

N.C.P.I.—CRIM 239.35

FAILURE TO REPORT [ABUSE] [NEGLECT] [DEPENDENCY] [DEATH] DUE TO MALTREATMENT OF A JUVENILE. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 7B-301(a), (b)

239.35 FAILURE TO REPORT [ABUSE] [NEGLECT] [DEPENDENCY] [DEATH] DUE TO MALTREATMENT OF A JUVENILE. MISDEMEANOR.

The defendant has been charged with failure to report [abuse] [neglect] [dependency] [death] due to maltreatment of a juvenile.¹

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

First, that (*name juvenile*) was a juvenile. A juvenile is an individual under the age of eighteen.

Second, that the defendant had cause to suspect that (*name juvenile*) was [abused] [neglected] [dependent] [deceased] as a result of (*describe maltreatment*).

Third, that the defendant [knowingly] [wantonly] [[failed to report] [prevented another person from making a report]] of such [abuse] [neglect] [dependency] [death] due to maltreatment to the director of social services in county where the juvenile resides.²

¹ A juvenile is a person who has not yet reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States. N.C. Gen. Stat. § 7B-101. If there is evidence that the juvenile was emancipated or was a member of the Armed Forces, then adjust the instruction accordingly. A "child" is defined to be under the age of sixteen. N.C. Gen. Stat. 7B-101.

² The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant had cause to suspect that (*name juvenile*) was [abused] [neglected] [dependent] [deceased] as a result of maltreatment and that the defendant [knowingly] [wantonly] [[failed to report] [prevented another person from making a report]] of such [abuse] [neglect] [dependency] [death] due to maltreatment to the director of social services in county where the juvenile resides, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.