

FAILURE TO SUPPORT CHILD. G.S. 14-322(d). MISDEMEANOR.

NOTE WELL: *This crime is punished as a Class 1 misdemeanor upon a second or subsequent conviction. G.S. 14-322(f).*

The defendant has been charged with failure to support his child.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was the parent of (*name child*).<sup>1</sup>

Second, that the defendant failed to provide him with adequate support. Adequate support means such things as food, clothing, a place to live, and medical attention reasonably required for the preservation of his health. What was adequate support depends on the property, if any, the defendant owned, his earnings (and other income), if any, and his ability to earn.<sup>2</sup>

And Third, that the defendant's failure to provide adequate support was willful, that is, intentional and without justification or excuse.

If you find from the evidence beyond a reasonable doubt, that between about the alleged date, the defendant willfully failed to provide adequate support for (*name child*), who was his child, it would be your duty to return a verdict of guilty. If

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<sup>1</sup>Natural and adopted children are included.

<sup>2</sup>An actual abandonment is not necessary.

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you do not so find or have a reasonable doubt as to one or more  
of these things, it would be your duty to return a verdict of not  
guilty.