



# Frequently Asked Questions:

Updated on 1/1/2024

## ***What exactly is a Child In Need of Services (CHINS)? Can I make a referral for any child that I think needs additional services?***

Children In Need of Services is a specific status, defined in law. Juvenile Justice reforms in North Dakota established three distinct legal categories for youth referrals: Delinquent, Child in Need of Protection (CHIP), and Child in Need of Services (CHINS). CHINS youth represent youth who have engaged in behavior that was previously identified as 'unruly' and is often known as status offenses.

- CHINS youth are adolescent youth displaying 1 or more of the following behaviors:
  1. Smoking/vaping under the age of 14 (*ages 10 to 13*)
  2. Running away from their home/residence
  3. Truancy (3 or more absences without reason/explanation)
  4. *Habitually* disobeying the lawful commands of their parent/guardian.
- By law, the CHINS unit is only allowed to accept and respond to referrals of youth displaying these 4 specific behaviors.
- If you are working with a youth, who does not meet the criteria and needs to be connected to community services, consider calling **211 or 988** to identify local services to support youth and families.
- If you have concerns that a child may be **abused or neglected**, please report those concerns to the **Child Protection Services Intake line at 1-833-958-3500** Monday-Friday 8:00-5:00 PM Central Standard Time; or report to local law enforcement after hours.

## ***Is there an age requirement for a CHINS referral?***

- Smoking/vaping under the age of 14 (*ages 10 to 13*)
- Truancy: due to compulsory attendance laws, children over the age of 16 are not eligible
- Runaways/Ungovernable/Truancy minimum ages: keeping in line with juvenile justice standards of culpability, **children referred under the age of 10, are generally not appropriate for a CHINS referral.**

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## ***Can CHINS youth be court ordered to participate in services, attend school, etc? Can CHINS youth be placed into foster care?***

By law (NDCC 27-20-.3-05), youth who only meet the criteria of a Child In Need of Services, **cannot** be adjudicated in Juvenile Court. Only delinquent youth (those who commit acts that are criminal in nature) or Children in Need of Protection (formerly termed “deprived”) can be adjudicated in the Juvenile Court, and ordered to certain services, or placed into public custody.

Youth who commit delinquent acts, and are adjudicated as a Child In Need of Protection or have other involvement with Child Welfare, can also be a Child In Need of Services. These **Dual Status Youth**, meaning they have involvement in more than one system, require public entities to communicate and collaborate with each other as well as the family. CHINS Specialists serve as the Dual Status Youth Liaisons for their respective service areas. Specialists notify and support the public agencies and families to schedule a Family Centered Engagement meeting to facilitate communication and collaborative efforts to address needs and concerns related to the youth’s behavioral, mental and/or physical health needs.

## ***What services do CHINS Specialists provide a child/family?***

CHINS Specialists are most accurately described of that as a “navigator”; a conduit to assist parents/guardians to seek out community services that may provide support to the family in addressing the problematic behaviors being exhibited. CHINS Specialists are most frequently able to:

- Facilitate a referral for Family Centered Engagement meeting, where the family and providers to communicate and develop a plan collaboratively.
- Respond to Shelter Care placements of youth and identify resources to support family reunification and follow-up services. CHINS Specialists may request funding to temporarily extend Certified Shelter Care, while reunification planning occurs.
- Offer information on and make referrals to community-based services.
- Provide education, information and support to parents/guardians of youth referred to the CHINS Unit.

For referrals warranting a moderate or high level of intervention, more frequent communication, follow-up with the family and child, as well as subsequent “check-ins” for a minimum of 30 days and up to 6 months may occur.

Frequently referrals are received when a youth and their family are already involved with other entities (i.e., Juvenile Court, CPS, HSZ Case Management, Probation, etc.). **When other entities are involved, a CHINS referral will likely be screened out** to avoid duplication of services.

The role of the CHINS Unit is to provide a “**light touch**” to a youth and their family. Research demonstrates that frequent and intrusive efforts by formal social service and juvenile justice agencies, do not result in increased positive outcomes for youth displaying “ungovernable” or

“unruly” behaviors. In fact, research correlates heavy handed interventions with increased involvement in the adult criminal justice system as youth reach adulthood.

### ***What if the parents don't want to work with CHINS? Can they be reported to CPS?***

Working with CHINS is voluntary on the parent/caregiver's part. As indicated above, the Juvenile Court does not have jurisdiction over CHINS youth.

Simply refusing to work with the CHINS Unit, in itself, is not child abuse or neglect and would likely not be assessed by Child Protection Services. However, if a parent/caregiver is neglecting their child's basic needs (shelter, food, safety, health, etc.), which may cause and/or contribute to the youth's "CHINS behaviors", it is appropriate to report these concerns to CPS Intake. Continued neglect of a youth's needs by the parent or caregiver, may result in the filing of a CHIPS petition through the Juvenile Court.

If, after due diligence, a parent or guardian refuses to pick up their child from a Shelter Care placement, they may be subject to a CHIPS (Child In Need of Protection) petition. In these circumstances notification will be provided to the Human Service Zone of the family's residence that the child has been abandoned.

## **Runaway**

### ***What is the definition of "Runaway"?***

A run-away is defined as a youth who has been **recovered** (located and returned to their home) and has no known imminent safety concerns. Youth whose **location is unknown** should be treated as a **missing** youth and law enforcement is the lead in locating and recovering the youth. Once the youth is no longer missing, a CHINS referral is appropriate.

### ***When a child is missing from school is that a runaway?***

No, a child missing or leaving school repeatedly would be considered truant. A CHINS truancy referral may be appropriate.

It is encouraged that schools communicate and work closely with parents/custodians for youth that leave the schools without permission so that a runaway report can be made by the parents regarding the missing youth.

### ***How long does the youth have to be gone before a parent/guardian should report their child as a runaway?***

If a child is not where they are expected to be and all reasonable efforts to make contact with the child or to locate them are unsuccessful then the child should be reported as missing to law enforcement. Parent/Guardian should give law enforcement any relevant information that may help them find your runaway child. Parents are required to report their children as missing within 24 hours. Failure to do so, should be reported to Child Protection Services Intake.

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### ***Where can youth be taken for the interim time after running away, but before returning home?***

Please contact your local certified shelter care sites. These shelters provide comprehensive emergency services to runaway youth and their families, as well as, youth experiencing significant parent/child conflict and provide one-time drop-in, and crisis line services to youth who may be contemplating running away and require or seek only a minimal level of service (such as information and referral to other services providers). Family reunification services may be available including individual and family counseling, anger management, mediation, mentoring, and personalized aftercare services.

### ***Who can place children at assessment/shelter sites in time of crisis?***

CHINS does not have authority to place youth in shelter care or foster care. Law Enforcement may place a youth in shelter (attendant care).

If there is an immediate concern for the safety of the youth, either through self-harm or harm from others:

- In the case of an immediate risk of self-harm, parents should contact 911, transport youth to an appropriate emergency facility, and/or contact 988 and/or 211 to connect with a mobile crisis unit or other behavioral health services.
- Parents can contact the regional human service center in your area for information about youth and family community-based behavioral health treatment services.

### ***Habitually disobeying parent/caregiver***

#### ***Can a parent refer their own child to CHINS, if the child is not following the rules of the home?***

Yes. Anyone having information about a youth exhibiting CHINS behaviors can make a referral to the CHINS Unit. It does not have to come from a school, law enforcement or other provider. (Unlike child abuse/neglect reporting, making a CHINS referral is **not** required by mandated reporters.)

#### ***Can I refer a youth who is disruptive/disrespectful in school to CHINS?***

NDCC identifies a Child In Need of Services as one who “disobeys the lawful commands of a parent.” Teachers, administrators, and other school personnel are not parents/guardians; *therefore, cannot refer unruly school behaviors to the CHINS unit.*

***In August of 2023, infractions and misdemeanor level behaviors displayed by youth in the school setting will no longer be able to be referred to Juvenile Court. Do I send these reports to CHINS?***

Referrals of infractions or misdemeanor behaviors are still classified as criminal and not something CHINS is able to accept referrals on.

## **Tribal Referrals**

### ***Can the CHINS unit work with tribal youth?***

There are a few defining factors that must be identified before a referral to CHINS for a possible tribal youth is received:

1. Is the youth Native American?
2. Is the youth living on tribal land?

If the youth is Native American and living on tribal land, a CHINS referral cannot be accepted as CHINS has no jurisdiction on tribal land. If the youth is Native American, and not living on tribal land, the youth can be served by the CHINS unit and a CHINS referral would be reviewed for eligibility as they are required to follow state law. If a non-Native American youth, living on or off tribal land, is referred to the CHINS unit—the CHINS unit can engage and review for eligibility for CHINS services.