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REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

November 23, 2016

ALL COUNTY INFORMATION NOTICE NO. I-83-16

TO: ALL COUNTY CHILD WELFARE DIRECTORS  
ALL COUNTY BOARDS OF SUPERVISORS  
ALL CHIEF PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: COMMERCIAL SEXUALLY EXPLOITED CHILDREN (CSEC)  
UPDATED MODEL INTERAGENCY PROTOCOL FRAMEWORK

REFERENCES: [PUBLIC LAW \(PL\) 113-183 SOCIAL SECURITY ACT TITLE IV-E, PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT](#); [SENATE BILL \(SB\) 794 \(CHAPTER 425, STATUTES OF 2015\)](#); [SB 855, \(CHAPTER 29, STATUTES OF 2014\)](#); WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS [16501.35](#), [16501.45](#), [16524.6 – 16524.11](#); [PENAL CODE \(PC\) SECTION 11166\(j\)](#); [ALL COUNTY LETTER \(ACL\) 15-48 DATED MAY 29, 2015](#); [ACL 16-08 DATED JANUARY 25, 2016](#); [ACL 16-15 DATED APRIL 28, 2016](#); [ACL 16-49 DATED MAY 23, 2016](#); [ACL 16-69 DATED AUGUST 30, 2016](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-23-15 DATED APRIL 7, 2015](#); [COUNTY FISCAL LETTER 14/15-23](#)

The purpose of this All County Information Notice (ACIN) is to provide county child welfare agencies and probation departments (hereafter referred to as “Counties”) with a model policy and procedure to assist them with fulfilling the statewide requirements of the Preventing Sex Trafficking and Strengthening Families Act (Public Law [PL] 113-183) and assist them in complying with the preventing child sex trafficking provisions of WIC sections [16501.35](#), [16501.45](#), and [PC section 11166\(j\)](#). This comprehensive policy and procedure framework, developed by the California Child Welfare Council CSEC Action team, includes both the (1) minimum state and federal requirements that Counties must implement along with (2) promising practices.

Counties may find this letter and the attached model policy and procedure, entitled “Memorandum of Understanding Template for State and Federal Commercially Sexually Exploited Children (CSEC) Requirements (hereafter referred to as “MOU Template”),” helpful in incorporating the requirements of [WIC section 16501.35\(a\)](#) into their county Interagency Protocols. This MOU Template was revised from its 2015 version in collaboration with the California Child Welfare Council’s CSEC Action Team and in consultation with stakeholders including the County Welfare Directors Association, Chief Probation Officers of California, former foster youth, child advocacy organizations, Department of Health Care Services, California Department of Education, state and local law enforcement and agencies with experience in serving CSEC/youth and at-risk children/youth.

## **Background**

### **Optional CSEC Program (Participating Counties)**

In June 2014, California created the CSEC Program via [SB 855](#), specifically by adding [WIC section 16524.6 – 16524.11](#). This opt-in program provides funding to participating county child welfare agencies for the purpose of preventing and intervening on behalf of children and youth who are commercially sexually exploited or at risk of becoming commercially sexually exploited. In fiscal year (FY) 2015-16, all child welfare agencies that opted to participate in the program were required to submit a County Plan; in addition, counties funded at a Tier II level were required to submit an Interagency Protocol and all Tier I opt in counties were required to continue developing an Interagency Protocol. The instructions for the opt-in program were updated in FY 2016-17 and can be found in [ACL No. 16-69](#).

In April 2015, the California Department of Social Services (CDSS) issued [ACIN No. I-23-15](#), which provided an Interagency Protocol Template, titled the “Memorandum of Understanding Template (MOU) for the CSEC Program,” for child welfare and the other required agencies to utilize when drafting their Interagency Protocol and outlining their multidisciplinary team (MDT) approach. This information notice and attached MOU Template provide updates to the previous version that integrate recent changes to federal and state requirements for serving children at risk of or victims of CSEC, requirements of the opt-in CSEC Program, and promising practices for addressing the needs of children and youth impacted by commercial sexual exploitation (CSE).

### **Statewide CSEC Requirements (All Counties)**

On September 29, 2014, the President signed into law the Preventing Sex Trafficking and Strengthening Families Act ([PL 113-183](#)), which required states to develop and implement policies and procedures related to CSEC/youth and runaway or missing

children and youth. This federal law was codified in California by [SB 794](#) in 2015 through the addition of [WIC section 16501.35](#), requiring counties to implement these policies and procedures. The CDSS provided initial instructions to Counties regarding the preventing child sex trafficking requirements in [ACL No. 16-08](#), and provided initial instructions regarding the runaway/missing youth protocol in [ACL No. 16-15](#). Additionally, on September 30, 2016, CDSS released the minimum statewide policies and procedures for preventing sex trafficking in [ACL No. 16-85](#).

The [WIC section 16501.35\(a\)](#) requires Counties to implement policies and procedures that require social workers and probation officers to do all of the following for children receiving child welfare services who are, or are at risk of becoming, victims of CSE:

- I. Identify;
- II. Document in the Child Welfare Services/Case Management System;
- III. Determine appropriate services for; and
- IV. Receive relevant training in identifying, documenting and determining appropriate services for children identified as at-risk or victims of CSE.

The CDSS and the CSEC Action Team adapted the existing template to cover both the requirements of the optional CSEC Program and the statewide requirements (see below) because 35 of 58 county child welfare agencies have already opted into the CSEC Program and 23 of the opt-in counties have developed their Interagency Protocol, required for participation in the optional CSEC Program, using this template. Combining the requirements of both sets of statutes into one protocol will both streamline efforts towards similar goals and allow counties who already have an Interagency Protocol to implement a single, comprehensive protocol instead of creating two separate protocols.

**The attached MOU Template contains the following:**

- I. An updated introduction, which reflects the new context and purpose of the updated MOU Template;
- II. Definitions page;
- III. A color coding system for highlighting distinct statutory requirements;
- IV. Content incorporating promising practices along with statutory requirements relating to:
  - A. [WIC section 16501.35](#) and [PC sections 11166\(j\)\(2\) and \(3\)](#) (Statewide requirements; impacts all counties)
  - B. [WIC section 16524.6 – 16524.11](#) (CSEC Program; opt-in counties)
  - C. Preexisting law related to CSEC; and
- V. Job aids (referred to as “cheat sheets” in the MOU Template) for social workers and probation officers describing specific requirements for each.

It is important to note that the [WIC section 16501.35\(b\)](#) missing/runaway youth protocol, while aligned with this protocol's goal to prevent CSE, was drafted separately and is outlined in [ACL No. 16-15](#). The CDSS will be releasing additional guidance on best practices regarding locating and addressing the needs of runaway/missing children/youth. We suggest, if possible, incorporating the missing/runaway requirements into your MOU.

Counties are not required to "fill out" or adopt this MOU Template in its entirety to comply with either the statewide or opt-in CSEC Program requirements. However, CDSS recommends all Counties use it as a guide to fulfill the requirements and to develop interagency CSEC responses, multidisciplinary teams and consistent data collection.

Please refer to Attachment A for responses to common questions about using the MOU Template.

### **Contact Information**

If you have any questions, please contact the Child Trafficking Response Unit, within the Child Welfare Policy and Program Development Bureau, at [CSECPprogram@dss.ca.gov](mailto:CSECPprogram@dss.ca.gov) or at (916) 651-6160.

Sincerely,

### ***Original Document Signed By:***

MARY SHEPPARD, Acting Branch Chief  
Child Protection and Family Support Branch

Attachments

c: CWDA  
CPOC

## **Question and Answer About the Memorandum of Understanding (MOU) Template**

### **I. Is my county required to use the template?**

Counties are not required to use the template. However, the California Department of Social Services (CDSS) recommends all Counties use it as a guide to assist in fulfilling the statutory requirements, developing interagency commercially sexually exploited children (CSEC) responses, utilizing multidisciplinary teams (MDT) and structuring consistent data collection. All Counties must implement the minimum statewide policies and procedures set forth in [All County Letter \(ACL\) No. 16-85](#) to fulfill the statewide preventing child sex trafficking requirements.

### **II. Is everything contained in the MOU Template required?**

No. The MOU Template integrates promising practices as identified by the Child Welfare Council's CSEC Action Team along with new statewide requirements, the opt-in CSEC program requirements and preexisting state requirements to create a more comprehensive model policy. The requirements in the template are highlighted and therefore easily distinguishable.

All counties must meet both the (1) statewide requirements and (2) preexisting child abuse and neglect reporting requirements.

Counties that opted into the CSEC Program (see list in Question III) must also meet the (3) opt-in CSEC Program requirements.

### **III. How should my county use this template?**

Use of this template differs based on whether a county has elected to participate, plans for future participation or has not opted in to the CSEC program. For example, if your county has opted to participate in the CSEC Program, it must fulfill the preexisting state requirements of the law related to CSEC, the opt-in CSEC Program requirements and the statewide preventing child sex trafficking requirements. If the county has not opted to participate in the opt-in CSEC program, the county would only be required to fulfill the preexisting state requirements and the statewide preventing child sex trafficking requirements. Note: counties must also fulfill the statewide requirements related to runaway/missing children/youth that are not contained in this MOU Template. See [ACL No. 16-15](#) and a forthcoming All County Information Notice for more information.

Furthermore, for the counties that have opted-in to the CSEC Program, your use of the template may also depend on whether you were a Tier I or Tier II county in Fiscal Year (FY) 2015-16 with a previously created Interagency Protocol/MOU. For FY 2016-17, all opt-in counties will receive Tier II funding unless they opt-out. All FY 2015-16 Tier I counties who are receiving Tier II funding in FY 2016-17 are required to submit an Interagency Protocol. All counties remaining in Tier I in FY 2016-17 will be expected to continue developing their Interagency Protocol. Please see [ACL No. 15-48](#) and [ACL No.16-69](#) for additional instructions.

Opt-in counties: Alameda, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Kern, Los Angeles, Madera, Marin, Merced, Monterey, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Tulare, Ventura and Yolo.

**IV. Can my county receive CSEC Program funding in FY 2016-17 if we develop an Interagency Protocol that meets both the CSEC Program and the statewide requirements?**

The FY 2016-17 CSEC Program opt-in instructions were released in [ACL No. 16-69](#) and the deadline to opt-in has passed. Should a county be interested in participating in the future, CDSS recommends contacting the Child Trafficking Response Unit (CTRU) at [CSECProgram@dss.ca.gov](mailto:CSECProgram@dss.ca.gov) for further information.

**V. What are allowable costs for the CSEC Program funding?**

The CSEC Program funding and claiming instructions can be found in [County Fiscal Letter \(CFL\) No. 14/15-23](#) and [CFL No. 15/16-50](#).

The CDSS recommends Counties contact the CDSS Fiscal Policy Bureau at [Fiscal.Systems@dss.ca.gov](mailto:Fiscal.Systems@dss.ca.gov) (with a carbon copy to the CTRU inbox at [CSECProgram@dss.ca.gov](mailto:CSECProgram@dss.ca.gov)) with any funding and claiming questions.

**VI. How should counties use the SB 794 Social Worker or Probation Officer Requirement pages?**

These pages appear in the appendices to the MOU Template and describe the statewide requirements for county workers in a condensed format. This

enables county workers to just skim a short document, rather than read through the entire MOU Template, to understand the statewide requirements.

Like the MOU Template, these job aids (referred to as “cheat sheets” in the MOU Template) can and should be adapted to match county-specific protocols. The adapted sheets should be shared with social workers and probation officers and used as a training guide and quick reference resource.

**VII. Do counties that have opted-in to the CSEC Program need to get all existing Interagency Protocol signatories to re-sign the revised protocol?**

Tier II counties are not required to submit an updated Interagency Protocol, although they are encouraged to do so.

The CDSS recommends that all counties that have developed an Interagency Protocol incorporate the statewide preventing sex trafficking provisions into this existing protocol. If counties update their Interagency Protocol to incorporate new provisions, the updated version should be submitted to the California Department of Social Services Child Trafficking Response Unit electronically at [CSECProgram@dss.ca.gov](mailto:CSECProgram@dss.ca.gov).

The CDSS strongly recommends that revised protocols are redistributed to participating agencies for signature. Given that the purpose of the newly signed protocol is to ensure all participants understand, agree to, and commit to the outlined interagency response. In addition, adding the statewide requirements to the existing protocol allows county child welfare agencies to implement a single comprehensive program instead of two separate programs.

**VIII. What trainings are being developed through the state? Do these fulfill the federal training requirement?**

Detailed information regarding training will be provided in a forthcoming ACL. General information regarding training can be found in [ACL No. 16-85](#).

**IX. What is the difference between the federal requirements (Senate Bill [SB] 794) and the CSEC Program (SB 855)?**

	Statewide Requirements	Opt-in CSEC Program Requirements
Participants	All counties	Voluntary opt-in program



<b>Requirements</b>	<p>Child welfare and probation agencies are required to:</p> <ul style="list-style-type: none"> <li>• identify</li> <li>• document and</li> <li>• determine appropriate services for children receiving child welfare services and who are, or are at risk of becoming, victims of commercial sexual exploitation (CSE).</li> </ul> <p>Social workers and probation officers <u>must</u> be trained to carry out these requirements</p>	<p>Participating child welfare agencies must develop in collaboration with specified partners:</p> <ul style="list-style-type: none"> <li>• County Plans (Tier I and II) and</li> <li>• An Interagency Protocol (Tier II) that uses a MDT approach to identifying and serving CSEC.</li> </ul>
<b>Guidance</b>	<ol style="list-style-type: none"> <li>1. <a href="#">ACL No. 16-08</a>: federal CSEC requirements</li> <li>2. <a href="#">ACL No. 16-15</a>: federal CSEC runaway/missing requirements</li> <li>3. <a href="#">ACL No. 16-49</a>: federal and CSEC Program documentation in CWS/CMS</li> <li>4. <a href="#">CFL No. 15/16-41</a>: funding for required activities</li> <li>5. <a href="#">ACL No. 16-85</a>: Statewide Policies and Procedures</li> </ol>	<ol style="list-style-type: none"> <li>1. <a href="#">ACL No. 15-48</a>: FY 2015-16 CSEC Program requirements and instructions</li> <li>2. <a href="#">CFL No. 15/16-22</a>: FY 2015-16 CSEC Program planning allocation</li> <li>3. <a href="#">ACL No. 16-69</a>: FY 2016-17 allocation methodology and County Plan instructions</li> <li>4. <a href="#">ACL No. 16-74</a>: documentation of referrals via Special Project Code</li> </ol>
<b>Implementation deadlines</b>	Counties are required to implement the requirements by September 29, 2016.	N/A

\*Please note that this chart does not include the runaway/missing requirements defined in [ACL No. 16-15](#).





WORKING TOGETHER  
**TO PROTECT**  
EXPLOITED CHILDREN

# **Memorandum of Understanding Template for State and Federal Commercially Sexually Exploited Children (CSEC) Requirements**

**Developed by the Child Welfare Council CSEC Action Team**



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*The California Department of Social Services (CDSS) provided funding for the development of these documents as samples of promising practice. The opinions expressed herein are solely those of the authors and not of CDSS.*

# Acknowledgements

The Memorandum of Understanding Template for State and Federal Commercially Sexually Exploited Children (CSEC) Requirements (2016) is the result of many months of research and collaboration between the Child Welfare Council CSEC Action Team, the California Department of Social Services, specifically the Child Trafficking Response and Permanency Units, and the multidisciplinary participants on the special SB 794 work group.

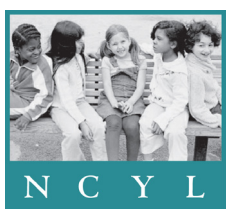
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Additional thanks to leadership of the CSEC Action Team, which includes:

Secretary Diana Dooley, Co-Chair, California Health & Human Services Agency  
Leslie Starr Heimov, Co-Chair, Children's Law Center of California  
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Sylvia Pizzini, California Health & Human Services Agency  
Christine Cleary, Judicial Council of California  
Kate Walker Brown, National Center for Youth Law  
Elizabeth Laferriere, National Center for Youth Law  
Susan Abrams, Children's Law Center of California

Finally, the CSEC Action Team would like to express its sincere gratitude to CDSS and the Zellerbach Family Foundation for their continued support and funding of its work.



National Center for Youth Law





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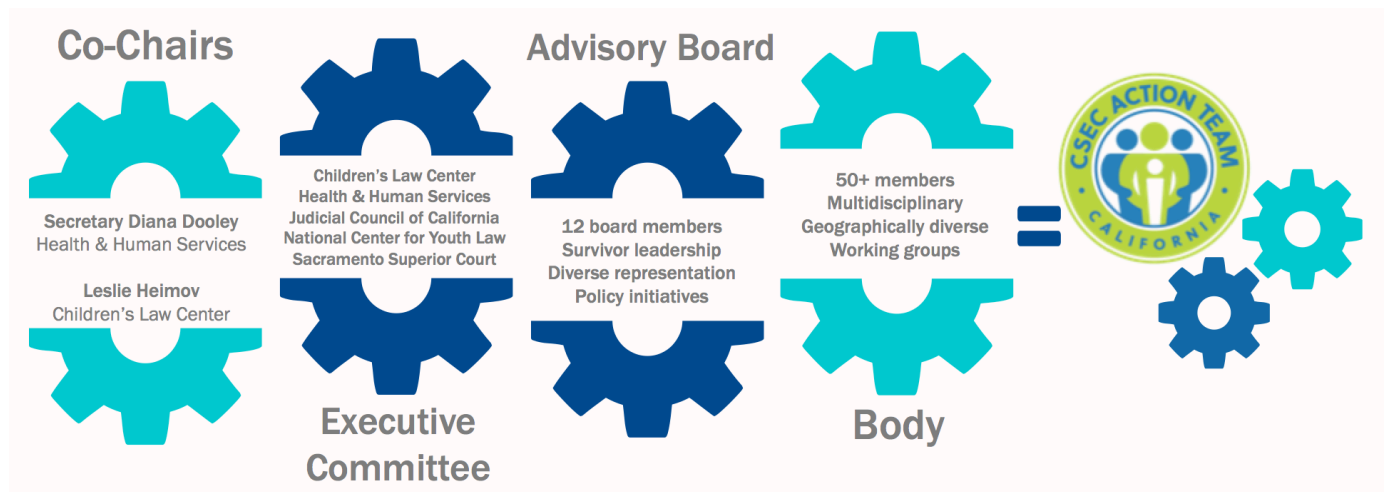
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## Commercially Sexually Exploited Children (CSEC) Action Team

The California Child Welfare Council's Commercially Sexually Exploited Children (CSEC) Action Team is an expert multidisciplinary body dedicated to researching and identifying promising prevention and intervention practices, collaborating with survivors, providing guidance to county agencies and community partners, and conducting evaluation to ensure policies improve outcomes for children.



### Accomplishments

Key guidance enabling counties to more effectively serve CSEC:

*Interagency Protocol Template*  
*Holistic Needs of CSEC*  
*Core Competencies for serving CSEC*

Groundbreaking CSEC survivor Advisory Board

Leadership in Continuum of Care Reform as it relates to CSEC

Partnership with California Department of Social Services Child Trafficking Response Unit

CSEC Convening with 21 county multidisciplinary teams (2015)

Report: *Ending CSEC: A Call for Multi-System Collaboration in California* (2013)

### Opportunities

The CSEC Action Team is open to new partnerships in order to pursue critical projects, such as:

#### **Evaluation**

- California CSEC Program
- County and regional best practices

#### **Research and Awareness**

- Building a CSEC profile for prevention
- Boys and LGBTQ youth

#### **County Guidance**

- Information sharing for multidisciplinary teams
- Effective housing & placements
- Prevention strategies

**Follow Progress #CSECActionTeam**

For more information, contact Elizabeth Laferriere at [elaferriere@youthlaw.org](mailto:elaferriere@youthlaw.org) or (510) 835-8098 x3005.



## Introduction

### ***CSEC Action Team Guidance***

The California Child Welfare Council's<sup>1</sup> Commercially Sexually Exploited Children (CSEC) Action Team is an expert multidisciplinary body dedicated to researching and identifying promising prevention and intervention practices, collaborating with survivors, providing guidance to county agencies and community partners, and conducting evaluation to ensure policies improve outcomes for children.

In order to participate in the 2015-2016 CSEC Program, many of the twenty-two Tier II counties used the CSEC Action Team's (AT) original MOU Template

In May 2015, the CSEC Action Team released a Memorandum of Understanding Template (MOU Template) that may be utilized by counties electing to participate in the state-funded CSEC Program under Welfare & Institutions Code Section 16524.7 ("CSEC Program"). The MOU Template integrated statutory requirements of the CSEC Program with promising practices.

In October 2015, California passed SB 794, which incorporated the requirements of the federal Preventing Sex Trafficking and Strengthening Families Act (PL. 113-183) into state law. These requirements apply to all counties, regardless of whether they participate in the CSEC Program.

In October 2016, the CSEC Action Team updated its MOU Template to assist counties in fulfilling these new federal requirements adopted into state law. The revised MOU Template incorporates SB 794 requirements into the original framework, consisting of preexisting law related to mandatory reporting and cross-reporting, requirements for CSEC Program counties, and promising practices. Highlighted text distinguishes between the different laws and the counties to which they apply. The document also includes "helpful hints" throughout, which draw connections between the requirements, cross reference related guidance, and provide examples.

"Children" and "at risk" defined on pg. 4

All counties, regardless of whether they previously opted into the CSEC Program, can utilize this document to fulfill new and preexisting requirements, and develop an interagency approach to better serve the [CSEC and children at risk] in their jurisdiction.

### ***SB 855 Requirements***

Passed in 2014, SB 855 clarified that CSEC whose parents failed or were unable to protect them, including children who trade sex for survival, may be served through the child welfare system as victims of child abuse and neglect.<sup>2</sup> SB 855 also created the state-funded CSEC Program. Beginning in July 2015, counties that elected to participate in the CSEC Program were required to develop and submit their interagency protocol as well as a proposal for how to spend program funds.<sup>3</sup> The two major CSEC Program requirements include:

1. Interagency protocol developed by, at a minimum, representatives from Child Welfare (lead agency), Probation, Mental Health, Public Health and Juvenile Courts; and
2. Use of a multidisciplinary team (MDT) approach to case planning with participation from, at a minimum, representatives from Child Welfare, Probation, Mental Health, Public Health, and Substance Abuse.<sup>4</sup>

<sup>1</sup> CAL. WELF. & INST. CODE §§ 16540-16545 (establishing the California Child Welfare Council as an "advisory body responsible for improving the collaboration and processes of the multiple agencies and courts that serve the children and youth in the child welfare and foster care systems.").

<sup>2</sup> WELF. & INST. § 300(b)(2).

<sup>3</sup> CAL. DEP'T SOC. SERVS., ALL COUNTY LETTER (ACL) No. 15-48 (May 29, 2015).

<sup>4</sup> WELF. & INST. § 16524.7(d)(2).

### [SB 794 Requirements]

To comply with SB 794, county child welfare and probation departments must implement CSEC policies and procedures by September 29, 2016. Under these policies and procedures, social workers and probation officers must:

1. Identify children who are receiving child welfare services,<sup>5</sup> including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code who are, or are at risk of becoming, victims of commercial sexual exploitation;
2. Document these children in the Child Welfare Services/Case Management System (CWS/CMS) and any other agency record as determined by the county;
3. Determine appropriate services for these children; and
4. Receive relevant training in the identification, documentation, and determination of appropriate services for these children.<sup>6</sup>

These policies and procedures apply to “[children receiving child welfare services].” “Child welfare services” is a broad term defined in state law. It encompasses services to protect and promote the welfare of children; prevent and remedy problems that may result in abuse, exploitation or neglect; prevent separation of children from families; restore families where children have been removed; place children in suitable homes when restoration of the family is impossible or inappropriate; and to ensure children receive adequate care while away from their homes.<sup>7</sup> Specifically, “child welfare services” includes: “emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services.”<sup>8</sup> For probation purposes, “child welfare services” includes services for candidates for foster care. It also includes foster care placements by probation.

In addition to creating CSEC policies, county child welfare and probation departments must develop policies and procedures related to children who go missing from foster care.<sup>9</sup> A forthcoming All County Information Notice (ACIN) will discuss these separate requirements and provide a model policy and procedure. This MOU Template highlights where these missing child provisions may be incorporated or cross-referenced.

Refer to the social worker (SW) and probation officer (PO) requirements, or “Cheat Sheets,” in the Appendix

The AT recommends that all children under probation (P) jurisdiction, regardless of whether they are receiving child welfare (CW) services, be identified, reported, and documented.

The intent of the law is to protect children from exploitation and to ensure that they receive services expeditiously should they be exploited. Addressing the needs of all children furthers this intent

SB 794 requires data is documented in CMS/CMS, even if also recorded elsewhere

“Children receiving child welfare services” defined on pg. 4

<sup>5</sup> WELF. & INST. § 16501(a).

<sup>6</sup> WELF. & INST. § 16501.35(a).

<sup>7</sup> WELF. & INST. § 16501(a)(1).

<sup>8</sup> WELF. & INST. § 16501(a)(2).

<sup>9</sup> WELF. & INST. § 16501.35(b).

## Definitions

### Commercially Sexually Exploited Children (CSEC)

A Commercially Sexually Exploited Child (CSEC) is defined by WIC 300(b)(2) as a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child.

### Children

“Children” and “child” refer to children, youth, and nonminor dependents (NMD). SB 794 requirements apply specifically to children, youth, and nonminor dependents receiving child welfare services. SB 855 does not limit “children” to those receiving child welfare services.

### Children Receiving Child Welfare Services

Children receiving child welfare services include children and youth who (ACL 16-85):

- Are in foster care and under age 18 (or up to age 21 if they are receiving Title IV-E foster care assistance);
- Have not been removed from the home but for whom the agency has an open case file (including candidates for foster care);
- Have run away from foster care, provided they have not reached the age at which the state ends Title IV-E assistance (21) (or have not been formally discharged from care); or
- Are youth (up to age 21) who are receiving services under the Chafee Foster Care Independence Program (including closed cases).

### At Risk

“At-risk” is defined as exhibiting, at a minimum, 1 of the following indicators (ACL 16-49):

- Child/youth exhibits behaviors or otherwise indicates that she/he is being controlled or groomed by another person
- Child/youth spends time with people known to be involved in commercial sex
- Child/youth’s use of internet, cell phone, or social media involves social or sexual behavior that is atypical for his/her age

Or exhibiting, at a minimum, 2 of the following indicators:

- Child/youth has a history of running away, unstable housing, including multiple foster care placements, or periods of homelessness including couch surfing
- Child/youth has had prior involvement with law enforcement or the juvenile justice system
- Child/youth is frequently truant
- Child/youth’s relationships are concerning, placing him/her at risk or in danger of exploitation
- Child/youth has a history of substance abuse, specifically narcotics, opiates, crack/cocaine and amphetamines

### Missing or Runaway

A child or youth missing from foster care is any individual whose whereabouts are unknown to the child welfare agency or probation department. That is, after allowing a reasonable Amount of time for the child/youth to return and taking into account the child’s age, intelligence, mental functioning, and physical condition, the caregivers, social worker or probation officer simply do not know the child’s/NMD’s location. Missing children may have been abducted by a non-family member, wrongfully taken or detained by a person related to them, wandered away from a safe environment and become lost, run away from a home, foster home, or state care facility, or are otherwise missing from care for any reason. Most youth who run away from care are truly missing. However, there may be instances in which a child runs away but their whereabouts are known to the social worker or probation officer. As the child has absented themselves from care, this child is considered to be missing from foster care (ACL 16-15).

## Sexual Orientation, Gender Expression or Gender Identity (SOGIE)

Everyone, including people who do not identify as “LGBT,” has a sexual orientation and gender identity. Sexual orientation refers to a person’s romantic and/or sexual attraction to other people, or lack thereof. Gender identity refers to a person’s internal sense of themselves as male, female, both, neither, or another gender. A person’s gender identity may or may not match the sex they were assigned at birth. Gender expression refers to the manner in which people convey their internal gender identity.

ACRONYM KEY	
ACIN	All County Information Notice
ACL	All County Letter
AT	CSEC Action Team
CANRA	Child Abuse and Neglect Reporting Act
CDSS	California Department of Social Services
CFT	Child and Family Team
CSEC	Commercially Sexually Exploited Children
CSM	Commission on State Mandates
CW	Child Welfare
CWS/CMS	Child Welfare Services Case Management System
CWDA	Child Welfare Directors Association
DA	District Attorney
ICAN	Interagency Child Abuse and Neglect Investigation Reports
MDT	Multidisciplinary Team
MOU	Memorandum of Understanding
NCIC	National Crime and Information Center
NCMEC	National Center for Missing & Exploited Children
NMD	Nonminor Dependent
P	Probation Department
PC	Penal Code
PO	Probation Officer
SOGIE	Sexual Orientation, Gender Identity & Expression
SPC	Special Project Code
SW	Social Worker
WIC	Welfare and Institutions Code

CSEC Program counties are required to include CW, P, Mental Health, Public Health, and the Juvenile Court in the development of their protocols. The AT suggests forming a Steering Committee with additional parties beyond those required

## Instructions

1. [Assemble the necessary county parties to develop the protocols in the MOU.]
2. Review the color scheme distinguishing the separate CSEC requirements and the counties they impact.
3. Identify the requirements relevant to the county based on current and planned participation in the CSEC Program.

	Law	Apply to
Blue	SB 855	Counties that intend or have opted into the CSEC Program
Yellow	SB 794	<b>All</b> counties
Green	Preexisting reporting requirements	<b>All</b> counties
No Color	<i>Indicates promising practices in California and throughout the country identified through the CSEC Action Team's research</i>	

- 3a. Requirements for counties that neither currently participate nor intend to participate in the CSEC Program:

- Ensure Green requirements are being met
- Create protocol/MOU to fulfill Yellow requirements
- Develop plan to participate in the CSEC Program in an upcoming fiscal year in order to receive state funding

- 3b. Requirements for CSEC Program counties:

- Ensure all Blue and Green requirements are addressed in existing interagency protocol/MOU
- Incorporate Yellow requirements into existing interagency protocol/MOU

4. Complete the relevant underlined sections throughout the document, including identification of the roles and responsibilities of all parties. While doing so, consider the:

- Processes already in place within and across agencies that can be leveraged to meet the needs of CSEC
- Examples provided in the MOU Template, as indicated by quotation marks, or in the helpful hints in the margins

5. Adapt and share the protocol requirement "cheat sheet" appendices with county social workers and probation officers.

6. Follow any additional instructions from CDSS regarding collecting party signatures and submitting the MOU.

The AT recommends that counties incorporate CSEC responses into existing structures and processes. For example, the Core Practice Model requires the use of a Child and Family Team (CFT). A CFT, which prioritizes the voices of the youth and family, could be combined with the Multidisciplinary Team (MDT) required of the CSEC Program

The examples provided do not address the responsibilities of all agencies, but rather provide a sample for select agencies

# Memorandum of Understanding (MOU) Template

## MEMORANDUM OF UNDERSTANDING<sup>10</sup> AMONG

Juvenile Court of County, Child Welfare Agency of County, Probation Department of County, Department of Mental Health of County, Department of Public Health of County, Substance Abuse Department of County, [Provide a list of agencies participating as optional parties to the Memorandum of Understanding, for example: "Public Defender's Office of County, District Attorney's Office of County, Sheriff Department of County, Municipality Police Department(s), County Office of Education, Children's Dependency Attorneys, Community-Based Agencies"

### As to County's Obligation to Identify, Document, and Determine Appropriate Services for Commercially Sexually Exploited Children and Those At Risk for Exploitation

WHEREAS, County child welfare agency and probation department shall implement policies and procedures, pursuant to Section 16501.35 of the California Welfare and Institutions Code, that require social workers and probation officers to identify, document and determine appropriate services for children who are, or are at risk of becoming, victims of commercial sexual exploitation; and receive relevant training in order to be able to do so; and

WHEREAS, County child welfare agency and probation department shall develop and implement specific protocols to expeditiously locate any child missing from foster care, pursuant to Section 16501.45 of the California Welfare and Institutions Code; and

WHEREAS, County social workers and probation officers shall, pursuant to Section 16501.45 of the California Welfare and Institutions Code, collect the following data on children who were victims of commercial sexual exploitation before entering care, after entering care, while absent from care, and children who are at risk of becoming exploited.

### As to County's Commercially Sexually Exploited Children (CSEC) Program

WHEREAS, an individual who is sexually trafficked, as described in Section 236.1 of the California Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the California Penal Code, and whose parent or guardian failed to, or was unable to protect the child, is a commercially sexually exploited child (CSEC) and may be served through the County child welfare system pursuant to California Welfare and Institutions Code Section 300(b)(2); and

Although this falls under the CSEC Program, this section represents a preexisting requirement for all counties

WHEREAS, County elected to participate in the CSEC Program as described in Section 16524.7 of California Welfare and Institutions Code in order to more effectively serve CSEC by utilizing a multidisciplinary approach for case management, service planning, and the provision of services; and

WHEREAS, the parties to this Memorandum of Understanding (MOU), Juvenile Court of County, Child Welfare Agency of County, Probation Department of County, Department of Mental Health of County, Department of Public Health of County, Substance Abuse Department of County, Public Defender's Office of County, District Attorney's Office of County, Sheriff Department of County, Municipality Police Department(s), County Office of Education, Children's Dependency Attorneys, Community-Based Agencies, Other Agencies Listed Here, have developed the following Memorandum of Understanding (MOU) to guide County's approach to serving CSEC; and

<sup>10</sup> This template, in the form of a memorandum of understanding, was adapted from a number of sources. See, e.g., LOURDES M. ROSADO & RIYA S. SHAH, JUV. LAW CTR., PROTECTING YOUTH FROM SELF-INCRIMINATION WHEN UNDERGOING SCREENING, ASSESSMENT, AND TREATMENT WITHIN THE JUVENILE JUSTICE SYSTEM APP. B (2007), available at [http://www.jlc.org/sites/default/files/publication\\_pdfs/protectingyouth.pdf](http://www.jlc.org/sites/default/files/publication_pdfs/protectingyouth.pdf); L.A. CNTY., OPERATIONAL AGREEMENT LOS ANGELES COUNTY COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC) LAW ENFORCEMENT FIRST RESPONDER PROTOCOL (2014) (2014), available at <http://www.cwda.org/sites/main/files/file-attachments/la-csec-operational-agreement.pdf>.

WHEREAS, the MOU reflects County and the parties' commitment to the following guiding principles:

A. Commercial Sexual Exploitation of Children:

1. Must be understood as child abuse and reported as such,<sup>11</sup> and
2. Should not be criminalized.

B. Responses to CSEC should be:

1. Victim-centered,<sup>12</sup>
2. Trauma-informed,<sup>13</sup>
3. Strengths-based,<sup>14</sup>
4. Developmentally appropriate,
5. Culturally, linguistically, and [LGBTQ competent and affirming],<sup>15</sup>
6. Committed to active efforts that engage CSEC early and often,
7. Multidisciplinary, individualized, flexible, and timely, and
8. Data and outcome driven.

C. Agency Policies & Procedures should:

1. Ensure and track cross-system collaboration at the system and individual case level,
2. Incorporate mechanisms to identify and assess CSEC at key decision points,
3. Address the unique physical and emotional safety considerations of CSEC, and
4. Address unique physical and emotional safety considerations, including vicarious trauma of staff, caregivers, and other relevant support persons.

WHEREAS, the parties agree to form a CSEC Steering Committee to provide ongoing oversight and support to ensure the county agencies and partners effectively collaborate to fulfill their requirements to identify and serve victims of commercial sexual exploitation and children at risk of becoming exploited through the MOU; and

WHEREAS, the parties agree to form a multidisciplinary team (MDT), pursuant to California Welfare and Institutions Code Section 16524.7(d)(2) for CSEC, to build on a child's strengths and respond to their needs in a coordinated manner; and

WHEREAS, California Welfare and Institutions Code Sections 18960-18964 states a county may establish a child abuse multidisciplinary personnel team (MDT) within the county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect pursuant to California Penal Code Section 11160, 11166, or 11166.05, or for the purposes of child welfare agencies making a detention determination; and

WHEREAS, the parties agree that the information they receive from other parties concerning a child that is obtained during a multidisciplinary team meeting shall be used solely for prevention, identification, and treatment purposes and shall otherwise be confidential. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose pursuant to California Welfare and Institutions Code Section 18961.7(c) and (h); and

WHEREAS, the parties, as defined by law, must comply with mandatory reporting guidelines as defined by Penal Code Section 11166 and report known or suspected child abuse and neglect, which includes sexual exploitation; and

Some transgender and gender non-conforming children use "they/their" gender pronouns. All staff should refer to children by their correct pronouns as a way of showing respect and to affirm their sexual orientation and gender identity (SOGIE). "SOGIE" defined on pg. 5

Several other California statutes, including Welfare & Institutions Code (WIC) § 18951 & 16501 authorize information sharing within specific multidisciplinary contexts. In certain circumstances, additional authorization is needed for disclosure of information. Consult county counsel to discuss relevant statutory requirements

Agencies are obligated to report sexual exploitation and "prostitution" to the Child Protection Hotline pursuant to Penal Code (PC) § 11165.1.

The AT recommends that the initial report of suspected abuse go to CW

<sup>11</sup> See CAL. PENAL CODE §§ 11164-11174.3.

<sup>12</sup> See CAL. CHILD WELF. COUNCIL, CSEC ACTION TEAM, MODEL INTERAGENCY PROTOCOL, APPENDIX (2015), available at [http://youthlaw.org/wp-content/uploads/2015/04/Appendix\\_040615\\_Final.pdf](http://youthlaw.org/wp-content/uploads/2015/04/Appendix_040615_Final.pdf).

<sup>13</sup> See id.

<sup>14</sup> See id.

<sup>15</sup> See POLARIS, BREAKING BARRIERS: IMPROVING SERVICES FOR LGBTQ HUMAN TRAFFICKING VICTIMS (2015), available at <https://polarisproject.org/sites/default/files/breaking-barriers-lgbtq-services.pdf>.

All (SB 794)

All (Pre-existing)

CSEC Program (SB 855)



WHEREAS, the County agency that receives the initial report shall, pursuant to Penal Code Sections 11166(j)(1) immediately, or as soon as practicably possible, cross report known or suspected child abuse or neglect to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and the district attorney's office; and

WHEREAS, the County agency that receives the initial report shall, pursuant to Penal Code Sections 11166(j)(1), immediately, or as soon as practicably possible, cross report known or suspected child abuse or neglect to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and the district attorney's office; and

WHEREAS, the County probation or welfare departments shall, pursuant to Penal Code Section 11166(j)(3), immediately report to law enforcement for entry into the National Crime Information Center and to the National Center for Missing and Exploited Children when children receiving child welfare services that are, or are at risk of being commercially sexually exploited, go missing or are abducted; and

WHEREAS, this MOU defines the mutually agreed upon responsibilities of each of the parties under the CSEC Program pursuant to California Welfare and Institutions Code Section 16524.7. This MOU is not intended to establish legal duties or otherwise alter the respective responsibilities of the parties; and

NOW, THEREFORE, the parties of this MOU set forth the following as the terms and conditions of their understanding:

In most, if not all counties, CW has the responsibility for investigation of allegations of child abuse. Therefore, if P receives an initial report, it must cross report to law enforcement, CW, and the district attorney's office

The Commission on State Mandates has found that provisions of the Child Abuse and Neglect Reporting Act (CANRA), known as the Interagency Child Abuse and Neglect Investigation Reports (ICAN), impose a reimbursable state mandate on local governments. In response, the State created a block grant to reimburse counties that choose to participate. For these counties, the requirements of PC § 11166(j) (1) remain unaffected. The AT recommends that all other counties also adhere to these requirements. See ACL 16-20 for more information on the block grant

These two federal requirements apply to all counties regardless of whether or not they participate in the ICAN block grant program mentioned in the prior hint

## I. Steering Committee

### A. Steering Committee to oversee the CSEC Protocols

1. In order to ensure County effectively implements protocols and policies related to CSEC, the parties agree to form a Steering Committee. Provide a detailed description of the structure adopted by the County and the parties, including the following information:
  - A. Describe the purpose of the Steering Committee.
    - i. *Example: "Provide ongoing oversight and leadership to ensure the county agencies and partners effectively collaborate to better identify and serve children who are at risk of or have been commercially sexually exploited, specifically:*
      - (i) Developing the Interagency CSEC MOU (hereinafter MOU),
      - (ii) Implementing the MOU,
      - (iii) Overseeing implementation of the MOU,
      - (iv) Collecting and analyzing aggregate data related to the MOU,<sup>16</sup>
      - (v) Revising the MOU as needed on an ongoing basis,
      - (vi) Assessing the sufficiency of CSEC-specific resources in the county,
      - (vii) Identifying necessary training and ensuring such training occurs, and
      - (viii) Overseeing the collection and reporting of data to the State in compliance with state and federal requirements."<sup>17</sup>

<sup>16</sup> See CAL. WELF. & INST. CODE § 16524.10 (requiring the state to report the number of children served and the types of services provided to the Legislature); ADMIN. ON CHILD., YOUTH & FAMILIES, ACYF-CB-IM-14-03, NEW LEGISLATION – PUBLIC LAW 113-183, THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT (2014) [hereinafter PUBLIC LAW 113-183], available at <http://www.acf.hhs.gov/sites/default/files/cb/im1403.pdf>.

<sup>17</sup> See CAL. CHILD WELF. COUNCIL, CSEC ACTION TEAM, MODEL INTERAGENCY PROTOCOL FRAMEWORK 3 (2015) [hereinafter PROTOCOL FRAMEWORK], available at [http://youthlaw.org/wp-content/uploads/2015/04/Model\\_Interagency\\_Protocol\\_Framework\\_040615\\_Final.pdf](http://youthlaw.org/wp-content/uploads/2015/04/Model_Interagency_Protocol_Framework_040615_Final.pdf); WELF. & INST. § 16501.45 & 16524.10; PUBLIC LAW 113-183, *supra* note 16.

B. Identify the members on the Steering Committee.

1. *Example:* "The following parties agree to participate in the Steering Committee and fulfill the responsibilities defined in this MOU:

A. Required:<sup>18</sup>

- i. Child Welfare
- ii. Probation
- iii. Mental Health
- iv. Public Health
- v. Juvenile Courts

B. Optional:<sup>19</sup>

- i. Children's Dependency Attorney
- ii. District Attorney
- iii. Public Defender
- iv. Survivor mentors/advocates
- v. County Counsel
- vi. Direct legal and service providers
- vii. Educational representatives
- viii. Law enforcement
- ix. [Staff/administrative support] ."

C. Define general participant responsibilities on the Steering Committee.

1. *Example:* "Each party will fulfill the following responsibilities as part of its work on the Steering Committee under this MOU:
- A. Appoint director or designee empowered to make decisions on behalf of the party to participate,
  - B. Attend regularly scheduled meetings and participate collaboratively in committee,
  - C. Report on successes, barriers to providing services, and areas for improvement, including recommendations for adapting the MOU and training needs/gaps, and
  - D. Provide aggregate data on identified CSEC including the numbers identified and the services accessed by those children."<sup>20</sup>

D. Define each party's roles and responsibilities for the Steering Committee.

1. *Example:* "The following describes the specific roles and responsibilities of each party in the Steering Committee:

A. Child Welfare Department will be responsible for :

- i. Convening and serving as lead agency of steering committee,
- ii. Providing staff to coordinate the steering committee, and
- iii. Gathering aggregate data from the MDTs to present to the Steering Committee and report to the State."

## II. Identification

A. **Identification process for commercially sexually exploited [children and those at risk] for such exploitation**

1. The parties agree that children will be identified as follows: provide a detailed description of the identification process including the following information:

<sup>18</sup> See WELF. & INST. § 16524.8(a) (mandating that Child Welfare, Probation, Mental Health, Public Health, and the Juvenile Courts be involved in drafting the interagency protocol); PROTOCOL FRAMEWORK, *supra* note 17, at 3-4 (noting that although a Steering Committee is not required, it was suggested as a way to coordinate the county efforts with respect to the CSEC Program).

<sup>19</sup> CAL. DEP'T SOC. SERVS., ALL COUNTY INFORMATION NOTICE (ACIN) No. 1-23-15 (Apr. 7, 2015) (indicating that "other providers can also include, but are not limited to, advocates such as children's attorneys, court-appointed special advocates, and direct service providers"), available at [http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acin/2015/l-23\\_15.pdf](http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acin/2015/l-23_15.pdf).

<sup>20</sup> PROTOCOL FRAMEWORK, *supra* note 17, at 4.

These parties are required to develop the interagency protocol to participate in the CSEC Program.

While SB 794 does not require other parties be involved in the development of the CW and P protocols, the AT recommends a similar interagency process

Counties may choose to hire staff to provide operational, monitoring, and evaluation support to the Steering Committee and MDTs

This example defines the responsibilities for one agency. Counties should outline the responsibilities for *all* relevant agencies in each section

"CSEC" and "at risk" defined on pg. 4

All (SB 794)

All (Pre-existing)

CSEC Program (SB 855)

- A. Specify the parties required to identify commercially sexually exploited children and those at risk for exploitation who are receiving child welfare services, and the parties' designees who are responsible for identification.<sup>21</sup>

SW/POs must receive training related to identifying CSEC and at-risk children and documenting in CWS/CMS

- i. *Example:* "The following parties must identify children who are receiving child welfare services<sup>22</sup> who are being commercially sexually exploited or are at risk of becoming commercially sexually exploited.

- (i) Child Welfare Department
- (ii) Probation Department."

Parties should list specific staff positions in these sections. For example, case-carrying SWs and juvenile hall intake staff

- B. Identify additional parties responsible for identifying children who are commercially sexually exploited or are at risk of becoming commercially sexually exploited, and the parties' designees who are responsible for identification.

- i. *Example:* "The following parties are also responsible for identifying children who are commercially sexually exploited, or are at risk of becoming commercially sexually exploited.

- (i) Public Health Department-Physical Health
- (ii) Office of Education."

Agencies should ensure their intake forms allow children to self-identify their SOGIE, including gender pronouns, if they feel comfortable. Staff should keep children's SOGIE confidential, unless authorized to disclose it. "SOGIE" defined on pg. 5

- C. Describe the requirements for data collection related to identification.

- i. *Example:* County intake workers or child protective services workers that receive a referral indicating the commercial sexual exploitation of any child must track this referral regardless of disposition.

- ii. "County social workers and probation officers must document children receiving child welfare services who have been identified as victims or at-risk of CSE, and collect the following data to be made available to the California Department of Social Services:<sup>23</sup>

All counties are required to use the Special Project Code "S-CSEC Referral" to meet federal reporting requirements pursuant to PL 114-22. *See* ACL 16-74

- (i) Children receiving child welfare services who:

1. Are [at risk] of becoming victims of commercial sexual exploitation
2. Were victims of commercial sexual exploitation before entering foster care
3. Became victims of commercial sexual exploitation during foster care
4. Go missing, run away, or are otherwise absent from care and were commercially sexually exploited during the time away from placement
5. Were victims of commercial sexual exploitation while in an open case, but not in foster care
6. Were victims of commercial sexual exploitation while in a closed case, but while receiving ILP services."<sup>24</sup>

"At risk" defined on pg. 4

- D. Describe the process and data system used for documenting the information contained in subdivision C.

- i. *Example:* "The parties required to identify commercially sexually exploited children and those at risk of becoming commercially sexually exploited will document the information contained in subdivision C.

- (i) Child Welfare Department:

1. Child Welfare Services Case Management System<sup>25</sup>

- (ii) Probation:

1. Child Welfare Services Case Management System<sup>26</sup>
2. Probation Case Management System

P will also be responsible for collecting this data and providing it to CDSS for federal reporting purposes

- E. Identify the screening instrument to be used to identify children who are commercially sexually exploited or at risk for becoming commercially sexually exploited, including a statement that each of the parties has received and reviewed

CW & P using a screening tool, e.g. CSE-IT, must still determine who is at risk based on the CDSS definition on pg. 4

<sup>21</sup> WELF. & INST. § 16501.35(a).

<sup>22</sup> WELF. & INST. § 16501.

<sup>23</sup> 42 U.S.C. § 671(a)(9)(C)(i)(I); WELF. & INST. § 16051.35(a)(2) and 16501.45(b).

<sup>24</sup> WELF. & INST. § 16501.35 & 16501.45(a).

<sup>25</sup> WELF. & INST. § 16501.35(a)(2).

<sup>26</sup> *Id.*

The AT recommends that each county draft a script, in consultation with county counsel, that is read to children before administering the screening tool. The script should use developmentally appropriate language. It should describe the possible and prohibited disclosures and uses of the information and statements gathered during the screen, including what access the child will and will not have to the screening results

Sexual abuse includes sexual exploitation and commercial sexual exploitation, which includes, but is not limited to: "prostitution," live performance, human trafficking, and survival sex. All must be reported pursuant to PC § 11165.1

The CSM has found that ICAN provisions of CANRA impose a reimbursable state mandate on local governments. In response, the State created a block grant to reimburse counties that choose to participate. For these counties, the requirements of PC § 11166(j) (1) remain unaffected. The AT recommends that all other counties also adhere to these requirements

the screening instrument. Attach the screening instrument as an appendix to this MOU.

i. *Example:* "The Commercial Sexual Exploitation - Identification Tool (CSE-IT)<sup>27</sup> will be administered as a screening instrument as described in this MOU. All parties have received and reviewed a copy of the CSE-IT, including an overview of the tool, and understand the training required for use. A copy of the tool and overview are attached as an appendix to this MOU."

F. Describe what the screening tool's administrator will communicate to the child regarding information sharing, confidentiality, and access to records immediately prior to being screened.

G. Describe next steps to initiate further assessment and the MDT process upon identification of CSEC or child at risk of CSE.

## B. Permissible and prohibited disclosure and uses of information/statements obtained during screening

1. The above agencies agree that the information and statements obtained from the child as part of the screening process will be maintained, disclosed, and used only as follows and in accordance with all applicable state and federal laws and regulations. Provide a detailed description regarding permissible and prohibited disclosures and uses of information/statements gathered during the screening including the following information:

A. Identify the agency or agencies that shall maintain the records of the screening results, including any information collected and statements made incident to the screen. Identify any applicable laws and regulations.

B. Provide a detailed statement as to what information obtained from the screening is to be disclosed to which agencies/ individuals including:

i. *Example:* "Indicate exact information from the screening that will be disclosed. Indicate exact information that will not be disclosed. Indicate under what circumstances the disclosure will be made, including what personnel are designated to make the disclosure, to whom the disclosure will be made and when. Indicate disclosure protocols in emergency situations"

C. Provide a detailed statement as to the permitted uses of information obtained from the screening.

D. Provide a detailed statement as to the prohibited uses of information and statements obtained from the screening.

## III. Reporting Requirements

### A. Mandatory reporting requirements for commercially sexually exploited children and those at risk for such exploitation

1. The parties must report known or reasonably suspected abuse and neglect, pursuant to Cal. Penal Code § 11166. Provide a description of the mandatory reporting process.

A. Specify all agencies and individuals that are mandated reporters.<sup>28</sup>

B. Specify the circumstances that require a report be made.<sup>29</sup>

### B. Cross report suspected [abuse and neglect]

1. Child welfare and probation departments must immediately, or as soon as practicably possible, report by telephone, fax or electronic transmission known or suspected instances of child abuse or neglect to:

A. The law enforcement agency having jurisdiction over the case,

B. The agency responsible for investigating reports of abuse or neglect under Cal. Welf. & Inst. § Code 300, AND

C. The district attorney's office.<sup>30</sup>

All (SB 794)

All (Pre-existing)

CSEC Program (SB 855)

<sup>27</sup> See WESTCOAST CHILDREN'S CLINIC, COMMERCIAL SEXUAL EXPLOITATION-IDENTIFICATION TOOL (CSE-IT) PILOT TEST FREQUENTLY ASKED QUESTIONS (2015), available at <http://www.cwda.org/sites/main/files/file-attachments/wcc-faq.docx>.

<sup>28</sup> CAL. PENAL CODE § 11165.7.

<sup>29</sup> PENAL § 11166(a).

<sup>30</sup> PENAL § 11166(j)(1).

2. Child welfare and probation departments must send, fax, or electronically transmit a written report of the known or suspected incident of abuse or neglect thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report.<sup>31</sup>

**C. Report to law enforcement when child is identified as victim of commercial sexual exploitation**

1. Child welfare or probation department shall immediately, and in no case in more than 24 hours upon receiving information, report to the law enforcement agency having jurisdiction over the case that a [child who is receiving child welfare services] has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.<sup>32</sup>

**D. Report a known or suspected victim of CSE who is missing or has been abducted**

1. Child welfare or probation department shall immediately, and in no case later than 24 hours from receiving information, report to law enforcement that a child:
  - A. Who is receiving child welfare services, AND
  - B. Who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, AND
  - C. [Is missing<sup>33</sup> or has been abducted].<sup>34 35</sup>
2. Child welfare or probation department shall immediately, and in no case later than 24 hours from receiving information, report to the National Center for Missing and Exploited Children (NCMEC) via telephone (1-800-THE-LOST) or through the web portal that a child:
  - A. Who is receiving child welfare services, AND
  - B. Who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, AND
  - C. [Is missing or has been abducted].<sup>36</sup>
3. Law enforcement must enter information it receives into the National Crime Information Center database of the Federal Bureau of Investigations.<sup>37</sup>

Each county must determine which agency will report to law enforcement in dual jurisdiction cases. The AT suggests the agency with primary jurisdiction report and document this information in CWS/CMS

"Children receiving child welfare services" and "missing" defined on pg. 4

The AT urges counties to also incorporate requirements for reporting to law enforcement when a missing child returns to care

CDSS will share model runaway/missing youth protocols in a forthcoming ACIN

When reporting an incident to law enforcement, confirm they take a missing person report rather than an incident report. Law enforcement must take a missing person report no matter how long a child has been missing

## IV. Assessment

**A. Assessment process**

1. The parties agree that an assessment of an exploited child's needs and strengths must take place upon identification and on an ongoing basis. Further, the parties agree that it is in the child's best interest to limit unnecessary and or duplicative assessments. Accordingly, the parties will coordinate to ensure that assessments are streamlined and limited when appropriate. Provide a detailed description of the assessment process including the following information:
  - A. Identify the parties responsible for conducting the assessment and the designated individuals within the agencies who will administer the assessment to child.
    - i. *Example:* "The following parties are responsible for assessing children who have been identified as victims of or at risk of commercially sexual exploitation.
      - (i) The Department of Mental Health:
        1. Clinicians conducting mental health evaluations
        2. Clinicians in school-based health clinics
        3. Clinicians in juvenile hall."

<sup>31</sup> *Id.*

<sup>32</sup> PENAL § 11166(j)(2).

<sup>33</sup> See 42 U.S.C.S. § 5772 (LexisNexis 2016) (defines a missing child as "any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian").

<sup>34</sup> PENAL § 278 (defines abduction to mean "take, entice away, keep, withhold, or conceal").

<sup>35</sup> PENAL § 11166(j)(3).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

SB 794 requires SW/POs to determine appropriate services for CSEC/at risk. See [tinyurl.com/CSECneeds](http://tinyurl.com/CSECneeds)

"Child" includes children, youth, and nonminor dependents. Defined on pg. 4.

SB 794 requires that SW/POs also determine appropriate services for NMDs

"Script" recommendation on pg. 12

This may be similar to, but different than, the permissible and prohibited disclosures and uses of information/statements obtained during screening

- B. Describe the circumstances in which each party must assess the [child] to determine their needs and tailor the child's treatment and services to meet those needs.<sup>38</sup>
- i. *Example:* "The parties must assess an identified victim or a child at risk of commercial sexual exploitation under the following circumstances:
- (i) **Child Welfare Department:**
1. When an allegation of abuse or neglect is investigated,
  2. Upon a change in placement, and/or
  3. Every six months to monitor progress.
- (ii) **Probation Department:**
1. When a child enters the juvenile detention facility,
  2. Upon a change in placement,
  3. Every six months to monitor progress, and/or
  4. When there is reasonable suspicion and/or disclosure of CSE.
- (iii) Department of Mental Health:
1. When a child is referred to mental health clinician for services."

C. Identify the assessment tool(s) to be used, including a statement that each of the parties have received and reviewed the assessment tool(s) to be used. Attach the assessment tool(s) as an appendix to this MOU.

i. *Example:* "The Child and Adolescent Needs and Strengths - Commercial Sexual Exploitation (CANS-CSE) assessment tool will be administered as described in this MOU. All parties have received and reviewed a copy of the CANS-CSE, including an overview of the tool and understand the training needed to administer the tool. A copy of the assessment tool and overview are attached as an appendix to this MOU."

D. Describe how the parties will share information regarding the assessments to limit the number of duplicative assessments and potential for re-traumatization.

E. Describe what the assessment's administrator will communicate to children regarding information sharing, confidentiality, and access to records immediately prior to being assessed.

**B. Permissible and prohibited disclosure and uses of information/statements obtained during assessment**

1. The above agencies agree that the information and statements obtained from the child as part of the assessment process will be maintained, disclosed, and used only as follows and in accordance with all applicable state and federal laws and regulations. Provide here a detailed description regarding permissible and prohibited disclosures and uses of information/statements gathered during the assessment, including the following information:

A. Identify the agency or agencies that shall maintain the records of the assessment results, including any information collected and statements made incident to the assessment. Identify any applicable laws and regulations.

B. Provide a detailed statement as to what information obtained from the assessment is to be disclosed to which agencies/individuals including:

i. *Example:* "Indicate exact information from the assessment that will be disclosed. Indicate exact information that will not be disclosed. Indicate under what circumstances the disclosure will be made, including what personnel are designated to make the disclosure, to whom the disclosure will be made and when. Indicate disclosure protocols in emergency situations."

C. Provide a detailed statement as to the permitted uses of information obtained from the assessment.

D. Provide a detailed statement as to the prohibited uses of information and statements obtained from the assessment.

All (SB 794)

All (Pre-existing)

CSEC Program (SB 855)

<sup>38</sup> CAL. WELF. & INST. CODE § 16501.35(a)(3).



## V. [Documentation]

### A. Documenting commercially sexually exploited and at risk children

1. Upon identifying that a child receiving child welfare services is at risk or a victim of CSE, the parties must document this information in the Child Welfare Services Case Management System (CWS/CMS).<sup>39</sup> Provide a detailed description of the data collection and documentation process including, at a minimum, the following:
  - A. Identify the parties responsible for documentation.
    - i. Example: "The following parties are responsible for entering into CWS/CMS the data outlined in the next subsection:
      - (i) Child Welfare Department:
        1. Social worker
        2. Child abuse hotline worker
      - (ii) Probation Department:
        1. Probation officer
    - B. Identify the data that must be documented in CWS/CMS.
      - i. Child Welfare and Probation are responsible for collecting and entering the following data point in CWS/CMS regarding any child:
        - (i) Referral alleging commercial sexual exploitation of a child or youth:
          1. Example: the Child Welfare intake worker or child protective services worker is responsible for taking referrals alleging CSE, and must use the "S-CSEC Referral" Special Project Code in CWS/CMS to document each unique referral on a youth.
        - (ii) Children receiving child welfare services who are identified as at-risk or victims of CSE:
          1. Example: "Child Welfare and Probation are responsible for collecting and entering the following six data points in CWS/CMS regarding children receiving child welfare services who are identified as at-risk or victims of CSE:
            - a. At Risk:
              - i. Children receiving child welfare services who are at risk of becoming victims of commercial sexual exploitation, as defined in ACL No. 16-49.
            - b. Victim Before Foster Care:
              - i. Dependent children or wards in foster care who were victims of commercial sexual exploitation before entering foster care.
            - c. Victim During Foster Care:
              - i. Dependent children or wards in foster care who became victims of commercial sexual exploitation while in foster care.
            - d. Victim While Absent From Placement:
              - i. Dependent children or wards in foster care who go missing, run away, or are otherwise absent from care and were commercially sexually exploited during the time away from placement.
            - e. Victim In Open Case Not In Foster Care:
              - i. Children receiving child welfare services, but are not in foster care, who become victims of commercial sexual exploitation.
            - f. Victim In Closed Case Receiving ILP Services"<sup>40</sup>
  - C. Identify how data will be documented in probation case management system or other agency records, if relevant.

Each county should develop a system whereby P may document this data in CWS/CMS, and make it available to the state for federal reporting purposes

Reports to the Child Protection Hotline should happen immediately upon identification. Hotline workers should document information pursuant to ACL 16-49 and 16-74

To ensure quality data is collected and more easily reportable to the federal government, the AT recommends that both CW and P document this data in CWS/CMS

See ACL 16-74 for more information on how to track referrals using the SPC "S-CSEC Referral"

ACL 16-49 defines all 6 permanent CSEC fields

"At risk" defined on pg. 4

Homophobic or transphobic harassment and discrimination are a trigger for LGBTQ youth. Many LGBTQ youth run away from foster care placements when they experience homophobia or transphobia from staff or other youth

<sup>39</sup> WELF. & INST. § 16501.35(a)(2).

<sup>40</sup> WELF. & INST. § 16501.45.



SW/POs are also responsible for collecting qualitative data related to youth who run away or go missing from care. See ACL 16-15

## B. Documenting data related to missing and runaway children

1. Provide a detailed description of the data collection and documentation requirements developed for the county's Missing/Runaway Protocols. This description should reference new procedures and forms.

## VI. Multidisciplinary Response<sup>41</sup>

- A. The parties agree to provide staff to participate in MDT meetings who have been "trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse"<sup>42</sup> and commercially sexually exploited children and those at risk for such exploitation.<sup>43</sup> In order to sufficiently address a commercially sexually exploited child's needs from identification through ongoing stabilization, a three-tiered multidisciplinary response, as described below, may be employed. This approach includes:

1. *Immediate Crisis MDT*, which involves both a rapid response within 2 hours as well as intensive, ongoing support through the first 72 hours<sup>44</sup> post-identification.
2. *Initial MDT*, which includes convening a team within 10 days to address the child's needs where immediate safety risks may not be present.
3. *Ongoing MDT*, which include ongoing case planning and coordination. They may occur either on an individualized basis for each identified commercially sexually exploited child, or in a broader case review setting, where multiple cases are reviewed on a regular basis by a set team of individuals.

- B. Identify the members that will participate in the three-tiered multidisciplinary approach.

1. *Example:* "The following parties agree to participate in the MDTs pursuant to California Welfare and Institutions Code Section 16524.7 and fulfill their responsibilities as defined in this MOU:

### A. Required

- i. Child Welfare
- ii. Probation
- iii. Mental Health
- iv. Substance abuse
- v. Public Health<sup>45</sup>

- B. The Steering Committee is responsible for identifying non-required parties, as appropriate, to serve on the three tiers of MDTs. Together the agencies represented on the Steering Committee will determine whether to include additional parties and which to include in the MDTs in order to most effectively meet the unique needs of the child. As the lead agency, Child Welfare will be responsible for extending invitations to optional parties which may include, but are not limited to, the following

- i. Child
- ii. Caregiver/placement provider
- iii. Children's Dependency Attorney
- iv. District Attorney
- v. Public Defender
- vi. Law enforcement
- vii. Education
- viii. Local CSEC provider(s)
- ix. Survivor advocate or mentor
- x. Legal service providers.<sup>46</sup>

The statutory protections for information sharing vary based on the purpose of the meeting and who participates. Depending on which statute(s) apply, additional authorization may be required before any information is released.

For example, in a CFT, pursuant to WIC § 832(b), all members with legal power to consent must sign an authorization to release information to team members.

Consult county counsel to discuss information sharing

The CSEC Program only requires that MDTs include the 5 mandated parties. The AT also recommends this three-tiered approach

The AT recommends including the following parties because they also play an integral role in serving CSEC.

If the child and caregiver participate, the meeting may qualify as a CFT. If so, ensure that all of the specific requirements of WIC § 832(b) are met before any information is exchanged

All (SB 794)

All (Pre-existing)

CSEC Program (SB 855)

<sup>41</sup> See WELF. & INST. § 16524.8(b) (requiring a multidisciplinary response as a component of the CSEC Program).

<sup>42</sup> WELF. & INST. § 18961.7.

<sup>43</sup> *Id.*

<sup>44</sup> This 72-hour period is a promising practice and not a statutory requirement for county opt-in for the CSEC Program; see L.A. CNTY., LAW ENFORCEMENT FIRST RESPONDER PROTOCOL FOR COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC) (2015), available at <http://youthlaw.org/wp-content/uploads/2015/06/Los-Angeles-County-Law-Enforcement-First-Responder-Protocol.pdf>.

<sup>45</sup> WELF. & INST. § 16524.7(d)(2).

<sup>46</sup> PROTOCOL FRAMEWORK, *supra* note 17, at 5.

- C. All MDT members must have received CSEC 101 and 102, or other relevant training.”

**C. [Immediate Crisis Multidisciplinary Team]<sup>47</sup>**

1. *Example:* “The parties agree that children who are suspected or identified victims of sexual exploitation and where an imminent risk to safety is present, require an immediate crisis response including initial engagement within 2 hours, a child abuse investigation, and intensive services through the first 72 hours to stabilize them.”

A. Describe the purpose of the Immediate Crisis Response MDT.

- i. *Example:* “Provide a multidisciplinary team trained on CSEC to each child identified as exploited to immediately engage and stabilize the child and develop a treatment plan that meets their needs in a coordinated manner, including:
- (i) Responding to the child’s location within 2 hours,
  - (ii) Providing individual case-by-case collaboration with multiple child-serving agencies,
  - (iii) Engaging with child and family/caregiver(s), if appropriate,
  - (iv) Ensuring basic needs are met such as food, shelter, and clothing,
  - (v) Assessing and addressing immediate and long-term needs,<sup>48</sup>
  - (vi) Coordinating, monitoring, and adjusting service plan to achieve desired outcomes for individual children,
  - (vii) Advising on appropriate placement,
  - (viii) Conducting safety plan once at the placement with parent/guardian/caregiver, which includes:<sup>49</sup>
    - 1. Ascertaining the potential safety risks for the child, the family, the providers,
    - 2. Identifying trauma triggers,
    - 3. Teaching techniques the child can use to de-escalate when triggered,
    - 4. Deciding on steps team members will take to prevent a trigger from occurring,
    - 5. Providing the child contact information of safe adults and supports and ensuring the child has strategies to get to safety, and
    - 6. Defining the responsibilities of team members in the event a child exhibits unsafe behavior.
  - (ix) Meaningfully involving children in planning and decision-making.”<sup>50</sup>

B. [Identify the circumstances that require an Immediate Crisis MDT]

- i. *Example:* “The following circumstances require an immediate response by the parties below:
- (i) Child Welfare’s Child Protection Hotline suspects or confirms that a child is the victim of sexual exploitation or sex trafficking and there is an immediate safety concern,
  - (ii) Law enforcement interact with a child they suspect or identify is a victim of commercial sexual exploitation and there is an immediate safety concern,
  - (iii) Emergency response social worker assigned to a child abuse and neglect case suspects or confirms that a child is the victim of sex trafficking and

Few counties have an Immediate Crisis MDT in place. The LA First Responder Protocol triggers an MDT response within 90 minutes upon identification and supports the child through the first 72 hours

Although CW is required to respond within 24 hours when there is an imminent safety risk to the child, the AT recommends a more expeditious response of 2 hours

Safety planning is a critical part of the response. See e.g., LA’s First Responder Protocol Safety Plan: [tinyurl.com/LA1stResp](https://tinyurl.com/LA1stResp)

As an alternative to delineating circumstances or scenarios, counties may want to identify specific criteria, similar to those used in a Structured Decision Making tool, to trigger the initiation of an Immediate Crisis MDT

<sup>47</sup> See *infra* Section VI.A.1, p. 16 (the Immediate Crisis response involves both a rapid response, beginning within 2 hours of identification, and continuing through the first 72 hours of identification.).

<sup>48</sup> See CAL. CHILD WELF. COUNCIL, CSEC ACTION TEAM, HOLISTIC NEEDS OF COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (2015) (on file with the CSEC Action Team) [hereinafter HOLISTIC NEEDS].

<sup>49</sup> See WELF. & INST. § 18964(b) (“The caregiver of the child and, in the case of an Indian child, the child’s tribe shall be permitted to provide information about the child to the multidisciplinary personnel team that will be considered by the team and to attend meetings of the multidisciplinary personnel team, as deemed appropriate by the team, without becoming a member of the team.”).

<sup>50</sup> See PROTOCOL FRAMEWORK, *supra* note 17, at 5.

there is an immediate safety concern, and/or

- (iv) Medical professional treats a child in the emergency room and suspects or confirms the child is a victim of sex trafficking.”

C. Identify the parties required to participate in the Immediate Crisis MDT:

- i. *Example:* “The following agencies are required to provide an immediate crisis response:
  - (i) Law enforcement
  - (ii) Child Welfare, provided there is a basis for jurisdiction
  - (iii) Probation, provided jurisdiction exists
  - (iv) CSEC Advocate
  - (v) Department of Public Health
  - (vi) Department of Mental Health
  - (vii) Child
  - (viii) Family (if appropriate).”

D. Define specific responsibilities for each agency under the Immediate Crisis MDT.

- i. *Example:* “The responsibilities for each party participating in the Immediate Crisis MDT are as follows:

- (i) Child Welfare Department:
  - 1. Child Protection Hotline:
    - a. Receive calls regarding suspected abuse and neglect,
      - i. Follow internal protocols
    - b. Discern whether an allegation may involve commercial sexual exploitation, and
    - c. If suspected or confirmed commercially sexually exploited child:
      - i. **[Document alleged CSEC referral using Special Project Code,]**
      - ii. Determine the speed of the response, either Immediate Crisis or Initial MDT,
      - iii. Determine jurisdiction (either child welfare/probation/unknown), and
      - iv. Based on determination of jurisdiction, contact child welfare Emergency Response worker or Probation 24 hour response.
  - 2. Emergency Response/Investigative Unit
    - a. Respond to the child’s location/staging area within 2 hours when:
      - i. The child is a dependent pursuant to Welfare and Institutions Code Section 300,
      - ii. The child is dual-jurisdiction pursuant to Welfare and Institutions Code Section 241.1 and Child Welfare is the lead agency, and/or
      - iii. The child is not currently under the jurisdiction of any agency, but is alleged to be the victim of abuse, neglect, or exploitation.
    - b. **[Conduct child abuse investigation, and]**
    - c. Participate in the Immediate Crisis MDT to:
      - i. Decide on a temporary placement,
      - ii. Transport the child to the placement,
      - iii. Conduct a safety plan,
      - iv. Schedule a comprehensive medical/mental health evaluation with the Department of Public Health, and
      - v. Provide intensive supervision and support for 72 hours.
- (ii). Probation Department

Use SPC “S-CSEC Referral”  
to track all referrals alleging  
commercial sexual exploitation.  
*See ACL 16-74*

CW is responsible for conducting  
investigations into sexual  
exploitation regardless of whether  
the youth is currently under P  
jurisdiction

1. Response Unit
  - a. Respond to staging area within 2 hours when:
    - i. The child comes within the jurisdiction of the juvenile justice system pursuant to Welfare and Institutions Code Section 602, et seq., or
    - ii. The child is dual-jurisdiction pursuant to Welfare and Institutions Code Section 241.1 and Probation is the lead agency.
  2. Participate in the Immediate Crisis MDT to:
    - a. Decide on a temporary placement,
    - b. Transport the child to the placement,
    - c. Conduct a safety plan,
    - d. Schedule a comprehensive medical/mental health evaluation with Department of Public Health, and
    - e. Provide intensive supervision and support for 72 hours.
- (iii). CSEC Advocate
  1. Respond to staging area within 2 hours,
  2. Provide a humanitarian bag, which includes a change of clothes, hygiene products, snacks, water, a pen, and a journal,
  3. Engage the child and build rapport, and
  4. Participate in the Immediate Crisis MDT to:
    - a. Decide on a temporary placement,
    - b. Go to the decided upon placement,
    - c. Conduct a safety plan,
    - d. Schedule a comprehensive medical/mental health evaluation with the Department of Public Health, and
    - e. Provide intensive supervision and support for 72 hours.
- (iv) Department of Public Health
  1. Provide a comprehensive medical evaluation for every identified exploited child within 72 hours of identification, which should include, but is not limited to:
    - a. Coordinate appropriate responses and services to treat the victim, and
    - b. Provide information, services, and medication related to reproductive and sexual health, including access to contraceptives, HIV prophylaxis, and treatment for STIs/STDs to children who have been sexually exploited.
- (v) [Child].”
2. Describe what Immediate Crisis MDT members will communicate to the child regarding information sharing, confidentiality, and access to records at the start of the meeting and periodically during the course of the meeting. Identify which agency will be responsible for providing the child with this information and when it will be provided.

CSEC Advocates are community-based providers who have received extensive training in the dynamics of exploitation and utilize promising strategies in engaging CSEC. Some counties may not have the resources to fund new advocacy organization. In this case, counties may elect to train community-based providers that have existing funding streams, such as sexual assault response teams, to serve this role

MDT members should be sure to keep LGBTQ children’s SOGIE confidential, unless authorized by the child to disclose it to other MDT members. A child who discloses their SOGIE to one provider may not want that information shared with other providers

Use “Script” recommendation on pg. 12

#### D. Initial Multidisciplinary Team

1. Not all children who are suspected or identified victims of sexual exploitation or trafficking will be in imminent danger and require an Immediate Crisis response. For these non-urgent situations, the parties agree to coordinate and participate in an Initial MDT.

##### A. Describe the purpose of the Initial MDT.

- i. *Example:* "The Initial MDT is designed to engage the child within 10 days, introduce the child to team members, assess the child, coordinate treatment and services, and plan for safety in non-urgent situations, including:
  - (i) Assembling within 10 days, a team of individuals connected to the child's life to plan for the child's placement, safety, and well-being,
  - (ii) Orienting the child and family to the multidisciplinary teaming approach
  - (iii) Providing individual case-by-case collaboration with multiple child-serving agencies,
  - (iv) Engaging with child and family/caregiver(s), if appropriate
  - (v) Ensuring basic needs are met such as food, shelter, and clothing,
  - (vi) Assessing and addressing immediate and long-term needs,<sup>51</sup>
  - (vii) Coordinating the service plan with the child's input to achieve desired outcomes for individual children,
  - (viii) Advising on appropriate placement,
  - (ix) Conducting safety plan once at the placement with parent/guardian/caregiver<sup>52</sup>
    1. Ascertaining the potential safety risks for the child, the family, the providers,
    2. Identifying trauma triggers that may cause a child to engage in unsafe behavior such as substance use or returning to exploiter/the streets,
    3. Listing coping skills the child can use to de-escalate,
    4. Deciding on steps team members will take to prevent a trigger from occurring,
    5. Delineating and documenting responsibilities of team members in the event a child exhibits unsafe behavior.
  - (x) Meaningfully involving child in planning and decision-making."<sup>53</sup>

##### B. Identify the circumstances that require an Initial MDT.

- i. *Example:* "An Initial MDT is an appropriate response when there is not an immediate safety risk, but when an adult suspects or identifies that a child is commercially sexually exploited.
  - (i) A child discloses to an adult (e.g., social worker, clinician, teacher) that he/she/they is trading sex for food/shelter/clothing,
  - (ii) A child discloses to an adult (e.g., doctor, probation officer) that someone is forcing him/her/them to have sex and turn over the profit, or
  - (iii) A child discloses to an adult (e.g., doctor, probation officer) that he/she/they is trading sex to support a drug habit."

##### C. Identify the required members of the Initial MDT.

- i. *Example:* "The following parties are required to participate in the Initial MDT.
  - (i) Child Welfare Department
  - (ii) Probation Department
  - (iii) Specially-trained CSEC Advocate

The AT recommends that the Initial MDT convene within 10 days to correspond with the timeframe required to investigate allegations of child abuse and neglect that do not present imminent danger

Most counties already have MDT structures in place that could be leveraged to meet the purpose of an Initial MDT. If the composition of the team varies at the different stages of the MDT response, then the legal authority to share information will vary as well

<sup>51</sup> See HOLISTIC NEEDS, *supra* note 48.

<sup>52</sup> See WELF. & INST. § 18964(b).

<sup>53</sup> See PROTOCOL FRAMEWORK, *supra* note 17, at 5.

- (iv) Department of Public Health
  - (v) Mental Health Department
  - (vi) Substance Abuse
  - (vii) Department of Health Services
  - (viii) Child
  - (ix) Parents/Guardians, if appropriate
  - (x) Children's Dependency Attorney/District Attorney/Public Defender."
- D. Define specific responsibilities for each agency under the Initial MDT.
- i. *Example: "The responsibilities of each party participating in the Initial MDT are as follows:*
    - (i) Child Welfare Department:
      - 1. Child Protection Hotline:
        - a. Receive calls regarding suspected abuse and neglect,
          - i. Follow internal protocols
        - b. Discern whether an allegation may involve commercial sexual exploitation, and
        - c. If suspected or confirmed commercially sexually exploited child:
          - i. Determine the speed of the response, either Immediate Crisis or Initial MDT
          - ii. Determine jurisdiction (either child welfare/probation/unknown), and
          - iii. Based on determination of speed and jurisdiction, assign investigator to respond within 10 days.
        - d. Notify Initial MDT parties regarding the case
        - e. Schedule MDT with Initial MDT parties within 10 days
      - 2. Investigative Unit
        - a. Conduct child abuse investigation within 10 days when:
          - i. The child is a dependent pursuant to Welfare and Institutions Code Section 300,
          - ii. The child is dual-jurisdiction pursuant to Welfare and Institutions Code Section 241.1 and Child Welfare is the lead agency, and/or
          - iii. The child is not currently under the jurisdiction of any agency, but is alleged to be the victim of abuse, neglect, or exploitation.
        - b. Participate in the Initial MDT to:
          - i. Decide on a temporary placement,
          - ii. Transport the child to the placement,
          - iii. Conduct a safety plan,
          - iv. Schedule a comprehensive medical/mental health evaluation with the Department of Public Health.
    - (ii) Community-based provider:
      - 1. Participate in the Initial MDT to:
        - a. Weigh in on an appropriate temporary placement,
        - b. Engage in safety planning, and
        - c. Identify and connect child with community-based supports."
2. Describe what will be communicated to the child regarding information sharing, confidentiality, and access to records at the start of the Initial MDT and periodically during the course of the meeting. Identify which agency will be responsible for providing the child with this information and when it will be provided.

"Script" recommendation on  
pg. 12

## E. Ongoing Multidisciplinary Team

1. The parties agree that children who are identified victims of sexual exploitation or trafficking require ongoing multidisciplinary team support to monitor the children and ensure their unique needs are adequately addressed through an individualized case plan.

Unlike the individualized model which focuses on a single child, a case review model discusses multiple children's cases at one time and includes all partners at the table to weigh in on each child's case plan. In this model, the children and families are not typically participants. Instead, advocates and representatives gather information from children and families in advance to provide to the MDT during the meeting. The AT recommends an individualized Ongoing MDT.

The examples contained throughout this section only pertain to an individualized Ongoing MDT

- A. Describe the purpose of the Ongoing MDT and whether the MDT is individualized or part of a case review model.
  - i. *Example:* "Hold individualized, Ongoing MDT meetings with each child identified as commercially sexually exploited to monitor and support the child and their family as the child stabilizes, including:
    - (i) Identifying the reason for calling the meeting,
    - (ii) Further refining the case plan of the child
    - (iii) Discussing strategies for addressing the issue (if any), and
    - (iv) If necessary, completing the following:
      1. Discuss potential changes in placement, and
      2. Review and amend safety plan."
- B. Identify the circumstances that trigger Ongoing MDT meetings.
  - i. *Example:* "In addition to the statutorily required contact that parties have with children under their jurisdiction, an individualized, Ongoing MDT meeting for an identified CSEC should occur under the following circumstances including, but not limited to:
    - (i) Once a month,
    - (ii) When a child runs away from placement/home/shelter, and
    - (iii) When a child prepares to testify in court case against exploiter/purchaser."
- C. Identify the parties required to participate in the Ongoing MDT:
  - i. *Example:* "The following parties are required to participate in the Ongoing MDT.
    - (i) Child Welfare Department
    - (ii) Probation Department
    - (iii) Specially-trained CSEC Advocate
    - (iv) Department of Public Health
    - (v) Law enforcement
    - (vi) Department of Public Health – Behavioral Health
    - (vii) Child
    - (viii) Parents/Guardians
    - (ix) Children's Dependency Attorneys
    - (x) Public Defender
    - (xi) District Attorney
    - (xii) Law enforcement."
- D. Define specific responsibilities for each agency under the Ongoing MDT:
  - i. *Example:* "The responsibilities for each party participating in the individualized, Ongoing MDT are as follows:

Content will vary based on whether Ongoing MDTs are structured as individualized MDTs as compared to case review MDTs that address multiple CSEC cases at once



- (i) Child Welfare:
  - 1. [Serve as the lead agency],
  - 2. Schedule and assemble the other team members when one of the circumstances above occurs,
  - 3. Appoint someone to facilitate the meeting,
  - 4. Consult the child as to whether they want to participate, and
  - 5. Discuss and refine the ongoing plan.
- (ii) Department of Mental Health:
  - 1. Ensure participation of clinician working with the child and family,
  - 2. Assess whether there are any new mental health needs,
  - 3. Develop a plan to meet those needs and continue to monitor existing needs, and
  - 4. Adapt safety plan based on any new trigger that the child and team members identify."
- 2. Describe what will be communicated to the child regarding information sharing, confidentiality, and access to records at the start of the Ongoing MDTs and periodically during the course of the meetings. Identify which agency will be responsible for providing the child with this information and when it will be provided.

While CW is not required to serve as a lead agency for the MDTs, it will likely have primary or exclusive jurisdiction over the majority of cases, therefore counties should consider having CW assume responsibility for convening the Ongoing MDTs

"Script" recommendation on pg. 12

## VII. Training

### A. CSEC protocol training

- 1. In order to ensure effective implementation of the provisions outlined above, County agrees to develop and implement training for all relevant parties. This training will be specific to the roles and responsibilities delineated in this MOU. It will cover the identification, documentation, and determination of appropriate services for children receiving child welfare services.<sup>54</sup> Provide a detailed description of the training.
  - A. *Example:* "The following parties must participate in the CSEC protocol trainings: Provide a detailed description of who is required to participate.
    - i. **Child Welfare**
      - (i) Emergency responses investigators
      - (ii) Case carrying social workers
      - (iii) Child abuse hotline workers
      - (iv) Supervisors
    - ii. **Probation**
      - (i) Juvenile hall and probation services intake staff
      - (ii) Case carrying probation officers, including placement probation officers and supervisors
    - iii. Other parties to the MOU."
  - B. Provide other specifics, such as: who will develop the curriculum, how internal protocols will be included, how the curriculum will be modified to reflect changes made to the protocol, who will host the trainings, how often trainings will take place, how often parties will have to take training, and how county will track and report attendance at trainings.

SB 794 mandates this training for SW/POs, but does not specify which staff to include. At a minimum, individuals who have a role in identification, documentation, determination of services, and the MDTs should receive this protocol-specific training

<sup>54</sup> CAL. PENAL CODE § 16501.35(a)(4).

## B. Other trainings

1. County also agrees to provide additional CSEC trainings for a broader audience on topics not specific to the procedures itemized in this MOU. Provide a detailed description of additional trainings including their content, audience, and accessibility.
  - A. For example, "County will also organize trainings for the following:
    - i. Parties to this agreement
      - (i) **[CSEC 101: Identification and Awareness]**
      - (ii) **[CSEC 102: Engagement and MDTs]**
      - (iii) Training on interacting with LGBTQ children in an inclusive and affirming manner
    - ii. Children in foster care and juvenile hall
      - (i) *Word on the Street: Educating and Empowering Young Women and Girls*
    - iii. Public school pupils
      - (i) Included as part of the sexual education curriculum<sup>55</sup>
    - iv. Placement providers (e.g., resource families and STRTC providers) as part of their licensing agreements
      - (i) **[CSEC 101: Identification and Awareness]**
      - (ii) Training on County's Runaway/Missing Children Protocols

## VIII. Long-term Support and Stabilization

- A. Describe the collaborative, long-term support the parties will provide to identified CSEC and at risk children, including, but not limited to, referrals to services, connections with stable and supportive adults, and linkages to legal service providers to address civil legal issues.

## IX. Information Sharing and Confidentiality

- A. Describe agreements that these parties have reached regarding:
  1. How information will be shared and used by the parties in a manner that complies with state and federal laws, and ethical considerations governing confidentiality, including re-disclosure and privilege, and that does not violate the child's due process rights as respondents or defendants in delinquency, criminal, summary offense, status offense, and child welfare cases, including their rights against self-incrimination.

## X. General Provisions

- A. Describe general terms and provisions including, but not limited to Public and Media Disclosure, Changes to the MOU, and Termination of the MOU.

In witness whereof the parties hereto have executed this Memorandum of Understanding. Where applicable the undersigned state that this Memorandum of Understanding has been reviewed by their legal counsel and such legal counsel has approved the MOU as to form and legality.

CHILD WELFARE AGENCY OF COUNTY

/s/ \_\_\_\_\_  
Director of Child Welfare Date

JUVENILE COURT OF COUNTY

/s/ \_\_\_\_\_  
Presiding Judge Date

PUBLIC DEFENDER'S OFFICE OF COUNTY

/s/ \_\_\_\_\_  
Chief Public Defender Date

<sup>55</sup> S.B. 1165, 2013-2014 Leg. (Cal. 2014) (enacted) (authorizing school districts to provide sex abuse and trafficking prevention education).

CDSS and CWDA agree that all SW/POs should receive CSEC 101 training, which is also available online at [tinyurl.com/CalSWECToolkit](http://tinyurl.com/CalSWECToolkit)

The AT recommends that this training include participants from each of the MDT agencies to establish collective ownership of the process, build relationships, and identify gaps or issues with the MDT response. This will allow the agencies to understand each other's roles and responsibilities

This training is provided by the California Community Colleges Chancellor's Office, and has been adapted specifically for placement providers

This section should cover any CSEC-specific responses, recognizing that the long-term support and stabilization offered to all system-involved children will benefit CSEC

DISTRICT ATTORNEY'S OFFICE OF COUNTY

/s/ \_\_\_\_\_  
District Attorney Date

PROBATION DEPARTMENT OF COUNTY

/s/ \_\_\_\_\_  
Chief Juvenile Probation Officer Date

DEPARTMENT OF PUBLIC HEALTH OF COUNTY

/s/ \_\_\_\_\_  
Director of Agency Date

[DEPARTMENT OF MENTAL HEALTH OF COUNTY]

/s/ \_\_\_\_\_  
Director of Agency Date

SUBSTANCE ABUSE AGENCY OF COUNTY

/s/ \_\_\_\_\_  
Director of Agency Date

PRIVATE TREATMENT AGENCY NAME HERE

/s/ \_\_\_\_\_  
Director of Agency Date

COUNTY OFFICE OF EDUCATION HERE

/s/ \_\_\_\_\_  
Superintendent Date

OTHER AGENCIES LISTED HERE

/s/ \_\_\_\_\_  
Director of Agency Date

[Appendices to be included with MOU]:

- Include a glossary of terms, acronyms and/or abbreviations used in this document.
- Attach copies of any screening tools referenced in this document.
- Attach copies of any assessment/evaluations instruments referenced in this document.
- Attach copies of sample reports generated by any screening and/or assessment instruments or processes referenced in this document.
- Attach text of any applicable federal and state laws and regulations regarding the maintenance, disclosure and/or uses of information and statements obtained consequent to the processes described in this document.
- Attach copies of the SB 794 cheat sheets for social workers and probation officers that have been adapted to reflect the county's protocols.

Department of Mental Health may be referred to as Department of Behavioral Health or may be a sub-department of the Department of Public Health

Below are some of the suggested items to attach to the MOU

Find these tools in the MOU Template Appendix

Counties should adapt this cheat sheet to match local protocols before sharing with SWs

## SB 794: Social Worker Requirements

*Below are the requirements of the federal Preventing Sex Trafficking and Strengthening Families Act (PL. 113-183) or SB 794. These include provisions related to (1) commercially sexually exploited children (CSEC) as well as (2) missing and runaway children, who are highly vulnerable to exploitation. Unlike this document, the MOU Template does not incorporate the missing and runaway provisions.*

### (1) CSEC PROVISIONS:<sup>56</sup>

#### Social workers must identify both:

“Child receiving child welfare services” and “at risk” defined on pg. 4

1. Commercially sexually exploited<sup>57</sup> children (CSEC) who are receiving child welfare services, and
2. Children at-risk<sup>58</sup> of commercial sexual exploitation (CSE) who are receiving child welfare services.

#### Once identified....

- Report to Law Enforcement children who:
  - Receive child welfare services AND
  - Are identified as CSEC
- Report to Law Enforcement children who:
  - Receive child welfare services,
  - Are suspected to be CSEC or at-risk for CSE, AND
  - Have gone missing or been abducted
- Report to the National Center for Missing and Exploited Children (NCMEC) children who:
  - Receive child welfare services,
  - Are suspected to be CSEC or at-risk for CSE, AND
  - Have gone missing or been abducted

#### Once reported....

- [Document referral of alleged commercial sexual exploitation using the Special Project Code]
- Document the child’s status using the CSEC Data Grid in the Client Management Section of CWS/CMS.<sup>59</sup> Select whether the child:
  - Is **at risk** of becoming a victim of CSE
  - Was a victim of CSE **before** entering foster care
  - Became a victim of CSE **during** foster care
  - Was **missing, ran away, or was otherwise absent from care** and was CSE during the time away from placement
  - Is CSE but is **not in foster care**
  - Is CSE and is **receiving ILP** services

#### Once documented....

- Determine appropriate services for the child

*All social workers must receive relevant training in the identification, documentation, and determination of appropriate services for CSEC and at-risk children as outlined in the county’s MOU.*

Assign the “S-CSEC Referral” SPC an end date once the referral is investigated (ACL 16-74) and select from the CSEC Grid if appropriate (ACL 16-49)

When the Child Protection Hotline receives reports of alleged exploitation, the AT recommends that hotline workers ask questions related to these data fields to capture accurate information

<sup>56</sup> CAL. WELF. & INST. CODE § 16501.35(a); CAL. WELF. & INST. CODE § 16501.45; CAL. PENAL CODE § 11666(j)(1-3).

<sup>57</sup> CAL. WELF. & INST. CODE § 300(b)(2)

<sup>58</sup> See ACL 16-49.

<sup>59</sup> *Id.*

## (2) MISSING AND RUNAWAY PROVISIONS:<sup>60</sup>

### Social workers must:

#### **[Locate the child missing from care by....]**

- Following county protocols which specify the following:
  - Timeframe for reporting the missing child,
  - Individuals or entities required to notice the child is missing,
  - Initial and ongoing efforts to locate the child, and
  - Process for returning the child to placement.

"Child receiving child welfare services" and "missing" defined on pg. 4

Refer to ACL 16-15. Counties should fill in this section with specifics from their missing/runaway protocol

#### **Once the child is recovered....**

- Determine the primary factors that contributed to the child running away or being absent from care
- Respond to factors identified above in subsequent placements, to the extent possible
- Determine the child's experiences while absent from care
- [Determine whether the child is a possible victim of CSE]
- Document the activities and information described above for federal reporting purposes, consistent with instructions from the department

The AT recommends each county develop a checklist to ensure that each of these requirements is fulfilled and documented within a defined timeline.

The AT recommends that CW utilize a screening tool (e.g., CSE-IT) to identify whether a child is a possible CSEC victim

#### **If identified as CSEC....**

- Follow CSEC protocols for reporting, documentation, and service provision

<sup>60</sup> CAL. WELF. & INST. CODE § 16501.35(b).

Counties should adapt this cheat sheet to match local protocols before sharing with POs

The AT recommends that all children under P jurisdiction, regardless of whether they are receiving CW services, should be identified, reported, and documented.

For P purposes, "CW services" includes wraparound services or services for Title IV-E candidates. Defined on pg. 4

"Child receiving child welfare services" and "at risk" defined on pg. 4

P must cross report any instances of CSEC to CW, as well as to the DA's office and law enforcement, since in most, if not all counties, CW has the responsibility for investigating allegations of child abuse

When reporting an allegation of exploitation to the child protection hotline, be sure to indicate details that will assist hotline workers in collecting this data

## SB 794: Probation Officer Requirements

*Below are the requirements of the federal Preventing Sex Trafficking and Strengthening Families Act (PL. 113-183) or SB 794. These include provisions related to (1) commercially sexually exploited children (CSEC) as well as (2) missing and runaway children, who are highly vulnerable to exploitation. Unlike this document, the MOU Template does not incorporate the missing and runaway provisions.*

### (1) CSEC PROVISIONS:<sup>61</sup>

#### [Probation officers must identify both]:

1. Commercially sexually exploited<sup>62</sup> children (CSEC) who are receiving child welfare services, and
2. Children at-risk<sup>63</sup> of commercial sexual exploitation (CSE) who are receiving child welfare services.

#### [Once identified....]

- Report to Law Enforcement children who:
  - Receive child welfare services AND
  - Are identified as CSEC
- Report to Law Enforcement children who:
  - Receive child welfare services,
  - Are suspected to be CSEC or at-risk for CSE, AND
  - Have gone missing or been abducted
- Report to the National Center for Missing and Exploited Children (NCMEC) children who:
  - Receive child welfare services,
  - Are suspected to be CSEC or at-risk for CSE, AND
  - Have gone missing or been abducted

#### Once reported....

- Document the child's status using the CSEC Data Grid in the Client Management Section of CWS/CMS.<sup>64</sup> Select whether the child:
  - Is **at risk** of becoming a victim of CSE
  - Was a victim of CSE **before** entering foster care
  - Became a victim of CSE **during** foster care
  - Was **missing, ran away, or was otherwise absent from care** and was CSE during the time away from placement
  - Is CSE but **is not in foster care**
  - Is CSE and is **receiving ILP** services

#### Once documented....

- Determine appropriate services for the child

*All probation officers must receive relevant training in the identification, documentation, and determination of appropriate services for CSEC and at-risk children as outlined the county's MOU.*

<sup>61</sup> CAL. WELF. & INST. CODE § 16501.35(a); CAL. WELF. & INST. CODE § 16501.45; CAL. PENAL CODE § 11666(j)(1-3).

<sup>62</sup> CAL. WELF. & INST. CODE § 300(b)(2)

<sup>63</sup> See ACL 16-49.

<sup>64</sup> *Id.*

## (2) MISSING AND RUNAWAY PROVISIONS:<sup>65</sup>

### Probation officers must:

#### **[Locate the child missing from care by....]**

- Following county protocols which specify the following:
  - Timeframe for reporting the missing child,
  - Individuals or entities required to notice that the child is missing,
  - Initial and ongoing efforts to locate the child, and
  - Process for returning the child to placement.

"Child receiving child welfare services" and "missing" defined on pg. 4

Refer to ACL 16-15. Counties should fill in this section with specifics from their missing/ runaway protocol

#### **Once the child is recovered ....**

- Determine the primary factors that contributed to the child running away or being absent from care
- Respond to factors identified above in subsequent placements, to the extent possible
- Determine the child's experiences while absent from care
- [Determine whether the child is a possible victim of CSE]
- Document the activities and information described above for federal reporting purposes, consistent with instructions from the department

The AT recommends each county develop a checklist to ensure that each of these requirements is fulfilled and documented within a defined timeline

#### **If identified as CSEC....**

- Follow CSEC protocols for reporting, documentation, and service provision

The AT recommends that P utilize a screening tool (e.g., CSE-IT) to identify whether a child is a possible CSEC victim

<sup>65</sup> CAL. WELF. & INST. CODE § 16501.35(b).