

Allegations of Child Abuse or Child Sexual Abuse in a Divorce

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People often give way to emotions during the process of divorce, and some act in desperation to ensure a conclusion they believe serves their child's and their own best interest. They may even go so far as falsely accusing their spouse of child abuse or child sexual abuse, in an attempt to prevent him or her from sharing custody or being granted visitation rights. Allegations of child abuse can alter the outcome of the court's custody considerations in a divorce. Under the child abuse laws in Utah, when a parent accuses the other of abusing the child, the judge must pursue the facts.

If you are accused of child abuse during your divorce, your parental rights may be suspended. That means you'll need to contact a Salt Lake City Utah divorce attorney for help. Your divorce and custody lawyer will build your case on all the available evidence, including showing the absence of a history of child abuse or other criminal activity.

After a Parent Makes Child Abuse Allegations

Under Utah Code 30-3-5.2, when an allegation of child abuse or child sexual abuse occurs during a divorce case, the court will make an inquiry and then might order an investigation by the Division of Child and Family Services (DCFS), per Utah 62A-4a. The process will involve:

1. Investigation	After making an initial inquiry regarding the allegations, the judge will order a child custody investigation. The court will appoint a qualified professional to evaluate the case. The custody evaluator will probably interview both parents and all witnesses, search for evidence, and possibly talk with the child. The investigation will be performed within 30 days of the time the court notifies the DCFS and requests the investigation.
2. Review of DCFS Report	The court would then wait for the agency's report to proceed with the divorce. When the investigation is complete, the judge will review the DCFS report of the department's investigation (Utah Code 78A-2-703, 78A-2-705, and 78B-15-612).
3. Hearing	After the investigation, a hearing will be scheduled. The judge will hear the parents' and witnesses' testimonies and their lawyers' arguments. The process may delay a final decision from the court for months or possibly years, while the court undertakes to ensure that there is or is not a foundation for the allegations and how serious the abuse is.
4. Court's Final Decision	The court's final award of custody or parent-time will be rendered only after the report on the investigation is received and reviewed by the court, per Utah 62A-4a-412.

If a Parent Falsely Accuses the Other of Child Abuse

Formally submitting a false allegation of child abuse or child sexual abuse to the court is viewed by Utah courts as an attempt to disrupt the parent-child relationship. The family court finds this to be a very serious matter in its deliberations on custody decisions. So, a parent may be penalized for knowingly making such false allegations in a child custody case.

The financial penalties are typically limited to paying the costs of conducting any additional hearings and investigations, as well as extra attorney fees due to the process of exploring the false allegations. The family court will probably also limit or even deny child custody or visitation to a parent found knowingly making such false accusations in a divorce proceeding.

Waiting Too Late to Make Child Abuse Allegations

If, during your divorce, you have accused your spouse of child abuse or you have been accused by your spouse of this crime, you need an experienced Utah divorce and custody attorney. Your lawyer will provide the most effective strategy for winning this kind of case.

The stakes are enormous in a child custody case, and this area of the law is very complex, so you must not attempt to go it alone in the Utah court system. Your divorce and custody attorney's role is to make sure all your rights are fully protected, including helping ensure that a fair and unbiased investigation is performed.

Why Choose The Law Office of David Pedrazas?

Davide Pedrazas has been protecting children's best interests and the rights of Utah parents in family court for over 20 years. He has been assessed by several of the country's most prominent legal organizations as one of the best Salt Lake City family law lawyers you can get. If you are charged with child abuse, call the Law Office of David Pedrazas, PLLC, or contact us here on our website to discuss how to get a favorable outcome in your case.