

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Tool Name:</b> 6.B - Tool: Statutory Definition of CHINS	<b>Effective Date:</b> July 1, 2008
	<b>Reference :</b> Chapter 6	<b>Version:</b> 1

The State of Indiana defines a child in need of services (CHINS) as a child prior to his/her 18<sup>th</sup> birthday who is experiencing one 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 parent/guardian/custodian being unable, refusing, or neglecting to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.

CHINS 2: Abuse

- a. The child's physical or mental condition is seriously impaired or seriously endangered due to an injury as a result of the parent/guardian/custodian's act or omission, or
- b. There is evidence that illegal manufacture of a drug or controlled substance is occurring on property where a child resides. <sup>1</sup>

**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/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/custodian had the care, custody or control of the child OR the legal responsibility for the care, custody or control of the child, and
- 3) the injury would not ordinarily be sustained except for the act or omission of a parent/guardian/custodian.

**Note:** There is a rebuttable presumption that the child is a CHINS when there is evidence of manufacture of an illegal or controlled substance.

---

<sup>1</sup> The need for coercive intervention by the court is assumed (a rebuttable presumption is made) when there is evidence of manufacture of an illegal or controlled substance.

CHINS 3: Sexual Abuse

The child is a victim of certain sex offenses or is living in a household with a victim of “certain sex offenses”.

**Note:** According to [IC 31-34-12-4.5](#), there is a rebuttable presumption that a child is a CHINS if the state establishes that:

- 1) another child in the same household is the victim of a sex offense described in [IC 31-34-1-3](#), and
- 2) the sex offense was committed by an adult who lives in the household with the child AND the offense resulted in a conviction of an adult or a judgment under [IC 31-34-11-2](#) as it relates to the child against whom the sex offense was committed.

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

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

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

CHINS 7: The child's parent/guardian/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 persons report and has been found in Indiana.

CHINS 10: The child is born with fetal alcohol syndrome or with any amount of controlled substance or legend drug<sup>2</sup> in the child's body.

CHINS 11: The child experiences risks or injuries from the mother's use of alcohol, controlled substance or legend drug during pregnancy.

**Note:** According to [IC 31-34-1-9](#), a child in need of services 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.

---

<sup>2</sup> **Note:** As provided in [IC 31-34-1-12](#) (legend drug) and [IC 31-34-1-13](#) (controlled substance) where the mother possessed a valid prescription for the drug and made a good faith attempt to use the drug according to the prescription instructions.

## Code References

1. [IC 10-13-5-4: Missing Child](#)
2. [IC 20-33-8-26: Rules requiring participation in disciplinary action by person caring for dependent student](#)
3. [IC 31-9-2-14: Child Abuse or Neglect](#)
4. [IC 31-34-1: \(Sections 1-15\) Circumstances under which a child is a CHINS](#)
5. [IC 35-42-3-3: Criminal Confinement](#)
6. [IC 35-42-3-4: Interference with Custody](#)
7. [IC 35-42-4: \(Sections 1-4, 7, 9\) Rape; criminal deviant conduct; child molesting; child exploitation and pornography; child seduction; sexual misconduct with a minor](#)
8. [IC 35-45-4: \(Sections 1 and 5\) Indecent Acts and Prostitution](#)
9. [IC 35-46-1-3: Incest](#)
10. [IC 35-49-3-2: Obscene Performance](#)
11. [IC 35-49-22: Matter of Performance Harmful to Minors](#)

## **FORMS AND TOOLS**

1. [Chapter 3, Intake: Tool 3.0 – Sexual Offense CAN Matrix](#)
2. [Tool 6.A: Legal Process Overview](#)
3. [6.2 Filing a CHINS Petition](#)

## **RELATED INFORMATION**

### **Coercive Intervention**

The inability or unwillingness of the parent/guardian/custodian to provide needed supervision 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.