

What is a CHINS Case?

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A CHINS stands for a Child In Need of Services and in Massachusetts there are 4 types of CHINS. Two types deal with home based issues. One of them is a Stubborn child, which means that the child does not obey the lawful commands of the parent.

The second one is a CHINS Runaway, meaning that the child has run away. There other two types CHINS can be filed by the school. One of them is a Truancy CHINS meaning that the child is not going to school and a second is a Habitual School Offender meaning that the child is getting in significant trouble at school.

As a parent filing the CHINS would be a last resort, usually in all cases. My personal feeling is that you can get most of the services in place without having to have much of the parental authority taken away by either the DCF and/or the court and I would only recommend filing the CHINS in the last resort and the absolute last resort and/or in A typical situation.

As a parent you can potentially be the petitioner on both a Stubborn CHINS and a runaway and you have a certain amount of control about whether the case should get dismissed or not.

In addition, the child would get appointed an attorney and you can hire or ask for a court appointed attorney if you are

indigent yourself if there are risks that your child will be removed from the home and you are opposed to that. Al so, in addition, the child does have the right to have a trial; including a jury trial on the case, where the petitioner has to prove the case beyond a reasonable doubt.

Jury trials are fairly rare in CHINS cases, but I have had a two day jury trial on a school based CHINS and a lot of people will be trying to get people to sign or agree to things to remember that this has an impact on not only your family, but your child and that your child has Constitutional and Due Process protections.

Some of the time, schools have used CHINS to get around, possible special education issues or financial issues that they would otherwise do by trying to have the child removed from the home and potentially moved from the school district and these are things that have to be examined as well.