

N.C.P.I.—Crim 210.92
UNLAWFUL ACCEPTANCE OF CUSTODY OF A MINOR CHILD FROM A
PARENT. MISDEMEANOR.
JUNE 2017
N.C. Gen. Stat. § 14-321.2(a)(2)

210.92 UNLAWFUL ACCEPTANCE OF CUSTODY OF A MINOR CHILD
FROM A PARENT. MISDEMEANOR.

*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 two 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.

And Second, 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 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]

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[attempted to accept] the unlawful transfer of custody of a minor child from a parent, 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).