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.¹ Child sex trafficking, child pornography, and child sex tourism are all forms of CSEC, and are a problem both domestically as well as internationally.² 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.³ 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.⁴ 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.

⁴ 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, (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.”).


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.
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”). CWC released the workgroup’s report in 2013, Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California, 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. 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.
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.
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.


9 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.”).

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 for serving CSEC that uses a multidisciplinary team (“MDT”) approach, and
2) A proposal for how to spend the funds.

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.”

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.

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

---

12 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).
13 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).
15 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.16 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 Program17 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.

---

16 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.).

17 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].”

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. 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, 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,
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