

N.C.P.I.-Crim. 210.90
UNLAWFUL TRANSFER OF CUSTODY OF A MINOR CHILD BY A PARENT.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2017
N.C. Gen. Stat. § 14-321.2(a)(1)

210.90 UNLAWFUL TRANSFER OF CUSTODY OF A MINOR CHILD BY 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 transfer of custody of a minor 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 [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.

And Second, 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] [attempted to effect] the unlawful transfer of custody of defendant's 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).

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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).