

239.56 CHILD ABUSE BY A PERSON OTHER THAN A PARENT. MISDEMEANOR.

The defendant has been charged with child abuse.

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

First, that the defendant was a person providing [care to] [supervision of] a child.

Second, that at that time the child had not yet reached the child’s sixteenth birthday.

And Third, that the defendant [inflicted physical injury¹ upon] [allowed physical injury to be inflicted upon] [created or allowed to be created a substantial risk of physical injury to] the child other than by accidental means.² Intent to cause physical injury is not required.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a person providing [care to] [supervision of] a child, that the child had not reached the child’s sixteenth birthday, and that the defendant [inflicted physical injury upon] [allowed physical injury to be inflicted upon] [created or allowed to be created a substantial risk of physical injury to] the child other than by accidental means, it would be your duty to return a verdict of guilty. If you do not so find, or 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. “Physical injury” includes cuts, scrapes, bruises, abrasions, or other physical injury which does not constitute serious injury. See N.C. Gen. Stat. § 14-34.7.

2. See N.C.P.I.—Crim. 307.11 for an instruction on accident if the defendant raises the issue of accident.

