

**Ala. Code 1975, § 13A-13-5**

**Abandonment of a Child**

The defendant is charged with abandonment of a child.

A person commits the crime of abandonment of a child if he/she is a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old, and he/she deserts such child in any place with intent wholly to abandon it.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant was a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old; **(AND)**
- (2) The defendant deserts such child in any place with intent wholly to abandon the child.

**[Read as appropriate]:** It is an affirmative defense to prosecution for abandonment of a child, if the parent voluntarily delivers the child to an emergency medical services provider pursuant to Section 26-25-1. [26-25-3] An emergency medical services provider, without a court order, shall take possession of a child who is 72 hours old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child. [26-25-1] An emergency medical services provider shall mean a licensed hospital, as defined in Section 22-21-20, which operates an emergency department. An emergency medical service provider does not include the offices, clinics, surgeries, or treatment facilities of private physicians or dentists. No individual licensed health care provider, including physicians, dentists, nurses, physician assistants, or other health professionals shall be deemed to be an emergency medical services provider under this chapter unless such individual voluntarily assumes responsibility for the custody of the child. [26-25-4]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of abandonment of a child, then you shall find the defendant guilty of abandonment of a child.

If you find that the State has failed to prove any one or more of the elements of abandonment of a child, then you cannot find the defendant guilty of abandonment of a child.

[Approved 09-11-15.]