

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Tool: Statutory Definition of CHINS	Effective Date: March 18, 2022
	Reference: 6.B (Chapter 6 – Court)	Version: 10

The State of Indiana defines a Child in Need of Services (CHINS) as a child, prior to the child's 18th 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

- 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, or custodian's act or omission.
- b. 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](#)); and the offense was committed by the parent, guardian, or custodian of the child; and the child needs care, treatment, or rehabilitation that the child is not receiving; and is unlikely to be provided or accepted without the coercive intervention of the court.
- c. 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](#)); and needs care, treatment, or rehabilitation that the child is not receiving; and is unlikely to be provided or accepted without the coercive intervention of the court.
- d. 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 31-9-2-24: "Controlled substance"](#)
- [IC 31-9-2-76: "Legend drug"](#)
- [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.

Custodian

A custodian is any person with whom a child resides or any of the following:

1. A license applicant or licensee of:
 - a. A foster home or residential child care facility that is required to be licensed or is licensed under IC-31-27,
 - b. A child care center that is required to be licensed or is licensed under IC 12-17.2-4, or
 - c. A child care home that is required to be licensed or is licensed under IC 12-17.2-5.
2. A person who is responsible for the care, supervision, or welfare of children while providing services as an owner, director, manager, supervisor, employee, or volunteer at:
 - a. A home, center, or facility described in one (1) above,
 - b. A child care ministry, as defined in IC 12-7-2-28.8, that is exempt from licensing requirements and is registered or required to be registered under IC 12-17.2-6,
 - c. A home, center, or facility of a child care provider, as defined in IC 12-7-2-149.1(4), or

- d. A home, center, or facility which is the location of a program that provides child care, as defined in section 16.3 of this Indiana Code, to serve migrant children and is exempt from licensing under IC 12-17.2-2-8(6), whether or not the program is certified as described in IC 12-17.2-2-9.
3. A school;
4. A child caregiver;
5. A member of the household of the child's noncustodial parent; or
6. An individual who has or intends to have direct contact, on a regular and continuing basis, with a child for whom the individual provides care and supervision.

Emotional Injury

Emotional injury occurs when a child has an observable, identifiable, and substantial impairment of the mental or psychological ability to function as a result of an act or failure to act by a parent, caregiver, or household or family member.

Guardian

A guardian is a person appointed by a court to have the care and custody of a child and/or the child's estate.

Legend Drug

As defined in IC 31-9-2-76, a legend drug is a drug approved by the U.S. Food and Drug Administration that can be dispensed to the public only with a prescription from a medical doctor or other licensed practitioner.

Controlled Substance

As defined in IC 31-9-2-24, a controlled substance is generally a drug or chemical whose manufacture, possession, and use is regulated by a government, such as illicitly used drugs or prescription medications that are designated by law. These substances are listed on Schedules I-V (IC 35-48-2).

Parent

A parent is a child's biological or adoptive mother or father or alleged father.

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