

**ABANDONMENT OF A CHILD**  
**(E Felony)**  
**PENAL LAW 260.00**  
**(Committed on or after Sept. 1, 1967)**

The \_\_\_\_\_ count is Abandonment of a Child.

Under our law, a person is guilty of Abandonment of a Child when, being a parent, guardian or other person legally charged with the care or custody of a child<sup>1</sup> less than fourteen years old, he deserts such child in any place with intent to wholly abandon it.

The term "intent" has its own special meaning in our law. I will now give you the meaning of that term.

INTENT means conscious objective or purpose.<sup>2</sup> Thus, a person acts with intent to wholly abandon a child when his or her conscious objective or purpose is to do so.

It is not a defense to this charge that the actor did not know that the child was less than fourteen (14) years old, or that the actor believed that the child was fourteen (14) years old or more on the date of the crime.<sup>3</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about  (date) , in the County of  (county)   
 , the defendant,  (defendant's name) , deserted

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<sup>1</sup> "[O]ther person legally charged with the care and custody of a child" is not defined in the statute. See, *Family Court Act § 1012(g)*; See also, *People v. Carroll*, 93 NY2d 564 at 566 and 568 (1999), in which the Court of Appeals discussed the term in the context of an endangering the welfare of a child case.

<sup>2</sup> See, Penal Law § 15.05(1).

<sup>3</sup> See, Penal Law §15.20(3).

(*specify*), a child less than fourteen years old;

2. That the defendant did so with the intent to wholly abandon (*specify*); and
3. That the defendant was the [parent][guardian][other person legally charged with the care or custody] of (*specify*).

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Abandonment of a Child as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Abandonment of a Child as charged in the \_\_\_\_\_ count.]