



NH Department of Health & Human Services  
Division for Children, Youth & Families

## DCYF Standard Operating Procedure

### 1150.6 REQUEST FOR VOLUNTARY CHINS - INTAKE

Policy Directive: **22-43**

Effective Date: **July 2022**

Implements Policy: **1150**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP describes how requests for voluntary Child In Need of Services (CHINS) are processed.

#### Procedure

*The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.*

- I. Callers refusing to allow disclosure will be advised due to the nature of voluntary CHINS services and the role of the 'Referring Entity', requests require the disclosure of the referring entity.
  - A. Central Intake staff may provide additional information to the caller about CHINS.
- II. Central Intake staff ensure requests for voluntary CHINS services are made by an entity authorized in [RSA 169-D:5](#) to file a petition if ultimately required:
  - A. Parent, legal guardian or custodian;
  - B. School official such as - school administrator, truant officer/school resource officer, guidance counselor, social worker, teacher, or special education director/coordinator; or
  - C. Law enforcement agencies located within New Hampshire.
- III. Central Intake staff will assess voluntary CHINS requests in the following ways based on case specific circumstances:
  - A. Referring entities seeking information on the process for voluntary CHINS services but who do not wish to provide any information will be documented as a call for Information and Referral;
    1. Staff may provide information on resources to the best of their ability dependent on information shared by the referring entity;
  - B. Obtain information necessary to screen the request to determine if the legal standards for CHINS is met including:

1. The referring entity's name, address, telephone number, and association with the child;
  2. The names of the child and family, their address, and phone number(s);
  3. Accurate and complete factual information from the source about the situation under consideration, including:
    - (a) A description of the concerns;
    - (b) The family's strengths;
    - (c) Prior attempts to resolve the concerns and use of community resources; and
    - (d) Any other challenges considered relevant; and
  4. Whether or not the child and family are aware of the report being made and their willingness to participate in voluntary CHINS services, as applicable; and
- C. Review the history of the child and family in the DCYF electronic information system.
1. Children and families will be identified as existing clients if they are found in the DCYF electronic information system.
  2. Any prior cases (CPS or JJS) will be noted.
- IV. Central Intake staff will use the information obtained to determine if the request meets the legal standard for initiating a request for voluntary CHINS services, based on the applicable section of the statute:
- A. **Truancy** - CHINS definition RSA 169-D:2 II(a) for truancy (defined under [RSA 189:35-a](#)). A child meets the legal standard of when:
1. The child is at least 6 years of age and under 18 years of age at the time of the unexcused school absence ([RSA 193:1](#));
  2. The child does not attend the public school to which they are assigned, or an approved private school or home education program during the times the school is in session;
  3. The child has not been excused from attendance by the school district superintendent because the child is physically or mentally unable to attend school;

4. The child has not been temporarily excused from attending at the request of their parent/guardian for purposes agreed upon by school authorities and the parent/guardian;
  5. The child's unexcused absences are willful and habitual, in that they occurred deliberately on a regular basis;
  6. The child's absences must be without good and sufficient cause; and
  7. The truancy officer and/or school official(s) have completed all steps of the schools process for intervention established under RSA 189:34, in collaboration with the child's parent/guardian;
- B. **Habitual run away** - CHINS definition RSA 169-D:2 II(b). A child meets the legal standard of for habitually running away from home when:
1. The child leaves their home and fails to return to their home for an extended period of time considered unreasonable by the parent/guardian;
  2. The child is away from their home without permission of their parent/guardian;
  3. The child habitually runs away, and has placed themselves or others in unsafe circumstances;
  4. The child has run away and it is not a result of, or due to, abuse or neglect; and/or
  5. The parent/guardian has engaged law enforcement agencies in addressing the child's runaway status, which may have included the child's name being entered into the National Crime Information Center (NCIC) database so that the child would be picked up if located;
- C. **Disregarding reasonable and lawful commands of parents** - CHINS definition RSA 169-D:2 II(b). A child meets the legal standard for 'disregarding the reasonable and lawful commands of their parent(s)/guardian' when:
1. The child purposely does not heed reasonable and lawful commands of their parent/guardian;
  2. The child's disregard of parental commands occurs repeatedly, in that it occurs on a regular basis; and
  3. The acts of disregard by the child have placed them or others in unsafe circumstances;

- D. **Willful repeated or habitual offenses which would constitute violations -** CHINS definition RSA 169-D:2 II(c). A child 15 years of age or younger meets the legal standard for willful repeated or habitual offenses which would constitute violations under the following:
1. New Hampshire's criminal code;
  2. Motor vehicle code;
  3. Aeronautics code;
  4. Fish and game code;
  5. Laws relating to navigation of boats;
  6. Fireworks laws; or
  7. An ordinance or bylaw of a city or town; or
- E. **Mental health and behavior -** CHINS definition RSA 169-D:2 II(d). A child meets the legal standard when the child:
1. Is diagnosed with severe emotional, cognitive, or other mental health issues;
  2. Engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others; and
  3. Is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C.
- V. In addition to meeting a subsection A-E of section IV above, the following conditions should be met:
- A. Requests by the child's parent/guardian should include information which demonstrates how the family has attempted to resolve the expressed concern through available community alternatives and that the concerns remain; and
- B. Requests by school officials should:
1. Demonstrate how the legally liable school district has sought to resolve the concerns through available educational approaches and that the concern remains;
  2. If the child is diagnosed with an educational disability, as defined by RSA 186-C, demonstrate that the legally liable school district has:
    - (a) Determined that the child has an educational disability; and

- (b) Reviewed the services contained in the child's Individual Educational Plan (IEP) and made recommendations for the provision of education and educationally related services to the child; and
    - 3. Be followed-up by written, supporting documentation from the school.
- VI. Central Intake staff should determine within 3 business days of the date of the initial request whether the facts are consistent with the legal standard for voluntary CHINS services and should be referred to the District Office.
- VII. The legal standard for initiating a request for voluntary CHINS services will not be met if:
  - A. The presenting concern relates to allegations of abuse/neglect;
  - B. The presenting concern is a delinquent act or adult misdemeanor/felony charge by a child;
  - C. There have been no efforts to engage the child and family to resolve the concerns through community-based alternatives;
  - D. Placement of a child is the only concern of the referring entity;
  - E. The child or family's whereabouts are unknown; or
  - F. The family or child already have an open case for abuse, neglect, CHINS, or delinquency with DCYF and/or the court.
- VIII. For requests not meeting the legal standard, Central Intake staff will:
  - A. Advise the referring entity that the information does not meet the legal standard for voluntary CHINS services;
  - B. Refer the family to community-based agencies consistent with the family's needs;
  - C. Advise the caller to notify their local law enforcement agency if the information is indicative of a delinquency matter;
  - D. Encourage the referring entity to follow through with the request to those agencies;
  - E. Encourage the referring entity to contact DCYF again if the presenting issues continue or renew despite the family's efforts;
  - F. Encourage the parent/guardian to utilize a journal or log to track information; and
  - G. Complete and close the request in the DCYF electronic information system as insufficient to meet the legal standard for voluntary CHINS services.

- IV. Requests not meeting the legal standard will be screened-out and maintained in the DCYF electronic information system in accordance with the Department document retention practices.
- IX. Requests meeting the CHINS legal standard for truancy, habitual runaways, or willful repeated conduct as defined at RSA 169-D:2 II(a), II(b), or II(c) – Central Intake staff will:
  - A. Open and send a voluntary CHINS case to the JJ Supervisor via the DCYF electronic information system – see section XI below; and
  - B. If the request is from a Law Enforcement Agency about a runaway child who is a habitual runaway and in imminent danger:
    - 1. Advise the JJ Supervisor the request for voluntary CHINS has been received.
- X. Requests meeting the CHINS legal standard as defined at RSA 169-D:2 II(d), Central Intake staff will open and send a voluntary CHINS case to the JJ Supervisor via the DCYF electronic information system – see section XI below.
- XI. Requests for Voluntary CHINS cases that will be opened, are entered by Central Intake in the DCYF electronic information system by:
  - A. Opening a voluntary CHINS case with the child named identified as the CHINS client;
    - 1. If there are multiple children who meet the standard for CHINS, a separate case is opened specific to each child who meets the CHINS standard;
    - 2. Any child in the home not meeting the CHINS standard is identified as “participating as child” and role as “sibling” when applicable; and
  - B. The referral request opened to document the call is attached as an Additional Information to the voluntary CHINS case.
    - 1. CPSW IIIs or lower, forward the CHINS case to the Central Intake Office Supervisor for approval and assignment to the JJS office with jurisdiction.
    - 2. CPSW IVs may assign directly to the JJS office with jurisdiction.
- XII. Any documentation received will be forwarded to the JJS office with jurisdiction.

## Glossary and Document Specific Definitions

A - B    C - D    E - F    G - I    J - L    M - N    O - Q    R - S    T - V    W - Z

<b>Document Change Log</b>			
<b>PD</b>	<b>Modification Made</b>	<b>Approved</b>	<b>Date</b>