



General Information About CHINS

What is a Child in Need of Services?

A "Child in Need of Services," or CHINS for short, is a child under the age of eighteen who is neglected or abused, AND who is not getting care or treatment that the child needs.

The child can be a CHINS if the child:

- is seriously endangered due to injury caused by something the parents did or did not do.
- is living in a home where illegal drugs are being manufactured.
- is a danger to himself or to others.
- is repeatedly disruptive in school and parents don't participate in the disciplinary proceedings
- is a missing child
- is a victim of a sex offense.
- is born with disorders caused by the mother drinking alcohol or taking drugs during pregnancy.

My child was a victim of a sex offense by a neighbor. Will my child be a CHINS?

No, not necessarily. The child must also need care, treatment, or rehabilitation that she is not receiving and that her family is unlikely to give without a court order. This means that a child will become a CHINS only when her parents are unwilling or unable to provide her with the help she needs.

So if you have taken all the necessary steps to protect your child and get her any necessary treatment, your child should not be a CHINS.

I think my grandchild is being abused by his parent. What do I do?

You must tell the local police or local Child Protective Services (CPS) if you think any child is being abused or neglected. CPS will then investigate the situation.

If you don't report suspected abuse, you could be charged with a misdemeanor crime.

What is the goal in a CHINS proceeding?

The goal is to protect and care for the child. CHINS proceedings are not criminal proceedings, so the parent cannot be incarcerated, fined, or put on probation as a result of the CHINS. The parent could have to pay for some treatment costs, however.

Child abuse is a serious crime that can be punished under other laws. It is possible to have a CHINS case for the child, and a criminal case against the parent who harmed the child.

What happens after Child Protective Services (CPS) receives a report about a possible CHINS?

A caseworker will get information about the case from the person who reported the possible abuse or neglect. The caseworker can also get records from CPS of past problems involving the same family. The caseworker usually visits the child and family next. The caseworker will try to determine if the child was abused or neglected and who was responsible for causing the abuse or neglect. She will also evaluate other factors including:

- the parent, guardian, or caretaker of the child.
- the home environment and the parent-child relationship.
- the status of other children in the home.

Based on this investigation, the caseworker will decide whether or not the child has been abused or neglected.

Can a CPS worker take a child into custody without a court order?

Yes, at least in some cases. The caseworker can immediately remove the child if the caseworker believes that the child's physical or mental condition will be seriously endangered if the child is not immediately taken into custody, and there is no time to get a court order. In most cases, the caseworker will not take the child out of the home, but will instead offer services to the family.

What happens if CPS does not find any evidence of child abuse or neglect?

CPS is required to classify all reports of suspected abuse or neglect as "substantiated" or "unsubstantiated." CPS will classify the report as unsubstantiated and will remove the report from its files if they did not find credible evidence that abuse or neglect has occurred.

What happens if CPS finds "substantiated" abuse or neglect?

CPS can do several things:

1. CPS may recommend that the family voluntarily participate in services for up to six months. No CHINS case is filed in court, unless the family fails to participate in the services. This is called a Service Referral Agreement (SRA).
2. CPS may do an Informal Adjustment. In an Informal Adjustment, the family is required to participate in services for up to six months. No CHINS is filed, but the court must approve the Informal Adjustment.
3. File a CHINS case in court.

Do all "substantiated" reports of abuse or neglect received by CPS lead to a CHINS legal proceeding?

No. CPS may be able to work with the family to fix the problem without filing a CHINS case.

What happens if a CHINS case is filed?

There will be several hearings.

1. **1. Initial Hearing.**At this hearing, the child's parent or guardian must either admit or deny the allegations made in the CHINS petition. If the parent or guardian admits the allegations, the Court will schedule a Dispositional Hearing. If the parent or guardian denies the allegations, the court will schedule a Fact-Finding Hearing.
2. **2. Fact-Finding Hearing.**This hearing is a civil trial held before a judge, not a jury. The Office of Family and Children (OFC) will try to prove that the allegations of abuse or neglect in the CHINS petition are "more likely than not" true. If the OFC meets this burden, the court will schedule a Dispositional Hearing. If the OFC does not meet this burden, then the case is dismissed.
3. **3. Dispositional Hearing.**At this hearing, the court decides what orders should be made regarding the child's placement and what services are needed to help the child and her parents. The goal is to get the family back together, if possible. The court will consider testimony from the parties and may also consider written reports prepared by experts. At this hearing, the court can:
 - order supervision of the child by the OFC.
 - order the child to receive outpatient treatment at a social service agency or from an individual practitioner.
 - remove the child from the care of the parent and place her in a foster home, shelter care facility, or some other therapeutic placement.
 - award wardship of the child to any person or agency, including the Office of Family and Children.
 - partially or completely emancipate the child.
 - order the child or parent to receive family services.
 - Order the parents to pay for some of all of the costs of caring for the child.

Are CHINS cases periodically reviewed by the court?

Yes. Indiana law requires the court to review each CHINS case every six months. This review is called a Placement Review Hearing. The court may consider written reports from professionals and experts and will decide when the child should be returned home, emancipated, placed for adoption, or placed with a legal guardian. The court will also determine whether the Office of Family and Children has made reasonable efforts to provide family services and whether the services are meeting the needs and best interests of the child.

Can the child's parents be represented by an attorney in a CHINS case?

Yes. The parents are entitled to be represented by attorneys. Parents who cannot afford an

attorney may request a free court-appointed attorney. The court should appoint an attorney to represent the parents if the parents cannot afford an attorney.

If the child is taken away from the parents, do the parents still have a chance to get their child back?

Yes. The majority of abused and neglected children are returned to their families after treatment is completed. However, the Office of Family and Children may choose to pursue another permanent plan for the child, such as guardianship by relatives or adoption.

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