

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Tool Name: 6.B - Tool: Statutory Definition of CHINS	Effective Date: July 1, 2016
	Reference : Chapter 6	Version: 4

The State of Indiana defines a child in need of services (CHINS) as a child prior to his/her 18th 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. 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/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:
 - (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/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.

[Revised] 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](#).

[NEW] 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/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 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 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 or with any amount of controlled substance or legend drug¹ 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.

¹ **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 31-34-11-2 Judgment; order of predisposition report; scheduling of dispositional hearing; dual status assessment team report and recommendations](#)
6. [IC 35-42-3-3: Criminal Confinement](#)
7. [IC 35-42-3-4: Interference with Custody](#)
8. [IC 35-42-3.5-1 Promotion of human trafficking; sexual trafficking of a minor; human trafficking](#)
9. [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](#)
10. [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 35-49-2-2: Matter of Performance Harmful to Minors](#)

FORMS AND TOOLS

1. [Chapter 3, Intake: Tool 3.B – 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.