

CHIN-UPS

(Children in Need of Services – Understanding the Process and Substance)

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Who/What? (15-11-2)

Child in Need of Services means:

- A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment or rehabilitation and who is adjudicated to be:
 - Truant
 - Habitually disobedient, ungovernable
 - A runaway (24 hours plus)
 - Guilty of child-only offense
 - Loitering after midnight
 - On probation for unruly
 - Hanging out in bars
 - Delinquent but not in need of treatment or rehab

Why? (15-11-380)

- The purpose of this article is:
 - (1) To acknowledge that certain **behaviors or conditions** occurring within a **family or school environment** indicate that a child is experiencing serious difficulties and is in need of services and corrective action in order to protect such child from the irreversibility of certain choices and to protect the integrity of such child's family;
 - (2) To make family members aware of their contributions to their family's problems and to **encourage family members to accept the responsibility** to participate in any program of care ordered by the court;

Why? (15-11-380)

- (3) To provide a child with a **program of treatment**, care, guidance, counseling, structure, supervision, and rehabilitation that he or she needs to assist him or her in becoming a responsible and productive member of society, and
- (4) To **ensure the cooperation and coordination of all agencies** having responsibility to supply services to any member of a family referred to the court.

How??? Complaint and Petition

- Complaint alleging a child is a child in need of services may be filed by parent/guardian, DFCS, a school official, a law enforcement officer, a guardian ad litem, or an attorney.
 - 15-11-390
- A petition alleging CHINS may be made by “any person” who “has knowledge of the facts alleged” and only if the court deems it in the child’s and public’s best interests.
 - Verified (on information and belief)
 - 15-11-420, 422
- Juvenile intake officer responsible for reviewing complaints

School Complaints & Petitions

- Schools filing complaints and petitions must first show:
 - “Legally liable” district sought to resolve the problem through “available educational approaches” **and**
 - School has made efforts to engage parent without success.
 - When child is “eligible or suspected to be” for services under IDEA or § 504 must also show that IEP has been reviewed and modified as necessary
- Ok, so what does that mean???

Detention or Temporary Custody

- **By court order** (15-11-410 (a) (1))
 - Must first do a detention assessment.
 - Must first find continuation in the home is “contrary to the welfare” of the child
 - Must determine “whether there are available services that would prevent the need for custody.”
 - Must have written findings of fact on those issues and reference evidence.

Detention or Temporary Custody

- **By law enforcement** (15-11-410 (a)(2))
 - When there are reasonable grounds to believe the child has run away and the circumstances “are such as to endanger a child’s health or welfare unless immediate action is taken.”
 - Must contact juvenile intake.
 - Juvenile intake must administer detention assessment.
 - May not hold over 12 hours

Detention or Temporary Custody

- **By law enforcement** (15-11-410 (a)(2))
 - Must try to contact parent.
 - If parent hasn’t taken child after end of 12 hours, must turn over to court, which shall place child with parents or in the “least restrictive placement.”

Temporary Placemetnt

- May be held in secure or nonsecure residential facility for NO MORE THAN 24 HOURS IF:
 - Detention assessment done;
 - Child is runaway, ungovernable, or has failed to appear at a hearing

“Continued Custody” hearing (72)

- Within 72 hours if child is in residential facility (secure/nonsecure)
- Within 5 days if in foster care.
- Determine probable cause
- Release to parent or place in least restrictive placement
- May be kept at secure or nonsecure residential facility up to 72 hours more ONLY to allow for alternative placement arrangements.

Petition

- Who can file. Who will file?
- Filing times:
 - If not released at 72, within five days.
 - If released or never in custody, within 30 days of filing of the complaint or 30 days from release.
- Summons:
 - Child, parent.
 - DFCS and “other public agencies or institutions providing services, and any other person who appear to the court to be proper or necessary parties.”

Adjudicatory Hearing

- **Timing:**
 - Within 60 days of adjudication
 - Options in 15-11-442
 - Order shall be in effect “for the shortest time necessary to accomplish the purposes of the order and for not more than two years.”

Dispositional Hearing

- **Timing:**
 - If in continued custody, within 10 days of filing of petition.
 - Otherwise, within 60 days of filing of petition.
- **Burden of Proof**
 - Clear and convincing evidence.
- **Failure to appear = bench warrant.**

Practice Considerations

- **Who are the CHINS???**
- **What the CHINS statute DOESN'T Give Us**
- **What the CHINS statute DOES Give Us**
 - Power to Convene
 - Power to Order?
 - Power to Refer
 - Power to Monitor
- **Developing Best Practices**

Who are the CHINS??

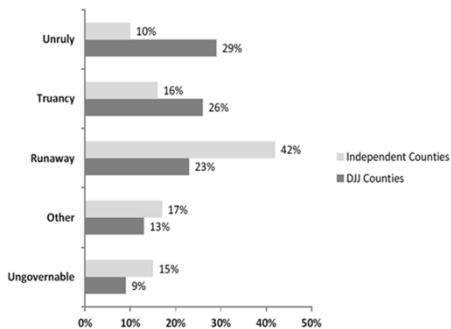
- 2011 study from ARS:
 - Status offenders were 19% of juvenile court referrals in 2009.
 - (9,000+ youth)
 - Compared to juvenile delinquent population:
 - Younger
 - More likely to be female (51-52%). 65% of delinquent referrals were male.

Who are the CHINS??

- 2011 study from ARS:
 - 6% of committed youth were status offenders.
 - Probation:
 - 12% of DJJ Court juveniles
 - 31% of independent court juveniles

http://ars-corp.com/_view/PDF_Files/ImplementationofaCHINSFrameworkinGeorgia2011.pdf

Figure 1. Most Serious Offense Among Status Offense Referrals



Who are the CHINS?

- Risk and Needs (Compared to other committed youth)
 - Lowest risk scores
 - Lower Substance Abuse scores
 - Highest scores in:
 - Discontinuity of Family Life
 - Parental/Caregiver Neglect
 - Parental Conflict/Violence
 - Youth Rebellion
 - Sexual Abuse
 - In other words, more likely to have suffered TRAUMA.

Who are the CHINS??

- Newton County Juvenile Court
 - 60% of kids who had a delinquent or unruly complaint filed in Newton had contact with DFCS in the last five years.

 - Majority of those kids would now be considered a CHINS case

Who are the CHINS?

- Statistics suggest:
 - Trauma-focused approach?
 - Therapeutic approach?
 - Programs specifically for runaways?
 - Why are they running?
 - Will the new law change the profile of youth?
 - Families flying “just below the radar” -- Judge Sumner
 - Collect data over the first year?

http://ars-corp.com/_view/PDF_Files/ImplementationofaCHINSFrameworkinGeorgia2011.pdf

What's NOT in the new law



- HB 641
 - DFCS as lead agency
 - Mandatory conference and services plan
 - (15-11-391 and 15-11-392)
- What effect will this have on court's ability to provide, manage, and monitor services?
- PAC opinion says they can't be required to prosecute these cases.

What IS in the new law



- Power to Convene
 - Court shall summon child, parent, DFCS, and "any other public agencies or institutions providing services, and any other persons who appear to the court to be proper or necessary parties." 15-11-423(a).
 - Power to hold agency representatives in contempt for failure to appear. 15-11-425(c).

What IS in the new law



- Power to Order
 - Attorney and Guardian ad Litem
 - Advocate for best interests
 - Communicate with providers
 - Conduct independent assessment
 - Evaluate needs
 - Maintain contact with child
 - 15-11-402 and 15-11-105
 - CASAs as GALs for CHINS?

What IS in the new law



- Power to Order
 - Foster Care and Case Plan
 - Court must order a case plan as if the child were in foster care, with other requirements as well.
 - REMEMBER – the same rules are going to apply. Must use reasonable efforts!!!!
 - Keeping families together
 - Reunification
 - Least restrictive environment

What IS in the new law



- Power to Order
 - Services
 - Requirement of finding reasonable efforts (15-11-415) and use of detention assessment (15-11-412).
 - If the court finds that services could be provided to keep the child in the home, “the court shall order that such services be provided” (15-11-415 (f))

What IS in the new law



- Power to Order
 - Services
 - In disposition, may order child to “attend structured after-school or evening programs or other court approved programs as well as requiring supervision of such child during the time of the day in which he or she most often used to perform the acts complained of in the petition alleging that such child is a child in need of services.” 15-11-442(b)(7).

What IS in the new law



- Power to Refer
 - If available, the court shall refer a child to the community-based risk reduction program. 15-11-414(c).
 - Could certainly also refer to any other available community-based services.
 - LIPT
 - Other multidisciplinary teams
 - Behavioral health services

What IS in the new law



- Power to Monitor
 - The court shall review the disposition of a child in need of services at least once within three months after such disposition and at least every six months thereafter so long as the order of disposition is in effect.” 15-11-445.

Incompetent Children

- Part 7, 15-11-450
- Comprehensive services plan for child deemed to be “unrestorably incompetent”

Developing Best Practices

- Understand the population: collect data
 - What are you collecting now?
 - What do you need to help you collect and analyze your CHINS cases?
- Use the powers granted in the Code to bring services to bear.
 - Order services to keep children in their homes
 - Evaluate what the educational system has done and where more can be done
 - Convene, refer, and monitor!
- Adapt current models!

Developing Best Practices

- Newton County model
 - McArthur/RFK work
 - Statewide Data Sharing agreement
 - Using LIPT
 - Developing structured questions
 - Community Care Plan
 - Getting family to attend?

Developing Best Practices

LIPT Community Care Plan

Plan created

<input type="checkbox"/> Education	<input type="checkbox"/> Transportation	<input type="checkbox"/> Medical	<input type="checkbox"/> Faith-Based Support
<input type="checkbox"/> Housing	<input type="checkbox"/> Treatment	<input type="checkbox"/> Peer Support	<input type="checkbox"/> Mentoring
<input type="checkbox"/> Supervision	<input type="checkbox"/> Extracurricular Activities	<input type="checkbox"/> Parent Support	<input type="checkbox"/> Nature Support
<input type="checkbox"/> Substance Use	<input type="checkbox"/> Psychological	<input type="checkbox"/> Vocational	<input type="checkbox"/> Other

Dually involved youth? no yes Competency Planning? no yes CHINS? no

Intervention Goals and Strategies			
Service / Support Description	By whom?	By when?	Progress / Up

Developing Best Practices

- Educational advocacy
 - School Tribunals and Discipline
 - <http://www.gaappleseed.org/docs/representing-students.pdf>
 - <http://www.gaappleseed.org/docs/schooldiscipline.pdf>
 - Individualized Educational Plans

Obstacles

- Who will “prosecute” these cases?
- Linking families to services that can be paid for by someone else.
- Better screening process at the DJJ intake level – mental health coordinator

Questions?

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