

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Tool:</b> Statutory Definition of CHINS	<b>Effective Date:</b> July 1, 2021
	<b>Reference:</b> 6.B (Chapter 6 – Court)	<b>Version:</b> 9

The State of Indiana defines a Child in Need of Services (CHINS) as a child, prior to the child's 18<sup>th</sup> birthday, who is experiencing one (1) or more of the conditions outlined below **AND** the situation is unlikely to be remedied without the coercive intervention of the court.

**CHINS 1: Neglect**

The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision:

- (A) when the parent, guardian, or custodian is financially able to do so; or
- (B) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so; and

The child needs care, treatment, or rehabilitation that:

- (A) the child is not receiving; and
- (B) is unlikely to be provided or accepted without the coercive intervention of the court.

**CHINS 2: Abuse**

The child's physical or mental condition is seriously impaired or seriously endangered due to an injury as a result of the parent, guardian, or custodian's act or omission, or

- a. The child is a victim of assisting suicide ([IC 35-42-1-2.5](#)); battery ([IC 35-42-2-1](#)); domestic battery ([IC 35-42-2-1.3](#)); aggravated battery ([IC 35-42-2-1.5](#)); strangulation ([IC 35-42-2-9](#)); female genital mutilation ([IC 35-42-2-10](#)); neglect of a dependent, child selling ([IC 35-46-1-4](#)); attempt or conspiracy to commit any of the listed offenses; or attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide ([IC 31-34-1-2](#)).
- b. The child lives in the same household as an adult who committed and has been convicted of, or has been charged with committing an offense and is awaiting trial for, any of the following offenses against another child who lives in the household: assisting suicide ([IC 35-42-1-2.5](#)); battery ([IC 35-42-2-1](#)); domestic battery ([IC 35-42-2-1.3](#)); aggravated battery ([IC 35-42-2-1.5](#)); strangulation ([IC 35-42-2-9](#)); neglect of a dependent, child selling ([IC 35-46-1-4](#)); attempt or conspiracy to commit any of the listed offenses; or attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide ([IC 31-34-1-2](#)).
- c. Evidence that illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

**Note:** According to [IC 31-34-12-4](#), a rebuttable presumption is raised that the child is a CHINS because of an act or omission of the child's parent, guardian, or custodian if the state introduces competent evidence of

probative value that:

- (1) The child has been injured,
- (2) At the time the child was injured, the parent, guardian, or custodian:
  - (A) had the care, custody, or control of the child; or
  - (B) the legal responsibility for the care, custody, or control of the child;
- (3) The injury would not ordinarily be sustained except for the act or omission of a parent/, guardian/, or custodian; and
- (4) There is a reasonable probability that the injury was not accidental.

**Note:** Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

CHINS 3: Sexual Abuse

The child is a victim of an offense listed in [IC 31-34-1-3](#) or is living in a household with an adult who has been charged with an offense listed in [IC 31-34-1-3](#) or [IC 35-42-3.5-1](#) and is awaiting trial or resulted in a conviction or judgement under [IC 31-34-11-2](#) or [IC 35-42-3.5-1](#).

CHINS 3.5: The child is a victim of a human or sexual trafficking offense as in [IC 31-9-2-133.1](#). A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct as defined.

CHINS 4: The child's parent, guardian, or custodian allows the child to participate in an obscene performance.

CHINS 5: The child's parent, guardian, or custodian allows the child to commit a prohibited sex offense.

CHINS 6: The child substantially endangers his or her own health or the health of another individual.

CHINS 7: The child's parent, guardian, or custodian fails to participate in a school disciplinary proceeding.

CHINS 8: The child is a "missing child".

**Note:** This is a child who is the subject of a missing person's report and has been found in Indiana.

CHINS 9: The child is disabled and deprived of necessary nutrition or medical intervention.

**Note:** According to [IC 31-34-1-9](#), a child in need of services CHINS under CHINS 1, 2, 3, 4, 5, 6, 7, or 8 of this tool includes a child with a disability who:

- 1) Is deprived of nutrition that is necessary to sustain life; or
- 2) Is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life-threatening medical condition; if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

CHINS 10: The child is born with fetal alcohol syndrome, neonatal abstinence syndrome or

with any amount of controlled substance, a legend drug, or a metabolite of a controlled substance or legend drug in the child's body, including the child's blood, urine, umbilical cord tissue, or meconium.

CHINS 11: The child has an injury, abnormal physical, or psychological development; symptoms of neonatal intoxication or withdrawal; or experiences risks or injuries from the mother's use of alcohol, controlled substance, or legend drug during pregnancy.

## LEGAL REFERENCES

- [IC 10-13-5-4: Missing Child](#)
- [IC 20-33-8-26: Rules requiring participation in disciplinary action by person caring for dependent student](#)
- [IC 31-9-2-14: Child abuse or neglect](#)
- [IC 31-34-1: Chapter 1. Circumstances Under Which a Child Is a Child in Need of Services](#)
- [IC 31-34-11-2 Judgment; order of predisposition report; scheduling of dispositional hearing; dual status assessment team report and recommendations](#)
- [IC 35-42-3-3: Criminal Confinement](#)
- [IC 35-42-3-4: Interference with Custody](#)
- [IC 35-42-3.5-1 Promotion of human labor trafficking](#)
- [IC 35-42-4: Chapter 4. Sex Crimes](#)
- [IC 35-45-4: Chapter 4. Indecent Acts and Prostitution](#)
- [IC 35-46-1-3: Incest](#)
- [IC 35-49-3-2: Obscene Performance](#)
- [IC 35-49-2-2: Matter of Performance Harmful to Minors](#)

## RELEVANT INFORMATION

### Definitions

#### Coercive Intervention

Coercive intervention is the inability or unwillingness of the parent, guardian, or custodian to provide needed supervision and/or services for a child without a court order.

#### Legend Drug and Controlled Substance

As provided in IC 31-34-1-12 (legend drug) and IC 31-34-1-13 (controlled substance), a legend drug and controlled substance refers to a drug for which the mother possessed a valid prescription for the drug and made a good attempt to use the drug according to the prescription instructions.

#### Rebuttable Presumption

Rebuttable presumption is an assumption made by a court, one that is taken to be true unless someone comes forward to contest it and prove otherwise.

### Forms and Tools

- [Chapter 3. Intake: Tool 3.B – Sexual Offense CAN Matrix](#)
- [Tool 6.A: Legal Process Overview](#)

### Related Policies

- N/A