

13-1312. Trespassing children (attractive nuisance).

An [owner] [occupant] has a duty to prevent injury to a trespassing child resulting from _____ (*describe structure or artificial condition*) artificial condition of the land if:

(1) The place where the condition is maintained is one upon which the [owner] [occupant] knows or has reason to know that children are likely to trespass;

(2) The condition is one which involves an unreasonable risk of injury to trespassing children and the [owner] [occupant] knows or has reason to know of such risk; and

(3) The child because of [his] [her] youth does not discover the condition or realize the risk involved by intermeddling with it or coming into the area made dangerous by it.

In such a case, the [owner] [occupant] has a duty to exercise ordinary care, considering the youth of the child, to prevent injury to the child.

USE NOTES

This instruction may be used when the injured trespasser is a child.
[As amended, effective January 1, 1987; November 1, 1991.]