

N.C.P.I.—Crim 210.93

UNLAWFUL ACCEPTANCE OF CUSTODY OF A MINOR CHILD FROM A PARENT. RESULTING IN SERIOUS PHYSICAL INJURY TO THE CHILD. FELONY.

JUNE 2017

N.C. Gen. Stat. § 14-321.2(a)(2), (d)

210.93 UNLAWFUL ACCEPTANCE OF CUSTODY OF A MINOR CHILD FROM 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 acceptance of custody of a minor child pursuant to an unlawful transfer of custody of a minor child by a parent.

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

First, that defendant [accepted] [attempted to accept] the unlawful transfer of custody¹ of a minor child from a parent 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 acceptance of custody of the minor child resulted in serious physical injury⁴ (*describe injury, e.g., the unlawful acceptance of custody of the minor child results in molestation*) to the minor child.⁵

And Third, that defendant did so knowingly.

Note Well: It shall not be unlawful for a person to receive custody of a child from a parent who intends to effect an

N.C.P.I.—Crim 210.93

UNLAWFUL ACCEPTANCE OF CUSTODY OF A MINOR CHILD FROM A PARENT. RESULTING IN SERIOUS PHYSICAL INJURY TO THE CHILD. FELONY.

JUNE 2017

N.C. Gen. Stat. § 14-321.2(a)(2), (d)

unlawful transfer of custody of that parent's minor child if the person promptly notifies law enforcement or child protective services in the county where the child resides or is found and promptly makes the child available to law enforcement or child protective services.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [accepted] [attempted to accept] custody pursuant to an unlawful transfer of a minor child by a parent, 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 both 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).