



Indianapolis Metropolitan Police Department

Child in Need of Services (CHINS)

General Order 1.18

POLICY

It is the policy of the Indianapolis Metropolitan Police Department to render aid to or take into custody all persons who require immediate assistance to maintain their health, safety, or general welfare. This directive is intended to guide officers in situations dealing with children who are in need of assistance.

LEGAL REFERENCE

I. Indiana Code

A. Child in Need of Services (CHINS) 31-34-2;

1. A child may be taken into custody by a law enforcement officer under an order of the court. [IC 31-34-2-1]
2. A child may be taken into custody by a law enforcement officer acting with probable cause to believe that the child has committed a delinquent act.
3. A child is a child in need of services if before the child becomes eighteen (18) years of age:
 - (a) 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; and
 - (b) the child needs care, treatment, or rehabilitation that:
 - (1) the child is not receiving; and
 - (2) is unlikely to be provided or accepted without the coercive intervention of the court. [IC 31-34-1-1]
4. A child may be taken into custody by a law enforcement officer, probation officer, or caseworker acting with probable cause to believe that the child is a child in need of services if: [IC 31-34-2-3]
 - a. It appears that the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody;
 - b. There is no reasonable opportunity to obtain an order of the court; and
 - c. Consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.
 - d. A probation officer or caseworker may take a child into custody only if the circumstances make it impractical to obtain assistance from a law enforcement officer.



5. A child may be taken into custody by a law enforcement officer, probation officer, or caseworker acting with probable cause to believe the child is a missing child (as defined in 10-13-5-4).

B. Indiana Code 31-34-1-2 (CHINS)

A child is a child in need of services if before the child becomes eighteen (18) years of age:

1. the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; and
2. 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.
3. 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.
4. the child is the victim of a sex offense under:
 - (a) IC 35-42-4-1; (b) IC 35-42-4-2;
 - (c) IC 35-42-4-3; (d) IC 35-42-4-4;
 - (e) IC 35-42-4-7; (f) IC 35-42-4-9;
 - (g) IC 35-45-4-1; (h) IC 35-45-4-2;
 - (i) IC 35-46-1-3; or

the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (a) through (i); and
(j) the child needs care, treatment, or rehabilitation that:

- (1) the child is not receiving; and
- (2) is unlikely to be provided or accepted without the coercive intervention of the court.

5. the child lives in the same household as another child who is the victim of a sex offense under:
 - (a) IC 35-42-4-1; (b) IC 35-42-4-2;
 - (c) IC 35-42-4-3; (d) IC 35-42-4-4;
 - (e) IC 35-42-4-7; (f) IC 35-42-4-9;
 - (g) IC 35-45-4-1; (h) IC 35-45-4-2;
 - (i) IC 35-46-1-3; or

the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (a) through (i); and
(j) the child lives in the same household as the adult who committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2



6. 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; and
7. a caseworker assigned to provide services to the child:
 - a. places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or
 - b. determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

DEFINITION

Child: a person who is less than eighteen (18) years of age. [IC 35-47-10-3]

Indiana Child Protective Services (CPS) – Protects Indiana’s children from abuse or neglect and prevents, remedies, or assists in solving problems that may result in abuse, neglect, exploitation, or delinquency of children.

Youth Emergency Services of Care (Y.E.S.) – A provider to Child Protective Services (C.P.S.). Y.E.S. assists the Indianapolis Metropolitan Police Department much like a Victim’s Assistance unit for Children. The goal of Y.E.S. is to create ongoing dialogue with Marion County Law Enforcement Agencies about the emergency system for youth and children entering into the child welfare system.

Victim Assistance - Victim Assistance is a section within IMPD that provides crisis intervention, support, referral services and information to primary and secondary victims of various crimes and traumatic incidents, including CHINS.

PROCEDURE

I. Child In Need of Services (CHINS)

- A. In all child abuse or neglect investigations, Indianapolis-Marion County Communications Agency (IMCCA) will dispatch uniform units as appropriate based on the initial circumstances. In addition, Communications will contact the appropriate agency if an allegation is alleged to have occurred outside the Indianapolis Metropolitan jurisdiction.
<IN07a>
- B. Upon arrival, the primary officer must determine if there is reasonable suspicion to believe that child abuse or neglect has occurred. If it is determined that reasonable suspicion exists, the officer must notify Communications and request the appropriate Detective and, when necessary CPS.
 1. CPS needs to be called to the scene under the following conditions:
 - a. Marks and/or injury to the child(ren).
 - b. Endangering home environment.



- c. Parent/perpetrator is to be arrested for alleged abuse/neglect.
- d. Whenever it appears that a CPS investigator would benefit from an on scene assessment to support any possible Juvenile Court involvement.

NOTE: The officer can contact, through Communications, the on-call CPS Supervisor and consult if they are unsure whether a CPS response is necessary or appropriate.

2. Exceptions to calling CPS to the scene when placing a child in custody can occur under the following conditions:
 - a. When there is no scene to investigate and/or;
 - b. no adults to interview (i.e. child found wandering, unattended or abandoned)
 - c. When an officer has determined that CPS does not need to be called to the scene, Victims' Assistance can transport the child to Youth Emergency Services.
- C. Child Protective Services (CPS) should be consulted with or requested to the scene of a child abuse and neglect investigation when that agency's involvement can assist the officer in determining whether a child should remain at home, placed with an alternative caregiver or placed in custody.
- D. Requesting CPS to the scene will also assist CPS in documenting their investigation should a child need to be made a ward of the state. Therefore, an officer should request CPS to the scene whenever it appears that the alleged abuse or neglect may precipitate Juvenile Court involvement in order to make the child a CHINS (Child in Need of Services).
- E. In order to request CPS to the scene of a child abuse and/or neglect investigation, an officer will contact Indianapolis-Marion County Communications Agency (IMCCA) to report the need for a caseworker to the scene.
 1. Communications will contact Youth Emergency Services to request CPS to the scene.
 2. Officers need to provide Communications with the number of children at risk, their ages, and a brief description of the nature of the abuse or neglect.
- F. The detective will determine if the Marion County Forensic Services Agency or Field Evidence Technician should be contacted in order to:
 1. Photograph neglected children or physical injuries of abused children and the location of incident (the film will be taken to the Film Drop Box prior to the end of their tour of duty). If it is determined that photographs are needed, colored photographs will be taken; and <IN07b>
 2. Recover any physical evidence pertinent to the investigation.

Note: Marion County Forensic Services Agency should be called for the more serious incidents.

3. If a Detective is not needed at the scene the officer must:



- a. Make decisions based on reasonable suspicion concerning the need for removal of a child or children from the home to temporary placement in Youth Emergency Services (Y.E.S.) or to an alternative placement after consultation with CPS.
- b. Notify parents or legal guardians by means of telephone, in person, or through another district officer or CPS that their child has been placed in protective custody and has been sent to Y.E.S.

Example: When an officer is dispatched to a school on IMPD jurisdiction to investigate a CHINS, the officer or CPS, not the school, is responsible for notifying the parents of the child's whereabouts. School social workers or office personnel will assist the officer in obtaining the parent's name, address, and telephone numbers.

- c. Complete a Juvenile Fact Sheets with the CAD and case number listed in the upper right hand corner;
 - d. Ensure that the Fact Sheet accompanies the child to Y.E.S. or Wishard Hospital if necessary;
 - e. Make a Uniform Incident Report, titled "CHINS", with detailed information.
4. A child may be determined a child in need of services whether or not a parent is present or arrested (e.g. an abandoned child is transported to the Y.E.S.). Release of the child to a friend or relative, as identified by the arrested parent, is an option if the incident causing the officer involvement is not legally sufficient to involve CPS. (i.e.: parent arrested for outstanding warrant for forgery leaves a child unattended in the home.)
- a. The officer should check the following of the individual that the child is released to:
 - i. Check for open warrants
 - ii. Verify the environment the child is going to be in is safe and adequate for the child.

NOTE: If the officer is unsure whether releasing the child (ren) to another adult is appropriate, the officer may request through communications that the on-call CPS supervisor contact them.

5. A Victim Assistance Unit may be contacted through communications to transport a child who has been taken into custody.

NOTE: Officers should consult the CHINS/STATUS Guide to determine who may assist them with the transportation of children placed in custody.

- G. An officer may determine that it is not necessary to call CPS to the scene when the conditions of the home environment or the child do not warrant an immediate assessment of whether the child needs to be removed from the home. The officer should then complete a detailed report indicating that CPS needs to be notified of the incident.



H. Investigative Responsibility

1. The detective assigned to the child abuse or neglect investigation shall forward all information, including copies of the medical report, to the office of the prosecuting attorney. <IN07c>
2. In all cases, the Detective assigned to the case shall release information on an incident in which a child may be a victim of alleged child abuse or neglect, to Child Protective Services. <IN07e>
3. Notification shall be made to the Prosecutor's Office regarding any death of a child involving possible abuse or neglect. <IN07c>
4. Case information obtained by the investigator assigned to a CHINS case will be maintained in the Department's Case Management System. The Case Management System is accessible by authorized personnel assigned to the Investigation Division of the Department. <IN07d>