

N.C.P.I.—Crim 210.91

UNLAWFUL TRANSFER OF CUSTODY OF A MINOR CHILD BY A PARENT
RESULTING IN SERIOUS PHYSICAL INJURY TO THE CHILD. FELONY.
JUNE 2017

N.C. Gen. Stat. § 14-321.2(a)(1), (d)

210.91 UNLAWFUL TRANSFER OF CUSTODY OF A MINOR CHILD BY A
PARENT RESULTING IN SERIOUS PHYSICAL INJURY TO THE CHILD.
FELONY.

*Note Well: This instruction is effective for offenses
committed on or after December 1, 2016.*

The defendant has been charged with the unlawful transfer of custody of a minor by a parent, where the commission of the offense resulted in serious physical injury to the child.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that defendant [effected] [attempted to effect] the unlawful transfer of custody¹ of defendant's minor child by (*describe conduct*)². The unlawful transfer of custody means the transfer of physical custody of a minor child, in willful violation of applicable adoption law or by grossly negligent omission in the care of the child, by the child's parent, without a court order or other authorization under law to a person other than a relative³ or another individual having a substantial relationship with the child.

Second, that the unlawful transfer of custody of the minor child resulted in serious physical injury⁴ (*describe injury, e.g., the unlawful transfer of custody of a minor child results in molestation*) to the minor child.⁵

Third, that defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [effected]

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[attempted to effect] the unlawful transfer of custody of defendant's minor child, and resulted in serious physical injury to the minor child, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1 See N.C. Gen. Stat. § 14-321.2(b)(4).

2 "Minor child" means a child under the age of 18 and includes an adopted minor child, as defined in N.C. Gen. Stat. § 48-1-101(14a).

3 "Relative" means the child's other parent, stepparent, grandparent, adult sibling, aunt, uncle, first cousin, great aunt, great uncle, great-grandparent, or a parent's first cousin. See N.C. Gen. Stat. § 14-321.2(b)(3).

4 "Serious physical injury" means physical injury that causes great pain and suffering. The term includes serious mental injury. See N.C. Gen. Stat. § 14-318.4(d)(2).

5 See N.C. Gen. Stat. § 14-321.2(d).