

N.C.P.I.-Civil. 815.92

PARENTS' STRICT LIABILITY FOR PERSONAL INJURY OR DESTRUCTION OF PROPERTY BY MINOR-DEFENSE OF REMOVAL OF LEGAL CUSTODY AND CONTROL.

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815.92 PARENTS' STRICT LIABILITY FOR PERSONAL INJURY OR DESTRUCTION OF PROPERTY BY MINOR - DEFENSE OF REMOVAL OF LEGAL CUSTODY AND CONTROL.

The (*state number*) issue reads:

"Had (*name defendant(s)*)' custody and control of (*name minor*) been removed by [court order] [contract] as of the time of (*name plaintiff's*) [injury] [damage]?"

You will answer this issue only if you have answered the (*state number*) issue "Yes" in favor of the plaintiff.

On this issue the burden of proof is on the defendant(s). This means that the defendant(s) must prove, by the greater weight of the evidence, that as of the time the [plaintiff was injured] [plaintiff's property was damaged], the defendant(s)' custody and control over (*name minor*) had been removed by [court order] [contract].

Finally, as to this (*state number*) issue on which the defendant(s) [has] [have] the burden of proof, if you find by the greater weight of the evidence that (*name defendant(s)*)' custody and control of (*name minor*) had been removed by [court order] [contract] as of the time of (*name plaintiff's*) [injury] [damage], then it would be your duty to answer this issue "Yes" in favor of the defendant(s).

If, on the other hand, you fail to so find, it would be your duty to answer this issue "No" in favor of the plaintiff.