

N.C.P.I.—CRIM 239.55C
FELONIOUS CHILD ABUSE (RECKLESS DISREGARD—SERIOUS BODILY
INJURY). FELONY; MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-318.4(a4), 14-318.2

239.55C FELONIOUS CHILD ABUSE (RECKLESS DISREGARD—SERIOUS
BODILY INJURY). FELONY; MISDEMEANOR.

*NOTE WELL: Use N.C.P.I.—Crim. 239.55D if serious physical
injury is alleged.*

The defendant has been charged with felonious child abuse by reckless
disregard for human life in the care of a child resulting in serious bodily
injury.

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

First, that the defendant was [the parent of] [[a person providing
[care to] [supervision of]]¹ the child.

Second, that at that time the child had not yet reached the child's
sixteenth birthday.

Third, that the defendant:

- a) willfully (*describe conduct*)²; or
- b) willfully (*describe conduct*) which amounted to a grossly
negligent omission. A grossly negligent omission is a wanton
omission done with conscious or reckless disregard for the rights
and safety of others.³

¹ See *State v. Carrilo*, 149 N.C. App. 543, 562 S.E.2d 47 (2002) (concluding that
man who lived with the child's mother, who shared a bedroom with mother and child, and
who cared for the child for short periods of time over a two month period provided
supervision to the child under N.C. Gen. Stat. § 14-318.4).

² See N.C. Gen. Stat. § 14-318.4(d)(1).

³ A grossly negligent omission is a "reckless disregard for the rights and safety of
others." See *Bullins v. Schmidt*, 322 N.C. 580, 581, 369 S.E.2d 601, 603 (1988). For
purposes of this section, a "grossly negligent omission" in providing care to or supervision of

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Fourth, that the defendant's [willful conduct] [grossly negligent omission] resulted in serious bodily injury to the child. Serious bodily injury is bodily injury that creates a substantial risk of death or that causes permanent disfigurement, a coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

And Fifth, that the defendant's [willful conduct] [grossly negligent omission] in the care of the child was a reckless disregard for human life.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was [the parent of] [[a person providing [care for] [supervision of]] the child and that the child had not reached the child's sixteenth birthday, and that the defendant's [willful act] [grossly negligent omission] in the care of the child was a reckless disregard for human life and resulted in serious bodily injury to the child, it would be your duty to return a verdict of guilty.

If 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.

a child includes the failure to report a child as missing to law enforcement as provided in N.C. Gen. Stat. § 14-318.5(b).