

Incest Defense Lawyer in Utah

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Accusations of incest should be taken seriously and are best handled in consultation with an experienced incest defense lawyer. In mounting a proper defense, it is crucial to understand the proper definition of the charges, the legal ramifications in Utah, and what the law says about consent and responsibility. Consult with a skilled [sex crime defense lawyer](#) – and keep in mind the prosecution has the burden of proof in all criminal cases and all charges must pass the test of reasonable doubt.

When confronted with accusations of incest, take that first critical step and call for a free, no-obligation consultation with Wasatch Defense Lawyers at (801)845-3446.

What is Incest?

Incest is defined as having a sexual relationship with a non-spousal family member, which is against the law in the United States. In some cases, a direct relationship must be established when the sexual relationship may not fit the definition of “family”. The term *family member* does not apply strictly to blood relations. Incest laws can be applied in cases of the family by adoption, by marriage, and even foster families.

Every state in the US considers family or close blood relations as parents, children, grandparents, aunts, and uncles. Family-like situations (such as the live-in boyfriend of the parent), second cousins, or other distant family relationships may not be considered family.

Punishment for Incest in Utah

It is incumbent upon the Judge presiding over a case of incest to determine the actual penalty for someone convicted of incest. In the state of Utah, the punishment for incest (which is defined as a third-degree felony offense), specifies a term of 5 years maximum in prison and/or a maximum fine of \$5,000.

Other penalties may also be enforced if convicted of incest. These may include registration as a sex offender, being forcibly separated from the family, and the possibility of the household being declared unfit for a minor. In the latter instance, the underaged victim may be removed from the home and placed in foster care. Finally, a

conviction of incest can attach a negative stigma to a defendant's reputation.

Incest charges are sometimes coupled with other unlawful sexual violations. Prosecutors may attempt to attach charges of statutory rape or child abuse to the initial charge of incest. Additionally, if a prosecutor is finding it difficult to establish a strong familial correlation, they may seek other avenues in which to mount charges, such as rape, lewd acts, or molestation.

Consent is Not a Defense for Incest Charges

When a defendant knowingly engages in sexual relations with a family member, the law dismisses any defense which states that both parties were consenting. Incest laws apply to adult family members, even when both are consenting participants. If either party is nonconsensual or under the legal age to give consent, additional [charges of rape](#) or statutory rape may be applied.

Who is Charged?

The question of *'who is charged?'* may arise when ***both of the accused are adults. The answer is that both are charged***, and both can be convicted of incest unless proof of undue coercion can be established. In cases of adult sexual encounters with a familial minor, ***the child is considered a victim***. In some states, charges of incest can be arguably dropped if a significant amount of time has passed since discovery.

Contact Wasatch Defense Lawyers for a Free Case Review

Our justice system is based on proof – proof beyond a reasonable doubt. ***Speaking with a criminal defense lawyer with proven experience in handling charges of incest is critical to protecting your good name and maintaining your freedom.*** The biggest mistake you can make if you are falsely accused of incest is to avoid seeking legal assistance.

Contact Wasatch Defense Lawyers today for a free consultation at [801.845.3446](tel:801.845.3446)