

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court Involvement	Effective Date: May 1, 2009
	Section 2: Filing a Child in Need of Services (CHINS) Petition	Version: 3

POLICY

The Indiana Department of Child Services (DCS) will initiate a Child in Need of Services (CHINS) petition when a child is experiencing physical or emotional maltreatment, neglect, or other conditions, such as abandonment.

The situation must meet one or more of the CHINS definitions, and DCS must show that coercive intervention of the court is necessary to protect the child. See [Tool 6.B: Statutory Definition of CHINS](#) for further details.

[NEW] DCS will request separate hearings for the non-offending parent and alleged domestic violence offender, when appropriate.

[NEW] DCS will protect the confidentiality of information shared during court proceedings and the safety of the non-offending parent. This may include, but is not limited to:

1. Presenting addresses and contact information for the non-offending parent in a sidebar;
2. Requesting that confidential information regarding the non-offending parent not be read aloud in the court room;
3. Requesting that security escort the non-offending parent and/or alleged domestic violence offender in and out of the court room and to their vehicle, if necessary; and/or
4. Requesting that service providers redact their service reports prior to providing a copy to the alleged domestic violence offender.

Code References

1. [IC 31-34-1: Circumstances Under Which a Child Is a Child in Need of Services](#)
2. [IC 31-34-9: Filing of Petition Alleging That Child Is Child In Need of Services](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Ensure that Indiana Child Welfare Information System (ICWIS) Assessment Matrix supports the filing of a CHINS. See separate policy, [4.18 Safety Assessment](#);
2. Conduct a diligent search (see Forms and Tools, [Affidavit of Diligent Inquiry \(ADI\)\(SEARCH100801ADI\)](#)) if either of a child's parents are unable to be located. See separate policy, [5.6 Locating Absent Parents](#);
3. Ensure that the CHINS petition includes a request for the court to make findings of Best Interests/Contrary to the Welfare, Reasonable Efforts to prevent placement, and Placement and Care responsibility to DCS if the recommendation is that the child continue to remain out-of-home, or be removed from the home and placed in substitute care;

Note: The FCM must be prepared to present his or her findings with respect to the absent parent to the court at the time of the Initial Hearing.

4. Ensure the following forms are completed:

[NEW] Note: In cases where domestic violence has been identified, the FCM will ensure that proper redaction of a-e below occurs. All redactions should be completed in conjunction with the DCS Local Office Attorney.

- a. [Taking Custody of a Child without Verbal Consent or Written Court Order: Description of Circumstances \(SF 49584/CW0018\)](#), if the child was removed without a court order,
 - b. [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114/CW310\)](#),
 - c. [Assessment of Alleged Child Abuse or Neglect \(SF 113/CW311\)](#), if the assessment is completed,
 - d. [Intake Officer's Report of Preliminary Inquiry and Assessment \(Investigation\) \(PIR1070108\)](#), and
 - e. Any other forms or notices in ICWIS that are required.
5. Work with the DCS Local Office Attorney to complete and file all documents necessary for court proceedings. See separate policy, [6.4 Providing Notice](#).
 6. **[NEW]** Request separate hearings be held for the non-offending parent and alleged domestic violence offender, when appropriate; and
 7. **[NEW]** Staff with Supervisor to determine next steps if request for separate hearings is denied.

The Supervisor will:

1. Assist the FCM, whenever necessary, to complete the required CHINS documents;
2. Ensure the CHINS petition is filed in a timely manner; and
3. **[NEW]** Assist the FCM if the request to hold separate hearings is denied for the non-offending parent and alleged domestic violence offender, when appropriate.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Taking Custody of a Child without Verbal Consent or Written Court Order: Description of Circumstances \(SF 49584/CW0018\)](#) – Available in ICWIS
2. [Intake Officer's Report of Preliminary Inquiry and Assessment \(Investigation\) \(PIR1070108\)](#) – Available in ICWIS
3. [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114/CW310\)](#) – Available in ICWIS
4. [Assessment of Alleged Child Abuse or Neglect \(SF 113/CW311\)](#) – Available in ICWIS
5. [Tool 6.B – Statutory Definition of CHINS](#)
6. [Affidavit of Diligent Inquiry \(ADI\) \(SEARCH100801ADI\)](#) – Available in ICWIS

RELATED INFORMATION

Child in Need of Services (CHINS)

This policy applies to any child, regardless of whether the child remains in his or her home (referred to as an “in-home CHINS”) or is placed in out-of-home placement (referred to as an “out-of-home CHINS”).

Coercive Intervention

The inability or unwillingness of the parent, guardian, or custodian to provide needed supervision, safety, protection, and/or services for a child without a court order.

Rebuttable Presumption

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

Affidavit of Diligent Inquiry (ADI)

A sworn statement that the individual made reasonable efforts to locate someone.

Standard of Evidence

1. Preponderance of the evidence – the outcome of the hearing will favor the side that has presented the most convincing evidence after all evidence has been weighed. The CHINS standard is “preponderance of the evidence.”
2. Proof beyond a reasonable doubt – all the evidence must point to one conclusion, without reasonable question or doubt. This is the standard used in criminal or delinquency cases.

[NEW] Sidebar

A conference between the judge, the lawyers, and sometimes the parties to a case that the jury does not hear.