### IDJI 3.20 - Attractive nuisance

INSTRUCTION NO. \_\_\_

The plaintiff has the burden of proof on each of the following propositions:

1. A structure or condition existed on the defendant's premises that was peculiarly or unusually attractive to children;

2. The structure or condition on the property was such that it presented a reasonably foreseeable risk of injury to any children who might go onto or into the premises;

3. The structure or condition on the property was such that the danger or risk of harm it presented to children would not be readily apparent to a child of the age, experience and maturity of the plaintiff;

4. The defendant was aware, or in the exercise of ordinary care should have been aware, of the attractiveness of the premises to children and of the risks of harm to children that it presented;

5. The plaintiff was attracted onto the defendant's property by such structure or condition;

6. The plaintiff was injured;

7. The structure or condition was a proximate cause of the injury; and

8. The nature and extent of the injuries, the elements of damage, and the amount thereof.

You will be asked the following question on the jury verdict form:

Was the defendant negligent in maintaining or permitting an attractive nuisance on his property, which negligence was the proximate cause of plaintiff's injuries?

If you find from your consideration of all the evidence that each of the propositions in this instruction has been proved, then you should answer the question "yes". If you find from your consideration of all the evidence that any of these propositions has not been proved, then you should answer the question "no."