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

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


**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

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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.

“Children” and “at risk” defined on pg. 4

Introduction

CSEC Action Team Guidance

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.

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.

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. 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. 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.

1 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.”).
2 Welf. & Inst. § 300(b)(2).
4 Welf. & Inst. § 16524.7(d)(2).
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, including dependent 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.

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 away from their homes. 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.” 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. 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.

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

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

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

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5 Welf. & Inst. § 16501(a).
6 Welf. & Inst. § 16501.35(a).
7 Welf. & Inst. § 16501(a)(1).
8 Welf. & Inst. § 16501(a)(2).
9 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 themself 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.

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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.

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.

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### 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.

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<td>Blue</td>
<td>SB 855</td>
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<tr>
<td>Yellow</td>
<td>SB 794</td>
</tr>
<tr>
<td>Green</td>
<td>Preexisting reporting requirements</td>
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<tr>
<td>No Color</td>
<td>Indicates promising practices in California and throughout the country identified through the CSEC Action Team’s research</td>
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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.
Memorandum of Understanding (MOU) Template

MEMORANDUM OF UNDERSTANDING* 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

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

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

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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, and should not be criminalized.
   2. Must be understood as child abuse and reported as such, and should not be criminalized.

B. Responses to CSEC should be:
   1. Victim-centered.
   2. Trauma-informed.
   4. Developmentally appropriate.
   5. Culturally, linguistically, and [LGBTQ competent and affirming].
   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
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:

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,16
         (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.”17

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16 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-M-14-02, 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/m1403.pdf.

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

While SB 794 does not require other parties to 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

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

   B. Optional:
      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.”

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:

   18 See WELP. & 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).

   19 CAL. DEP’T SOC. SERV., 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.ca.gov/lettersnotices/EntRes/getinfo/acin/2015/f-23_15.pdf.

   20 PROTOCOL FRAMEWORK, supra note 17, at 4.
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:

   i. Example: “The following parties must identify children who are receiving child welfare services who are being commercially sexually exploited or are at risk of becoming commercially sexually exploited.

      (i) Child Welfare Department

      (ii) Probation Department.”

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.”

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:

      (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.”

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

      (ii) Probation:

      1. Child Welfare Services Case Management System

      2. Probation Case Management System

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.

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

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

   iii. 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

   iv. 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

   v. “At risk” defined on pg. 4

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

   vii. 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
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.

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.

   B. Specify the circumstances that require a report be made.

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.

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29 Penal § 11166(a).
30 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.\(^{31}\)

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.\(^{32}\)

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]\(^{33}\) or has been abducted.\(^{34} \)\(^{35}\)

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].\(^{36}\)

3. Law enforcement must enter information it receives into the National Crime Information Center database of the Federal Bureau of Investigations.\(^{37}\)

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.”

31 Id.
32 Penal § 11166(j)(2).
33 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”).
34 Penal § 278 (defines abduction to mean “take, entice away, keep, withhold, or conceal”).
35 Penal § 11166(j)(3).
36 Id.
37 Id.
SB 794 requires SW/POs to determine appropriate services for CSEC/at risk. See tinyurl.com/CSECneeds

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

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

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.**

   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.**

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38 **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). 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**: 40

   C. Identify how data will be documented in probation case management system or other agency records, if relevant.

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40 Welf. & Inst. § 16501.45.
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

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 and commercially sexually exploited children and those at risk for such exploitation." 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 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

   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.

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41 See Welf. & Inst. § 16524.8(b) (requiring a multidisciplinary response as a component of the CSEC Program).
42 Welf. & Inst. § 18961.7.
43 Id.
45 Welf. & Inst. § 16524.7(d)(2).
46 PROTOCOL FRAMEWORK, supra note 17, at 5.
C. All MDT members must have received CSEC 101 and 102, or other relevant training."

**CSEC Memorandum of Understanding Template**

**CSEC Memorandum of Understanding Template**

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.

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.

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,\(^\text{48}\)
   (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:\(^\text{49}\)
   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."\(^\text{50}\)

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 neglect case suspects or confirms that a child is the victim of sex trafficking and

\(^{27}\) 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.).


\(^{49}\) 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.”).

\(^{50}\) 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
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.
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,
   (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/caretaker
       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.”

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

52 See Welf. & Inst. § 18964(b).
53 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.
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.

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:
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

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 appropriate services for children receiving child welfare services. Provide a detailed description of the 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. 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.

C. Script recommendation on pg. 12

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.

VII. Training

A. CSEC protocol training

1. [Serve as the lead agency], Schedule and assemble the other team members when one of the circumstances above occurs, Appoint someone to facilitate the meeting, Consult the child as to whether they want to participate, and Discuss and refine the ongoing plan.

(ii) Department of Mental Health:
1. Ensure participation of clinician working with the child and family, Assess whether there are any new mental health needs, Develop a plan to meet those needs and continue to monitor existing needs, and 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.

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4. [Serve as the lead agency], Schedule and assemble the other team members when one of the circumstances above occurs, Appoint someone to facilitate the meeting, Consult the child as to whether they want to participate, and Discuss and refine the ongoing plan.

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.

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. 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.

C. Script recommendation on pg. 12

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.

VII. Training

A. CSEC protocol training

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C. Script recommendation on pg. 12

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.
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. 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
   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

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DISTRICT ATTORNEY’S OFFICE OF COUNTY

/s/ _______________________________________________     Date
District Attorney

PROBATION DEPARTMENT OF COUNTY

/s/ _______________________________________________     Date
Chief Juvenile Probation Officer

DEPARTMENT OF PUBLIC HEALTH OF COUNTY

/s/ _______________________________________________     Date
Director of Agency

[DEPARTMENT OF MENTAL HEALTH OF COUNTY]

/s/ _______________________________________________     Date
Director of Agency

SUBSTANCE ABUSE AGENCY OF COUNTY

/s/ _______________________________________________     Date
Director of Agency

PRIVATE TREATMENT AGENCY NAME HERE

/s/ _______________________________________________     Date
Director of Agency

COUNTY OFFICE OF EDUCATION HERE

/s/ _______________________________________________     Date
Superintendent

OTHER AGENCIES LISTED HERE

/s/ _______________________________________________     Date
Director of Agency

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

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

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

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.\(^{56}\)

Social workers must identify both:

1. Commercially sexually exploited\(^{57}\) children (CSEC) who are receiving child welfare services, and
2. Children at-risk\(^ {58}\) 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.\(^ {59}\) 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.

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\(^{57}\) Cal. Welf. & Inst. Code § 16501.35(b).
\(^{58}\) See ACL 16-49.
\(^{59}\) Id.
(2) MISSING AND RUNAWAY PROVISIONS: \(^{60}\)

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.

**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

**If identified as CSEC...**
- Follow CSEC protocols for reporting, documentation, and service provision

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\(^{60}\) **CAL. WELF. & INST. CODE § 16501.35(b).**
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.\(^{61}\)

[Probation officers must identify both]:

1. Commercially sexually exploited\(^{62}\) children (CSEC) who are receiving child welfare services, and
2. Children at-risk\(^{63}\) 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.\(^{64}\) 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.

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\(^{62}\) Cal. Welf. & Inst. Code § 300(b)(2)

\(^{63}\) See ACL 16-49.

\(^{64}\) Id.
(2) MISSING AND RUNAWAY PROVISIONS:65

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.

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

If identified as CSEC…

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

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65 Cal. Welf. & Inst. Code § 16501.35(b).