in profound ways, potentially for life. Beyond losing precious parental rights, the convicted person may be sentenced to some of the harshest punishments allowed under the Utah criminal code. Those can include a very long prison sentence and enormous fines for conviction of a rape charge.

To avoid these worst-case outcomes, you need the best criminal defense lawyer Utah has to offer you. Your attorney can protect your rights, guide you through the legal process, and develop the strongest defense for you.

Rape Defense Attorney, Salt Lake City Utah

If you have been charged with rape in Utah, you need a highly skilled sex crimes defense attorney who is well-experienced in Utah criminal law and the state court system.

Wasatch Defense Lawyers are among Utah's best attorneys in criminal defense cases.

We're here to help protect your freedom and your future as a rightful parent.

Wasatch Defense Attorneys

1035 1080 W Unit 120, Suite 4, Logan, UT 8432

If you have been accused of rape by your child's other parent, call Wasatch Defense Attorneys at (801) 845-3427, or contact us online for an appointment for a free case review.
