

240.10 FAILURE OF SUPPORTING SPOUSE TO PROVIDE ADEQUATE  
SUPPORT FOR DEPENDENT SPOUSE. 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 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

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REPLACEMENT MAY 2000  
N.C. Gen. Stat. § 14-322(c)  
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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.