



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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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

April 7, 2015

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-23-15

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL COUNTY PROBATION OFFICERS  
 ALL COUNTY CONSORTIUM PROJECT MANAGERS  
 ALL COUNTY BOARDS OF SUPERVISORS  
 ALL COUNTY TREASURERS  
 ALL COUNTY CHILD WELFARE DIRECTORS  
 ALL CHIEF PROBATION OFFICERS  
 ALL FOSTER CARE MANAGERS  
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS  
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS

SUBJECT: **COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC)  
 MODEL INTERAGENCY PROTOCOL FRAMEWORK**

REFERENCES: SENATE BILL (SB) 855, CHAPTER 29, STATUTES OF 2014;  
 CALIFORNIA STATE BUDGET SUMMARY 2014-15; ACL 14-62;  
 CFL 14-15-25; CFL 14-15-32; CFL 14-15-23.

The purpose of this All County Information Notice (ACIN) is to assist counties in serving Commercially Sexually Exploited Children (CSEC). Specifically, this ACIN contains the CSEC Model Interagency Protocol Framework (Model Framework), guidance that counties may utilize when developing their own interagency protocol.

Recent legislation (SB 855, Chapter 29, Statutes of 2014) amended the Welfare and Institutions Code (W&IC) Section 300 to clarify that under existing law, commercially sexually exploited children whose parents or guardians failed or were unable to protect them may fall within the description of 300(b) and be adjudged as dependents of the juvenile court. The Legislature also amended the W&IC (commencing with Section 16524.6) to establish a state-funded county CSEC Program to be administered

by the California Department of Social Services (CDSS). During State Fiscal Year 2014-15, counties may opt into the Program by developing interagency protocols to serve children who have been commercially sexually exploited. These protocols must be developed by a team led by a representative of the county human services department and must include representatives from county probation, county mental health, county public health and the juvenile court, and may include others such as local education agencies, local law enforcement, survivors of sexual exploitation and trafficking, and other providers as necessary. Other providers can also include, but are not limited to, advocates such as children's attorneys, court-appointed special advocates, and direct service providers.

A collaborative, interagency approach is necessary to address the complex needs of commercially sexually exploited children. Protocols are a tool to establish interagency roles, responsibilities, and procedures for identifying, assessing, and serving commercially sexually exploited children, and as such are recommended for all counties whether or not they elect to opt-in to the CSEC Program in the current fiscal year.

In addition, on September 29, 2014 the President signed Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act to Benefit Children and Youth. This new federal law contains several provisions relating to sex-trafficked children, including a requirement that agencies develop policies and procedures for identifying, documenting, and determining appropriate services for serving youth who the State has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking. The federal law further requires that these policies and procedures be developed in consultation with law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk youth. Additional information regarding the new federal law and other CSEC provisions will be provided in future letter(s).

The CSEC Model Interagency Protocol Framework (Model Framework), and accompanying background documents that are attached to this letter were prepared by the California Child Welfare Council's Commercially Sexually Exploited Children Action Team (CSEC AT), whose goal is to develop a coordinated, interagency approach to ensure that children who are commercially sexually exploited and children at-risk of becoming exploited are identified, protected, and receive the services they need to overcome trauma and thrive. The Model Framework and its supporting documents are the result of the collaboration of numerous agencies and partners and are informed by state and national promising practices for serving this population. It provides guiding principles for counties to develop their own protocols to serve commercially sexually exploited children, and guidance on forming an interagency steering committee, establishing a structure for individualized multidisciplinary teams for identified CSEC, and defining the responsibilities of each agency participating in the county's interagency

protocol. CDSS encourages all counties to consider the CSEC AT's Model Interagency Protocol Framework when developing their own protocol.

The CSEC AT is also in process of developing a second set of documents that builds and expands on the Model Framework. This second package, the CSEC Practice Guidance Toolkit (Toolkit), will build on the Model Framework by providing more detailed and concrete guidance on each agency's roles and responsibilities as they relate to coordinated case management, service planning, data and information sharing, promising practices and services for CSEC, and multidisciplinary teaming on a case-by-case basis. The Toolkit will also contain a template memorandum of understanding that counties may use to draft their interagency protocols to opt into the CSEC Program. It is expected that this Toolkit will be released in the spring of 2015.

In addition, CDSS will be issuing a future letter(s) that will outline the statutory requirements for opting into the SB 855 CSEC Program. CDSS anticipates the release of one more letters in the spring of 2015.

If you have any additional questions, please call the Child Welfare Policy and Program Development Bureau at (916) 651-6160.

Sincerely,

***Original Document Signed By:***

KEVIN GAINES, Chief  
Child Protection and Family Support Branch

c: CWDA

Attachments



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TO PROTECT  
EXPLOITED CHILDREN**

# Background & Purpose

## Background and Problem

Within the United States, California has emerged as a magnet for commercial sexual exploitation (“CSE”) of children (“CSEC”). The FBI has determined that three of the nation’s thirteen High Intensity Child Exploitation areas are located in California: San Francisco, Los Angeles, and San Diego metropolitan areas.<sup>1</sup> Child sex trafficking, child pornography, and child sex tourism are all forms of CSEC, and are a problem both domestically as well as internationally.<sup>2</sup> Frequently, victims are exploited through more than one form of abuse, and often cycle through the stages of exploitation many times before they are able to leave their exploitative relationships, similar to domestic or intimate partner violence situations.<sup>3</sup> A majority of identified victims of commercial sexual exploitation have current or former involvement in the child welfare system due to emotional, physical and/or sexual abuse. This history of abuse makes children more vulnerable to exploitation.<sup>4</sup> Due to their prior abuse and their exploitation, CSEC have a range of needs falling under the missions of multiple agencies, such as physical health, mental health, substance abuse, and education.

Unfortunately the primary way we currently identify and serve CSEC in California is through contact with the juvenile or criminal justice systems, such as an arrest for solicitation, loitering, or a related offense. The punitive approach, through the juvenile or criminal justice systems, to identify CSEC and connect them to services often does not address the holistic needs of the victim. Without a collaborative approach, the services and supports are often disjointed and may lead to a duplication of efforts, or worse, a situation in which CSEC fall through the cracks between systems.

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<sup>1</sup> U.S. DEPT. OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION’S EFFORTS TO COMBAT CRIMES AGAINST CHILDREN, AUDIT REPORT 09-08 70 (2009) available at <http://www.justice.gov/oig/reports/FBI/a0908/final.pdf>.

<sup>2</sup> U.S. DEPT. OF JUSTICE. COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN/SEX TRAFFICKING 1 (2014), available at <http://www.ojjdp.gov/mpg/litreviews/CSECSexTrafficking.pdf>;

INSTITUTE OF MEDICINE. CONFRONTING COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE UNITED STATES 401-406 (2013) available at <http://www.iom.edu/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx>.

<sup>3</sup> WESTCOAST CHILDREN’S CLINIC, RESEARCH TO ACTION: SEXUALLY EXPLOITED MINORS (SEM) NEEDS AND STRENGTHS 11-12 (2012), available at [http://www.westcoastcc.org/wp-content/uploads/2012/05/WCC\\_SEM\\_Needs-and-Strengths\\_FINAL.pdf](http://www.westcoastcc.org/wp-content/uploads/2012/05/WCC_SEM_Needs-and-Strengths_FINAL.pdf). (indicating that trauma bonding makes it easier for the victim to cope with the abuse, but makes it more difficult for providers to help them; victims will often “make accommodations to the ongoing abuse and resist others’ attempts to free them from the abuse.”).

<sup>4</sup> Girls Educational & Mentoring Services, Research & Resources, <http://www.gems-girls.org/about/research-resources>. (last visited Dec. 30, 2014) (“70–90% of commercially sexually exploited children have a history of child sexual abuse.”).



## **California Child Welfare Council CSEC Action Team**

In 2011, a group of organizations and providers highlighted this problem to the California Child Welfare Council (“CWC”).<sup>5</sup> CWC released the workgroup’s report in 2013, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*,<sup>6</sup> which provided context about CSEC and made recommendations to the CWC on how California should respond to the problem. In response, the CWC partnered with several member and outside organizations in 2013 to form the Commercially Sexually Exploited Children Action Team (“CSEC Action Team”) to further explore the issue of domestic CSEC in California, identify promising prevention and intervention practices, and make recommendations to the State on how to better address the problem. During the year since the CSEC Action Team’s inception, awareness of CSEC and the intersection between child sex trafficking and the child welfare system has increased dramatically.<sup>7</sup> The CSEC Action Team continues to conduct state and national research to develop guidance on coordinated, interagency approaches to ensure that CSEC and children at-risk of becoming CSEC are identified, protected, and receive the services they need to overcome trauma and thrive.

## **Recent Legislative Changes and Opportunities**

In response to the growing acknowledgment that CSEC are victims of child sexual abuse, California’s Governor and Legislature took several important steps in June of 2014, which include:

1. Clarifying existing law to ensure CSEC can be served through child welfare as victims of child abuse and neglect.<sup>8</sup>
2. Creating a Commercially Sexually Exploited Children Program (“CSEC Program”) to effectively serve identified and at-risk CSEC through a coordinated, interagency approach to case management, service planning, and provision of services.<sup>9</sup>
3. Appropriating an initial \$5 million to train child-serving agency staff and develop interagency protocols, and \$14 million annually thereafter to provide services outlined in the CSEC Program.<sup>10</sup>

<sup>5</sup> Cal. Welf. & Inst. Code §§ 16540-16545 (establishing the Council and indicating it is an “advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems.”); CALIFORNIA HEALTH & HUMAN SERVICES AGENCY, CALIFORNIA CHILD WELFARE COUNCIL, <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>.

<sup>6</sup> WALKER, K. CALIFORNIA CHILD WELFARE COUNCIL, ENDING THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN: A CALL FOR MULTI-SYSTEM COLLABORATION (2013) available at [http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System\\_Collaboration-in-CA.pdf](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf).

<sup>7</sup> Lynsey Clark, *There is No Such Thing as a Child Prostitute*, EAST BAY EXPRESS, July 2, 2014, <http://www.eastbayexpress.com/oakland/there-is-no-such-thing-as-a-child-prostitute/Content?oid=3998333>; Don Knabe, *There’s no such thing as a ‘child prostitute,’* L.A. TIMES, Oct, 13, 2014, <http://www.latimes.com/opinion/readersreact/la-le-1014-tuesday-children-sex-trade-20141014-story.html>; Malika Saada Saar, *There is no such thing as a child prostitute*, THE WASHINGTON POST, February 17, 2014, [http://www.washingtonpost.com/opinions/there-is-no-such-thing-as-a-child-prostitute/2014/02/14/631ebd26-8ec7-11e3-b227-12a45d109e03\\_story.html](http://www.washingtonpost.com/opinions/there-is-no-such-thing-as-a-child-prostitute/2014/02/14/631ebd26-8ec7-11e3-b227-12a45d109e03_story.html).

<sup>8</sup> Cal. Welf. & Inst. Code § 300(b)(2) (“the Legislature finds and declares that 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, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.”).

<sup>9</sup> Cal. Welf. & Inst. Code § 16524.6.

<sup>10</sup> Cal. Dept. of Social Svcs., All County Letter 14-62, Commercially Sexually Exploited Children (CSEC) Program available at <http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2014/14-62.pdf>.



Starting in July 2015, counties across California will be eligible to participate in the CSEC Program. In order to draw down funds to pay for programming and services through the CSEC Program, each county must develop and submit:

- 1) An interagency plan<sup>11</sup> for serving CSEC that uses a multidisciplinary team (“MDT”) approach,<sup>12</sup> and
- 2) A proposal for how to spend the funds.<sup>13</sup>

Funding provided through the CSEC Program must be used for “prevention activities, intervention activities, and services to children who are victims, or at risk of becoming victims of commercial sexual exploitation.”<sup>14</sup>

The CSEC Action Team has and continues to produce resources to support counties that intend to participate in the CSEC Program. The CSEC Action Team prepared the **Model Interagency Protocol Framework** (“Model Framework”) and is in the process of completing the **CSEC Practice Guidance Toolkit** (“Toolkit”).

### **Model Interagency Protocol Framework**

The Model Framework incorporates the legal requirements of the CSEC Program set forth in statute. It also provides further guidance that counties may utilize on promising practices for serving CSEC based on research both within and outside of California. This type of guidance, although not required by law, has been beneficial for both the systems and the youth they serve in other jurisdictions. In addition, the Model Framework provides guidance to counties on forming an interagency steering committee, establishing a structure for individualized MDT meetings for each identified CSEC, and defining the responsibilities of each agency participating in the county’s interagency protocol.<sup>15</sup>

It is important for counties, as they develop their response, to avoid becoming sidetracked by focusing on the very small percentage of the CSEC population, specifically 1) those children who have parents capable of addressing their child’s needs as they relate to the child’s exploitation, and 2) the children who have engaged in serious and/or violent criminal behavior who must be served through the juvenile justice system because the public safety risk makes it impractical to serve the

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<sup>11</sup> Cal. Welf. & Inst. Code § 16524.8(a) (mandating that Child Welfare, Probation, Mental Health, Public Health, and the Juvenile Courts be involved in drafting the interagency protocol).

<sup>12</sup> Cal. Welf. & Inst. Code § 16524.8(b) (mandating that “At a minimum the interagency protocol *shall* address the provision of services to children who have been sexually exploited and are within the definition of Section 300, including, but not limited to, the use of a *multidisciplinary team* approach to provide coordinated case management, service planning, and services to children.”) (emphasis added).

<sup>13</sup> Cal. Welf. & Inst. Code § 16524.7(d); Cal. Welf. & Inst. Code § 16524.8(a) (noting that the protocol *must* be developed by a representative of the county human services department, probation, mental health, public health, and the juvenile court. Other representatives may be included in the process, including, local education, law enforcement, survivors of exploitation, and other providers.) (emphasis added).

<sup>14</sup> Cal. Welf. & Inst. Code § 16524.7(a)(4).

<sup>15</sup> Given each county’s unique needs and constraints, some counties may choose to pilot the protocol in a small area of the county initially, or may choose to provide individualized MDTs to a specific subset of the identified CSEC. Note that maintaining some consistency amongst protocols throughout the state will be beneficial in that exploiters are known to move CSEC from county to county. Further, general consistency amongst county protocols will provide some level of familiarity with the process and hopefully allow children to feel protected and cared for as they interact with agencies in multiple counties.





child in the child welfare system. While these children must be identified and offered appropriate services, it is important to remember that these two groups of children represent a small number of children in California. A majority of the identified victims of commercial sexual exploitation have a history of abuse or neglect and are disconnected from caring adults. The Model Framework provides guidance on how to address the needs of child victims of commercial sexual exploitation who require the support and services of the child welfare system and who may also be involved in the juvenile justice system. Their involvement with the juvenile justice system is often the result of being forced by their exploiter to engage in low-level offenses such as loitering, solicitation, possession and/or sale of drugs, and theft. In addition to the child welfare system, each county's probation department will be a key partner in identifying and serving CSEC. Many CSEC will become involved in probation for arrests that are not, on their surface, related to exploitation.<sup>16</sup> Thus probation's participation in drafting the protocol and serving on the MDTs is critically important.

### **Suggested Structure**

Below is an outline of the suggested structure counties may put in place and the responsibilities of each of these bodies.

#### *Steering Committee*

The Steering Committee is the body in each county responsible for overseeing the development and implementation of the CSEC interagency protocol. The Action Team suggests that the membership include both those agencies required by the CSEC Program<sup>17</sup> as well as other suggested agencies/partners to participate. In order to expeditiously make decisions and facilitate the development and implementation of the model framework, the head of each agency/entity/organization or his/her designee who is empowered to make decisions and speak on behalf of the agency should participate on the Steering Committee. This is intended to limit the number of duplicative meetings and ensure timely decision-making. The Steering Committee will be responsible for the following:

1. Developing the interagency protocol
2. Providing input to the county on how to utilize the funds allocated through the CSEC Program, and
3. Overseeing the implementation of the protocol, including
  - a. Monitoring of aggregate data to assess the functionality of the protocol
  - b. Identifying and addressing any challenges,
  - c. Assessing the sufficiency of resources, and
  - d. Revising the protocol as needed.

<sup>16</sup> Telephone interview with Michelle Guymon, Probation Director, L.A. County Probation Dept., (Dec. 17, 2014) (indicating that in 2010, of all the individuals under 18 arrested for a prostitution or related offense, approximately 40 percent had never been involved in the child welfare system and were only known to the probation department. Probation also noted that 45 percent of the 115 CSEC served through the CSEC-specialized court in Los Angeles have never been arrested with a charge that indicates exploitation such as prostitution, loitering, or solicitation. CSEC are often arrested for unrelated offenses, and only after a relationship is developed, disclose their exploitation. For example, through juvenile hall outreach in Los Angeles, 37 girls disclosed their exploitation to juvenile hall staff over a six-month period.).

<sup>17</sup> Cal. Welf. & Inst. Code § 16524.8 (mandating that a county *must* include the following agencies in the development of the interagency protocol: child welfare, probation, mental health, public health, juvenile courts, and *may* include “representatives from local education agencies, local law enforcement, survivors of sexual exploitation and trafficking, and other providers as necessary.”). (emphasis added).



### *Multidisciplinary Team (MDT)*

The law requires that a county opting into the CSEC Program form an MDT to “coordinate case management, case planning, and services for [CSEC].”<sup>18</sup> Based on promising practices, the Model Framework suggests that counties form an individualized MDT for each identified CSEC that is strengths-based and prioritizes the youth’s voice in the decision-making process.<sup>19</sup> The Model Framework also suggests that youth have the option of participating in each MDT. In addition to public agency partners required to participate in the MDT,<sup>20</sup> the counties should also include other additional parties trained in CSEC such as dependency attorneys, providers, and survivors. The members of the MDTs will work together to complete the following activities including, but not limited to:

1. Convening emergency/immediate meetings upon identifying a commercially sexually exploited child,
2. Addressing the child’s basic needs,
3. Making a recommendation about where to place the child,
4. Developing a safety plan for the child, and
5. Reconvening should a triggering event (e.g. running away, another arrest, etc.) occur.

### **CSEC Practice Guidance Toolkit**

Once county agencies and community partners are engaged and have a basic structure in place, the interagency steering committee can utilize the information contained in a second package of guiding documents, the Toolkit, to develop a more detailed protocol for serving CSEC in their respective counties. The Toolkit builds on the Model Framework by providing the counties with more detailed and concrete guidance on each agency’s roles and responsibilities as they relate to coordinated case management, service planning, promising practices and services for CSEC, and multidisciplinary teaming on a case-by-case basis.

### **Package One: Model Framework**

#### **1. Background & Purpose:**

- a. Defines the problem,
- b. Describes the genesis of the newly-created State CSEC Program, and
- c. Outlines the purpose of the Model Interagency Protocol Framework.

#### **2. Interagency Protocol Framework:**

- a. Outlines the guiding principles of the Model Framework,

<sup>18</sup> Cal. Welf. & Inst. Code § 16524.8 (b) (mandating that the interagency protocol *shall* include “the use of a multidisciplinary team approach to provide coordinated case management, service planning, and services to children.”) (emphasis added).

<sup>19</sup> Youth’s participation may vary depending on the youth’s understanding of his or her exploitation. Efforts, however, must be made to include the youth at every stage of the case planning process to ensure the youth feels empowered and involved in decision-making. Meetings should be tailored based on the Stages of Change Model (See Appendix), which acknowledges where the youth is in his or her journey of leaving an exploitative relationship.

<sup>20</sup> Cal. Welf. & Inst. Code § 16524.7(c)(1), (d)(2) (mandating that the multidisciplinary team include, but not limited to “Appropriate staff from county child welfare, probation, mental health, substance abuse disorder, and public health departments. Staff from a local provider of services to this population, local education agencies, and local law enforcement, and survivors of commercial sexual exploitation and trafficking may be included on the team.”).





- b. Identifies required and suggested agencies/partners to participate in the Steering Committee and the MDT,
  - c. Identifies responsibilities of each participant in each interagency protocol, and
  - d. Cites the legal authority for forming the Steering Committee and MDTs.
3. **Appendix:** Describes key terms in the Model Framework

**Package Two: Toolkit**

1. **Holistic Needs of CSEC:** Describes common needs associated with CSEC victims and survivors
2. **Competencies for CSEC Providers:** Provides key competencies for working with CSEC and strategies for engaging CSEC
3. **Overarching CSEC Protocol:** a template in the form of a memorandum of understanding (MOU) that defines the responsibilities of the agencies from pre-identification through long-term stabilization





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EXPLOITED CHILDREN

## Model Interagency Protocol Framework

The Model Interagency Protocol Framework (“Model Framework”) incorporates the legal requirements of the CSEC Program as set forth in statute, including the required participants and the mandatory multidisciplinary approach. It also provides further guidance that counties may utilize on promising practices for serving commercially sexually exploited children (“CSEC”) based on research both within and outside of California. It is expected that this guidance, although not required by law, will be beneficial for both the systems and the youth they serve.

The Model Framework below provides details on creating a *Steering Committee*, forming *Multidisciplinary Teams* (“MDT”) for each identified victim of commercial sexual exploitation, and preparing county agencies and their partners to better serve CSEC through a coordinated manner.

### Model Interagency Protocol Framework

#### I. Participants

##### a. Required:

- i. Child Welfare
- ii. Probation
- iii. Mental Health
- iv. Public Health
- v. Juvenile Court
- vi. Substance abuse

##### b. Suggested:

- i. Education
- ii. Children’s Dependency Attorneys
- iii. District Attorney
- iv. Public Defender
- v. Law enforcement
- vi. Survivors
- vii. CSEC-trained advocates/case managers
- viii. Community-based organizations
- ix. Court Appointed Special Advocates (CASAs)
- x. Direct service providers

#### II. Purpose

Establish a coordinated, interagency response among county agencies and partners to ensure commercially sexually exploited children (“CSEC”) and children at risk for exploitation are identified and served through a multidisciplinary teaming approach.



### III. Guiding Principles

- a. Commercial Sexual Exploitation:
  - i. Must be understood as abuse and reported as such<sup>1</sup>
  - ii. Should not be criminalized
  
- b. Responses to CSEC should be:
  - i. Victim-centered<sup>2</sup>
  - ii. Trauma-informed<sup>3</sup>
  - iii. Strengths-based
  - iv. Culturally, linguistically, and LGBTQ competent and affirming
  - v. Committed to efforts that engage CSEC early and often
  - vi. Multidisciplinary, individualized, flexible, and timely
  - vii. Data and outcome driven
  
- c. Agency Policies & Procedures should:
  - i. Ensure and track effective cross-system collaboration at the system and individual-case level
  - ii. Incorporate mechanisms to identify and assess CSEC at key decision points
  - iii. Address the unique physical and emotional safety considerations of CSEC
  - iv. Address unique physical and emotional safety considerations, including vicarious trauma of staff, caregivers, and other relevant support persons

### IV. General Structure and Responsibilities For All Agencies

As stated above, the structure defined below combines both required and suggested participants and responsibilities. For example, in order to participate in the CSEC Program, a county must develop an interagency protocol led by five required entities: child welfare, probation, mental health, public health, and the juvenile courts.<sup>4</sup> The CSEC Action Team recommends that the required and suggested agencies form a steering committee to develop the protocol as well as fulfill additional responsibilities (not required) to ensure the program is effectively administered in the county. Similarly, the law requires counties participating in the CSEC Program to utilize a multidisciplinary approach, but does not delineate specific requirements of the MDT approach. This Model Framework suggests that an MDT be formed for each individual child and that additional parties be included in the teams

<sup>1</sup> Cal. Penal Code §§ 11164-11174.3.

<sup>2</sup> See Appendix (attached).

<sup>3</sup> See Appendix (attached).

<sup>4</sup> Cal. Welf. & Inst. Code § 16524.8



a. Steering Committee

- i. *Purpose:* Provide ongoing oversight and support to ensure the county agencies and partners effectively collaborate to better identify and serve CSEC and youth at risk of becoming CSEC.
- ii. *Responsibilities:*
  1. Develop Interagency Protocol (“Protocol”)<sup>5</sup>
  2. Provide input to the county on how to utilize CSEC Program funding<sup>6</sup>
  3. Implement the Protocol, oversee implementation, and revise as needed
  4. Collect and analyze aggregate data related to the Protocol<sup>7</sup>
  5. Assess the sufficiency of CSEC specific resources in the county
  6. Identify training needed (e.g. basic identification and awareness training and training on responsibilities under the interagency protocol) and ensure necessary training occurs
  7. Provide annual report to state on the number of children served, the services received, promising practices, and any identified gaps in services and resources<sup>8</sup>
- iii. *Membership:*
  1. Required:<sup>9</sup>
    - a. Child Welfare – Lead
    - b. Probation
    - c. Mental Health
    - d. Public Health
    - e. Juvenile Courts
      - i. Suggested to include both dependency and delinquency
  2. Suggested:
    - a. Children’s Dependency Attorneys
    - b. District Attorney
    - c. Public Defender
    - d. Survivor mentors/advocates
    - e. County Counsel
    - f. Direct legal and service providers

<sup>5</sup> Cal. Welf. & Inst. Code § 16524.8 (requiring that a county electing to participate in the CSEC program develop an interagency protocol. The interagency protocol for serving commercially sexually exploited children must be developed by “a team led by a representative of the county human services department and shall include representatives from...the county probation department, the county mental health department, the county public health department, the juvenile court in the county. The team may include, but shall not be limited to, representatives from local education agencies, local law enforcement, survivors of sexual exploitation and trafficking, and other providers as necessary.”).

<sup>6</sup> Cal. Welf. & Inst. Code § 16524.7(d)(1); Cal. Dept. of Social Svcs., All County Letter 14-62, Sept. 3 2014, Commercially Sexually Exploited Children (CSEC) Program available at <http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2014/14-62.pdf>.

<sup>7</sup> Cal. Welf. & Inst. Code § 16524.10 (requiring that the state report to the legislature on the number of children served and the types of services provided); Admin. of Children Youth & Families, ACYF-CB-IM-14-03, October 23, 2014 available at <http://www.acf.hhs.gov/sites/default/files/cb/im1403.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> Cal. Welf. & Inst. Code § 16524.8(a) (mandating that Child Welfare, Probation, Mental Health, Public Health, and the Juvenile Courts be involved in developing the interagency protocol).



- g. Education
- h. Law enforcement
- i. Staff/administrative support<sup>10</sup>

iv. *General Participant Responsibilities:*

1. Appoint director of agency/entity/organization or designee empowered to make decisions on behalf of the entity to participate in committee<sup>11</sup>
2. Attend regularly and participate collaboratively in committee
3. Report on successes, barriers to providing services, and areas for improvement, including recommendations for adapting the Protocol and training needs/gaps
4. Provide aggregate data on identified CSEC

b. Multidisciplinary Teams (MDTs)<sup>12</sup>

- i. *Purpose:* Provide a multidisciplinary team with CSEC training to each identified CSEC to more effectively build on a youth's strengths and respond to his/her needs in a coordinated manner.<sup>13</sup>
- ii. MDTs should be convened:<sup>14</sup>
  1. Upon initial identification to meet immediate needs,
  2. Post-identification at regularly scheduled intervals for case review and management,
  3. When there is a need to change the case plan or placement due to a change of circumstances such as completing high school, identification of previously unknown service need, or safety concerns, and/or

<sup>10</sup> Cal. Welf. & Inst. Code § 16524.7(a)(4)(D) (indicating that counties may decide to use a portion of the CSEC Program funding to hire “county staff trained and specialized to work with children who are victims of commercial sexual exploitation to support victims and their caregivers, and to provide case management to support interagency and cross-departmental response.” Additionally counties may choose to hire staff to provide administrative/staffing to support the steering committee and MDTs. Staff may provide assistance with items such as data collection, drafting reports, coordinating and scheduling meetings, and note-taking).

<sup>11</sup> In order for the steering committee to operate efficiently and expeditiously fulfill its responsibilities, members must have decision-making authority.

<sup>12</sup> Cal. Welf. & Inst. Code § 16524.8(b) (mandating that the interagency protocol *shall* include “the use of a multidisciplinary team approach to provide coordinated case management, service planning, and services to children.”) (emphasis added); *See* Cal. Welf. & Inst. Code § 18961.7(a-b) (noting that “Notwithstanding any other provision of law, a county may establish a child abuse multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect made pursuant to Section 11160, 11166, or 11166.05 of the Penal Code, or for the purpose of child welfare agencies making a detention determination... ‘Child abuse multidisciplinary personnel team’ means any team of two or more persons who are 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>13</sup> Given each county’s unique needs and constraints, some counties may choose to pilot the protocol in a small area of the county initially, or may choose to provide individualized MDTs to a specific subset of the identified CSEC. Note that maintaining some consistency amongst protocols throughout the state will be beneficial in that exploiters are known to move CSEC from county to county. Further, general consistency amongst county protocols will provide some level of familiarity with the process and hopefully allow children to feel protected and cared for as they interact with agencies in multiple counties.

<sup>14</sup> While initial MDTs should occur in person, follow-up MDTs may be handled over the phone if an in-person meeting is not feasible. If the MDT is convened over the phone, one team member must be with the child to ensure he/she feels supported and his/her voice is heard.



4. In the event of a triggering event like a runaway or contact with law enforcement, as per the safety or other urgent circumstances necessitate.<sup>15</sup>

iii. *Responsibilities:*

1. Provide individual case-by-case collaboration with multiple child-serving agencies
2. Engage with child and family/caregiver(s), if appropriate
3. Ensure basic needs such as food, shelter, and clothing are met
4. Assess and address immediate and long-term needs<sup>16</sup>
5. Coordinate, monitor, and adjust service plan to achieve desired outcomes for individual CSEC
6. Advise on appropriate placement
7. Conduct safety planning to proactively plan for triggering events
8. Meaningfully involve youth in planning and decision-making

iv. *Membership*<sup>17</sup>

1. Required:<sup>18</sup>
  - a. Child Welfare
  - b. Probation
  - c. Mental Health
  - d. Substance abuse
  - e. Public Health
2. Suggested:
  - a. Youth<sup>19</sup>
  - b. Caregiver/placement provider
  - c. Children’s Dependency Attorneys
  - d. Education
  - e. Local CSEC Provider Agencies
  - f. Survivors/mentors

v. *General Participant Responsibilities*

1. Appoint a lead agency responsible for convening the MDT

<sup>15</sup> Other events that may require the MDT to reconvene may include, but are not limited to: runaways/AWOLs, change in placement, contact with law enforcement, mental health/psychiatric crisis, major disruption at placement, threats by trafficker, etc.

<sup>16</sup> Will be defined in the “Holistic Needs of CSEC” document as part of the CSEC Practice Guidance Toolkit, (forthcoming May 2015).

<sup>17</sup> Whereas the Steering Committee will be comprised of agency directors or their designees, the MDT will be made up of line staff, or those individuals working directly with the child. For example, the MDT members from each agency may include the case carrying social worker and probation officer, the child’s mental health clinician, a public health nurse, and the child’s substance abuse counselor—those individuals with the most information related to an individual child’s case.

<sup>18</sup> Cal. Welf. & Inst. Code § 16524.7(c)(1), (d)(2) (mandating that the multidisciplinary team include, but not limited to “Appropriate staff from county child welfare, probation, mental health, substance abuse disorder, and public health departments. Staff from a local provider of services to this population, local education agencies, and local law enforcement, and survivors of commercial sexual exploitation and trafficking may be included on the team.”).

<sup>19</sup> Youth’s participation may vary depending on the youth’s understanding of his or her exploitation. Efforts, however, must be made to include the youth at every stage of the case planning process to ensure the youth feels empowered and involved in decision-making. Meetings should be tailored based on the Stages of Change Model (See Appendix), which acknowledges where the youth is in his or her journey of leaving an exploitative relationship.





2. Attend regularly and participate collaboratively
3. Ensure child accesses services and supports decided upon in the MDT

c. Mandatory Reporting<sup>20</sup>

- i. All participating agencies must comply with mandatory reporting laws as set forth in the Child Abuse and Neglect Reporting Act.<sup>21</sup>
- ii. Mandatory reporters are required to report abuse or neglect when they *know* or have *reasonable suspicion* that the abuse or neglect has occurred.<sup>22</sup>
- iii. Sexual exploitation is a form of sexual abuse and must be reported by mandated reporters. Sexual exploitation includes: “Conduct involving matter depicting a minor engaged in obscene acts...Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct...”<sup>23</sup>

d. Agency Internal Identification and Response Protocols

- i. Each county agency should create its own internal Identification and Response Protocol that aligns with the Interagency Protocol and defines steps agency staff must take to:
  1. Identify CSEC and those children at risk for exploitation,
  2. Respond immediately and on an ongoing basis
  3. Coordinate and communicate with partner agencies and providers.<sup>24</sup>

## V. Specific Participant Roles and Responsibilities

a. Child Welfare

- i. Lead the development of the interagency protocol (required)
- ii. Participate in the MDT (required)
- iii. Convene and serve as lead agency of steering committee
- iv. Maintain the child abuse hotline to receive CSEC referrals
- v. Develop mechanism for tracking CSEC referrals
- vi. Provide case management
- vii. Recognizing the unique challenges to engagement, establish trusting relationship with CSEC
- viii. Develop a service plan to fit CSEC needs in collaboration with other provider agencies

<sup>20</sup> Cal. Penal Code §§ 11164-11174.3.

<sup>21</sup> *Id.*

<sup>22</sup> Cal. Penal Code § 11166(a) (requiring that a mandated reporter make a report to the child abuse agency when the “mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observe a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.”).

<sup>23</sup> Cal. Penal Code § 11165.1(c)(1-3).

<sup>24</sup> Further guidance on Internal Identification and Response Protocols will be provided as part of the CSEC Practice Guidance Toolkit, (forthcoming March 2015).



- ix. Connect child to crisis prevention and intervention services that meet the needs of CSEC
- x. Provide aggregate child welfare data on identified CSEC to steering committee including, but not limited to, the current status of each youth, (e.g. placement type, AWOL, etc.), the placement type, and services received
- xi. Provide court reports pertaining to victim's case as needed

b. Probation

- i. Participate in the development of the interagency protocol (required)
- ii. Participate in MDT (required)
- iii. Participate in Steering Committee
- iv. Develop mechanism for tracking CSEC
- v. Perform juvenile intake investigations and make recommendations for appropriate action if CSEC has an open case or has been arrested
  - 1. Investigate and evaluate circumstances of victim's exploitation, including interviewing offender(s), parents, relatives, collateral sources, witnesses, victims, and law enforcement
- vi. Provide case management
- vii. Recognizing the unique challenges to engagement, establish trusting relationship with CSEC
- viii. Develop a service plan to fit CSEC needs in collaboration with other provider agencies
- ix. Connect child to crisis prevention and intervention services
- x. Provide court reports pertaining to victim's case as needed

c. Mental Health

- i. Participate in the development of the interagency protocol (required)
- ii. Participate in MDT (required)
- iii. Participate in Steering Committee
- iv. Develop mechanism for tracking CSEC
- v. Perform assessment of CSEC victim's mental health and recommend services
- vi. Coordinate specialized mental health services for victim
- vii. Provide guidance about mental health supports in placement that may be particularly helpful for CSEC (e.g. respite, mobile crisis response)

d. Public Health

- i. Participate in the development of the interagency protocol (required)
- ii. Participate in MDT (required)
- iii. Participate in Steering Committee
- iv. Develop mechanism for tracking CSEC
- v. Perform medical evaluation of CSEC victim
- vi. Coordinate appropriate response and services specific to CSEC
- vii. Provide information related to reproductive and sexual health including access to contraceptives, HIV prophylaxis, and treatment for STIs/STDs to CSEC



- e. Substance Abuse
  - i. Participate in MDT (required)
  - ii. Participate in Steering Committee
  - iii. Participate in the development of the interagency protocol
  - iv. Develop mechanism for tracking CSEC
  - v. Perform substance abuse assessment of CSEC recognizing that some exploited children use substances as a coping mechanism
  
- f. Juvenile Court
  - i. Participate in the development of the interagency protocol (required)
  - ii. Appoint dependency and delinquency court representatives to Steering Committee
  - iii. Develop mechanism for tracking CSEC
  - iv. Ensure coordinated response for CSEC
  
- g. Education<sup>25</sup>
  - i. Participate in Steering Committee
  - ii. Participate in the development of the interagency protocol
  - iii. Participate in MDT
  - iv. Develop mechanism for tracking CSEC
  - v. Assess CSEC's educational needs, recognizing that these children may be behind in school or school may be a trigger because they were recruited from school
  - vi. Coordinate appropriate response to meet victim's educational needs, including but not limited to, assisting in enrolling youth, addressing truancy issues, ensuring credits have been gathered and applied, etc.
  
- h. Children's Dependency Attorneys
  - i. Participate in Steering Committee
  - ii. Participate in the development of the interagency protocol
  - iii. Participate in MDT (may be attorney or representative including an investigator)
  - iv. Develop mechanism for tracking CSEC
  - v. Recognizing the unique challenges to engagement, establish trusting relationship with CSEC
  - vi. Maintain frequent communication with client to ensure frequently changing needs are addressed as the child moves through the stages of exploitation.
  
- i. District Attorney
  - i. Participate in Steering Committee
  - ii. Participate in the development of the interagency protocol
  - iii. Develop mechanism for tracking CSEC

<sup>25</sup> Include the County Office of Education, Foster Youth Services Program, and the AB 490 liaison from each school district with a significant population of foster/probation youth.



j. Public Defender

- i. Participate in Steering Committee
- ii. Participate in the development of the interagency protocol
- iii. Develop mechanism for tracking CSEC
- iv. Recognizing the unique challenges to engagement, establish trusting relationship with CSEC
- v. Maintain frequent communication with client to ensure frequently changing needs are addressed as the child moves through the stages of exploitation.

k. Survivors

- i. Participate in Steering Committee
- ii. Participate in the development of the interagency protocol
- iii. Participate in MDT as appropriate/when desired by youth
- iv. Provide advocacy and mentorship as needed to the youth
- v. Engage youth and develop relationship with key adults outside of the public agencies

l. Direct Service Providers/Civil Legal Advocates

- i. Participate in Steering Committee
- ii. Participate in the development of the interagency protocol
- iii. Participate in MDT as appropriate/when desired by youth
- iv. Develop mechanism for tracking CSEC
- v. Assess the holistic legal needs of the client

m. Law Enforcement

- i. Participate in Steering Committee
- ii. Participate in the development of the interagency protocol
- iii. Develop mechanism for tracking CSEC
- iv. Promptly report known or suspected child abuse/neglect to the child abuse hotline

n. County Counsel

- i. Participate in Steering Committee
- ii. Participate in the development of the interagency protocol
- iii. Ensure compliance with all state and federal information sharing, confidentiality and self-incrimination protections





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TO PROTECT  
EXPLOITED CHILDREN**

## Appendix

Terms used in the Model Interagency Protocol Framework:

### I. **Victim-Centered**

A victim-centered approach places the victim at the heart of the planning and implementation of services in a meaningful way. This approach requires effort to engage and inform the victim so that she/he is empowered throughout the process.

### II. **Trauma-Informed**

a. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), "A program, organization, or system that is trauma-informed:

1. Realizes the widespread impact of trauma and understands potential paths for recovery;
2. Recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system;
3. Responds by fully integrating knowledge about trauma into policies, procedures, and practices; and
4. Seeks to actively resist re-traumatization."<sup>1</sup>

b. "Trauma-Informed Care is a strengths-based framework that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment."<sup>2</sup>

### III. **Strengths-Based**

A strengths based approach refers to "policies, practice methods, and strategies that identify and draw upon the strengths of children, families, and communities. Strengths-based practice involves a shift from a deficit approach, which emphasizes problems and pathology, to a positive partnership with the family. The approach acknowledges each child

<sup>1</sup> SUBSTANCE ABUSE AND MENTAL HEALTH ADMINISTRATION, TRAUMA INFORMED APPROACH AND TRAUMA-SPECIFIC INTERVENTIONS, <http://www.samhsa.gov/nctic/trauma-interventions> (last visited Dec. 31, 2014).

<sup>2</sup> Hopper, E.K., Bassuk, E. L., & Olivey, J., *Shelter from the storm: trauma-informed care in homelessness services settings*, *The Open Health Services and Policy Journal*, 3, 80-100 (2010).



and family's unique set of strengths and challenges, and engages the family as a partner in developing and implementing the service plan.”<sup>3</sup>

#### IV. Stages of Change Model

- a. The Stages of Changes Model (SCM) was originally developed in the 1970s and early 1980s in the context of working with addicts. Recognizing that change does not occur in one step, the model lays out the sequential steps change requires: pre-contemplation, contemplation, preparation, action and maintenance. Since its original development, SCM has since been used in a range of fields to help service providers understand and effectively respond to the process of behavior change.
- b. Girls Educational Mentoring Services (GEMS), a New York based organization that works with CSEC, connected the SCM to CSEC. A CSEC in “pre-contemplation” denies being sexually exploited. At the stage of “contemplation” a CSEC acknowledges abuse but is not yet prepared to leave. By the “preparation” stage, a CSEC is committed to leave and open to services offered. At the “action” stage, a CSEC is actively leaving the life. The final stage of “maintenance” involves skill building for a new life, avoiding triggers and remaining out of the life. The SCM also acknowledges that “relapse,” another stage, occurs and is a necessary step to full recovery and maintenance.<sup>4</sup>

#### V. Vicarious Trauma

Vicarious trauma occurs when an individual who was not an immediate witness to the trauma absorbs and integrates disturbing aspects of the traumatic experience into his or her own functioning. Symptoms associated with vicarious trauma are very similar to Post Traumatic Stress Disorder. Compassion fatigue may be a precursor to vicarious trauma, and based on some definitions, vicarious trauma and compassion fatigue are essentially equivalent.

<sup>3</sup> U.S. DEPT. OF HEALTH & HUMAN SVCS., ADMIN. OF CHILDREN & FAMILIES, AN INDIVIDUALIZED, STRENGTHS-BASED APPROACH IN PUBLIC CHILD WELFARE DRIVEN SYSTEMS OF CARE, <https://www.childwelfare.gov/pubs/acloserlook/strengthsbased/strengthsbased1.cfm> (last visited Dec. 31, 2014).

<sup>4</sup> For a full description, including direct quotes from survivors at each Stage of Change, *see* WALKER, K. CALIFORNIA CHILD WELFARE COUNCIL, ENDING THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN: A CALL FOR MULTI-SYSTEM COLLABORATION, APPENDIX B (2013) *available at* [http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System\\_Collaboration-in-CA.pdf](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf).







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- Public Counsel Law Center
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