

FAILURE OF SUPPORTING SPOUSE TO PROVIDE ADEQUATE SUPPORT FOR
DEPENDENT SPOUSE. G.S. 14-322(c). MISDEMEANOR.

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

The defendant has been charged with failure to provide
adequate support for [his wife] [her husband], which is the
willful failure of a supporting spouse to provide the necessities
of life to [his wife] [her husband] while [he] [she] is living
with [her] [him].

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

First, that the defendant was married to (*name defendant's
spouse*) between (*name dates*).

Second, that [he] [she] was living with her [her] [him]
during that time.

Third, that the defendant was a supporting spouse. A
supporting spouse is a spouse, whether husband or wife, upon whom
the other spouse is actually substantially dependent or from whom
such other spouse is substantially in need of maintenance and
support.

Fourth, that (*name defendant's spouse*) was a dependent
spouse. A dependent spouse is a spouse, whether husband or wife,
who is actually substantially dependent upon the other spouse for

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his or her maintenance and support or is substantially in need of maintenance and support from the other spouse.

Fifth, that the defendant neglected to provide (*name defendant's spouse*) with adequate support. Adequate support means such things as food, clothing, a place to live, and medical attention reasonably required for the preservation of [her] [his] health. What was adequate support depends on the property, if any the defendant owned, [his] [her] earnings (and other income), if any, and [his] [her] ability to earn. (A finding that the defendant did not provide enough spending money for [his wife] [her husband] or did not treat [her] [him] as affectionately as [he] [she] should have, would not be sufficient to convict [him] [her].)

And Sixth, that the defendant acted willfully, that is, intentionally and purposely.

If you find from the evidence beyond a reasonable doubt that between (*name dates*), the defendant was married to and living with (*name defendant's spouse*), that the defendant was a supporting spouse, that (*name defendant's spouse*) was a dependent spouse, and that the defendant willfully failed to provide [her] [him] with adequate support, 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.