

N.C.P.I.-Crim. 239.55D  
FELONIOUS CHILD ABUSE (RECKLESS DISREGARD-SERIOUS PHYSICAL  
INJURY). FELONY; MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
JUNE 2014  
N.C. Gen. Stat. §§ 14-318.4(a5), 14-318.2  
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239.55D FELONIOUS CHILD ABUSE (RECKLESS DISREGARD - SERIOUS  
PHYSICAL INJURY). FELONY; MISDEMEANOR.

*NOTE WELL: Use N.C.P.I.-Crim 239.55C if serious bodily  
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  
physical 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]]<sup>1</sup> 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*)<sup>2</sup>; or
- b) willfully (*describe conduct*) which amounted to a grossly  
negligent omission.<sup>3</sup> A grossly negligent omission is a wanton  
omission done with conscious or reckless disregard for the  
rights and safety of others.<sup>4</sup>

Fourth, that the defendant's [willful conduct] [grossly negligent  
omission] resulted in serious physical injury to the child. Serious physical  
injury is physical injury that causes great pain and suffering (including  
serious mental injury).

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

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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 physical 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.

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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 a child includes the failure to report a child as missing to law enforcement as provided in N.C. Gen. Stat. § 14-318.4(b).

4 See *Greene v. City of Greenville*, 736 S.E.2d 833, 835 (N.C. Ct. App. 2012).