

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 683
HOUSE BILL 1091

AN ACT TO REWRITE THE CRIMINAL ABANDONMENT AND NONSUPPORT AND BASTARDY STATUTES TO ELIMINATE SEX DISCRIMINATION IN THE DUTY OF SUPPORT, AND TO CONSOLIDATE REPETITIVE STATUTES AND REMOVE SURPLUSAGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-322 is rewritten to read as follows:

"§ 14-322. Abandonment and failure to support spouse and children. — (a) For purposes of this Article:

- (1) 'Supporting spouse' means 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.
- (2) 'Dependent spouse' means 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.

(b) Any supporting spouse who shall willfully abandon a dependent spouse without providing that spouse with adequate support shall be guilty of a misdemeanor and upon conviction shall be punished according to subsection (f).

(c) Any supporting spouse who, while living with a dependent spouse, shall willfully neglect to provide adequate support for that dependent spouse shall be guilty of a misdemeanor and upon conviction shall be punished according to subsection (f).

(d) Any parent who shall willfully neglect or refuse to provide adequate support for that parent's child, whether natural or adopted, and whether or not the parent abandons the child, shall be guilty of a misdemeanor and upon conviction shall be punished according to subsection (f). Willful neglect or refusal to provide adequate support of a child shall constitute a continuing offense and shall not be barred by any statute of limitations until the youngest living child of the parent shall reach the age of 18 years.

(e) Upon conviction for an offense under this section, the court may make such order as will best provide for the support, as far as may be necessary, of the abandoned spouse or child, or both, from the property or labor of the defendant.

(f) A first offense under this section shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment for not more than six months, or both. A second or subsequent offense shall be a misdemeanor punishable by fine, or by imprisonment for not more than two years, or both."

Sec. 2. G.S. 14-325.1 is rewritten to read as follows:

"§ 14-325.1. When offense of failure to support child deemed committed in State. — The offense of willful neglect or refusal of a parent to support and maintain a child, and the offense of willful neglect or refusal to support and maintain one's illegitimate child, shall be deemed to have been committed in the State of North Carolina whenever the child is living in North Carolina at the time of such willful neglect or refusal to support and maintain such child."

Sec. 3. G.S. 14-323, G.S. 14-324, G.S. 14-325, and G.S. 14-326 are repealed.

Sec. 4. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1981.