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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective Date:** September 7, 2016

**Policy No.:** M-0110

## **Commercial Sexual Exploitation of Children**

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<b>Purpose</b>	To provide guidelines for the identification, intervention, and provision of services to children receiving child welfare services who are victims of, or at risk of, commercial sexual exploitation (CSE).
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<b>Approved</b>	This policy was approved by Gary Taylor, Director of CFS, on September 7, 2016. <i>Signature on file.</i>
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<b>Background</b>	<p>Sex trafficking of children is a form of human trafficking. It is a crime that has prompted the need for legislation that recognizes children who have been sexually trafficked, as victims of CSE and that these children may be better served through the child welfare system. Historically, children involved in sex trafficking were criminalized for prostitution and processed through the juvenile justice system.</p>
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The Victims of Trafficking and Violence Protection Act of 2000 provided the foundation for combating human trafficking both in the United States and worldwide.

Subsequent legislation, including House of Representatives (H.R.) 4980 dated September 29, 2014, and Senate Bill (SB) 794 dated October 1, 2015, mandated that state agencies develop policies for the identification, intervention, data collection, and provision of services to victims of, and at risk of, CSE. Guidelines for reporting children identified as commercially sexually exploited to law enforcement were also specified.

SB 855 (2014) authorized establishment of the Commercially Sexually Exploited Children (CSEC) Program, amended the Welfare and Institutions Code (WIC) to add WIC Section (§) 300(b)(2), and clarified that children who are commercially sexually exploited may

come under the jurisdiction of the Juvenile Court. This bill also made provisions for supplemental foster care payments for CSEC.

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## Definitions

**Child Welfare Services:** Pursuant to WIC § 16501, a child receiving “child welfare services” refers to any of the following services provided on behalf of a child alleged to be the victim of child abuse, neglect, or exploitation:

- Emergency response
- Differential response
- Family preservation
- Family maintenance
- Family reunification
- Permanent placement
- Supportive transition

**Commercial Sex Act:** Pursuant to 22 United States Code (U.S.C.) § 7102(4), refers to any sex act on account of which anything of value is given to, or received by any person.

**Commercial Sexual Exploitation (CSE):** For the purpose of the Child Abuse and Neglect Reporting Act (CANRA), Penal Code (PC) § 11165.1(d) refers to either of the following:

- The sexual trafficking of a child as described in PC § 236.1
- Or–**
- The provision of food, shelter, or payment to a child in exchange for the performance of a sexual act described in PC § 11165.1(c) or PC § 236.1

**Commercially Sexually Exploited Children (CSEC):** For the purpose of WIC § 300(b)(2), a child who comes within the following description is within the jurisdiction of the Juvenile Court. The Juvenile Court may adjudge that person to be a dependent child of the Court, and they shall be known as commercially sexually exploited children:

- A child who is:
    - Sexually trafficked as described in PC § 236.1
- Or–**
- Who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in PC § 236.1 or PC § 11165.1

**–And–**

- The child’s parent or guardian failed to, or was unable to, protect the child from either of the activities outlined above

**Sex Trafficking:** Pursuant to 22 U.S.C. § 7102(10), refers to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

**Sexual Exploitation:** Pursuant to PC § 11165.1(c), refers to any of the following:

- Conduct involving matter depicting a minor engaged in obscene acts in violation of PC § 311.2 or PC § 311.4(a)
- A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child,  
–Or–
- A person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in:
  - Prostitution, –or–
  - A live performance involving obscene sexual conduct, –or–
  - To either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct

**Note:** Pursuant to PC § 11165.1(c), “a person responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

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## POLICY

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### MDT—General Guidelines

Pursuant to WIC § 16524.6, Children and Family Services (CFS) staff will implement a multidisciplinary team (MDT) approach to meet the specialized service needs of children who are victims of, or at risk of, CSE.

As outlined in the CSEC Memorandum of Understanding (MOU), intervention and ongoing services for victims of, or at risk of, CSE will include a two-tiered MDT response as follows:

A. **Initial/Crisis MDT:**

A response initiated at the referral stage when a child is initially identified as a victim of CSE and requires crisis intervention.

B. **Ongoing MDT:**

A response initiated at the case level stage. The MDT members convene on an ongoing basis to discuss service provisions regarding a child who is identified as a victim of CSE, or at risk of CSE.

**Note:** An Ongoing MDT response may also be initiated for non-minor dependents (NMDs).

The MDT includes CFS staff and, depending upon the MDT response required, may also include representatives from Health Care Agency (HCA), Probation Department, Juvenile Court, law enforcement agencies, victim service providers, and other community agencies.

Pursuant to the CSEC MOU, representation from three of the four following agencies is mandatory for an Ongoing MDT response:

- HCA
- CFS
- Probation
- Juvenile Court

Refer to [Attachment 1—Multidisciplinary Team \(MDT\) Guidelines](#) for further guidelines.

**Child Abuse Registry**

Reports alleging CSE of a child will be received through the Child Abuse Registry (CAR).

CAR staff, pursuant to PC § 11165.9, will accept reports of suspected child abuse and neglect, including allegations of CSE, from mandated and non-mandated reporters.

Upon receiving a child abuse report via telephone, fax, mail, SSA email, or in person, the CAR Senior Social Worker (SSW) will process the report as outlined in CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#).

The CAR SSW will complete the following for referrals that include allegations of CSE:

- A. Document the child is a suspected victim of CSE in the Screener Alert section of the Child Welfare Services/Case Management System (CWS/CMS) and on the *Orange County Social Services Agency Child Abuse Report (F063-04-49A)*.
- B. In the CWS/CMS referral, select the “exploitation” abuse category as outlined in All County Letter (ACL) 16-49.
- C. Include other reported allegations, as applicable, in CWS/CMS (e.g., neglect, caretaker absence, etc.).
- D. Determine referral disposition and response times using the Structured Decision Making (SDM) Hotline Tools as outlined in CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#), CFS P&P [Structured Decision Making \(D-0311\)](#), and according to program protocol.
- E. Provide notification of the referral to:
  - Designated Emergency Response (ER) Program Manager (PM) and Senior Social Services Supervisor (SSSS)
  - Assigned case carrying SSW/SSSS, as appropriate

**Note:** For parachute cases involving a commercially sexually exploited child, notify the CFS CSEC coordinator by phone and email.

## **Emergency Response**

Designated ER SSWs will be assigned, as available, to investigate referrals that include allegations of CSE.

The designated ER SSW will conduct the child abuse investigation pursuant to existing SSA protocols and as outlined in CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#).

The designated ER SSW will complete the following if the child is believed to be a victim of CSE.

**Note:** If a child discloses CSE during the investigation of a referral that did not originally include allegations of CSE, the following also applies.

- A. Contact MDT members, as applicable:
  - Law enforcement (conduct joint investigation, discuss need for forensic interview, etc.)
  - County-designated victim service provider (e.g., Community Service Programs [CSP] for advocacy and support services)
  - Probation department (for consultation to determine which agency is best suited to meet the service needs of a child who is or may become involved in delinquency proceedings)
- B. Consult with the designated ER SSSS during the course of the investigation, as necessary.
- C. Determine an appropriate placement for the child in consultation with MDT member(s), if the child is detained.
- D. Provide resources to the child/family, as available, to address issues of CSE.

Refer to [Attachment 1—Multidisciplinary Team \(MDT\) Guidelines](#) and [Attachment—4 Commercial Sexual Exploitation of Children: Considerations for Intervention and Ongoing Services](#) for further guidelines.

**Note:** When a parachute case is received involving a commercially sexually exploited child, the ER On Call SSSS will notify the CFS CSEC coordinator by phone and email.

**Dependency Intake/ Investigations**

Cases involving CSE received in Dependency Investigations will be processed as follows:

- A. **Assignment of Cases:**
  1. If applicable and available, cases will be assigned a designated:
    - Dependency Intake Investigations (DII) SSW
    - Family Services Worker (FSW)

In the event a child is identified as a victim of CSE during the Dependency Investigations process, the DII SSSS will determine if the case will be:

- Reassigned to a designated DII SSW
- Or-**
- Remain with the assigned SSW

2. The DII SSSS will inform the Court Officer SSSS, by telephone or email, of new cases involving CSE not previously identified on the Intake Log.

In the event a child is identified as a victim of CSE during the course of the Dependency Investigations process, the DII SSW will consult with County Counsel to determine the appropriate means to notify the Juvenile Court.

**B. Case Management:**

The DII SSW will complete the Dependency Intake investigation, Jurisdictional Dispositional investigation, and family assessment per program protocol and as outlined in CFS P&P [Dependency Intake \(A-0502\)](#) and CFS P&P [Jurisdictional/Dispositional Hearing Report \(G-0310\)](#).

The DII SSW will:

1. Collaborate with MDT members for case planning and coordination of services to address CSE as outlined in [Attachment 1—Multidisciplinary Team \(MDT\) Guidelines](#) and [Attachment—4 Commercial Sexual Exploitation of Children: Considerations for Intervention and Ongoing Services](#).
2. Indicate in the case plan for children who are victims of or at risk of CSE, services that will be provided to address the CSE pursuant to WIC § 16501.1(g)(19). Refer to [Attachment 1—Case Plan Suggested Guidelines](#) of CFS P&P [Case Plans \(D-0101\)](#) for further information.
3. Consult with County Counsel regarding the appropriateness of jurisdictional transfer of cases involving CSE, when applicable.

The designated DII SSSS will notify the Continuing Services SSSS of cases involving CSE and provide case progress updates, as needed.

**Continuing Services**

Cases involving CSE received in Continuing Services will be processed as follows:

A. **Assignment of cases:**

Cases will be assigned, as applicable, to a designated Continuing Services SSW in collaboration with the DII SSSS.

B. **Case Management:**

The Continuing Services SSW will complete case management activities as outlined in applicable CFS P&Ps and per program protocol.

The designated Continuing Services SSW will:

1. Collaborate with MDT members for case planning and coordination of services to address CSE. Refer to [Attachment 1—Multidisciplinary Team \(MDT\) Guidelines](#) and [Attachment—4 Commercial Sexual Exploitation of Children: Considerations for Intervention and Ongoing Services](#) for further information.
2. Indicate in the case plan for children who are victims of or at risk of CSE, services that will be provided to address CSE pursuant to WIC § 16501.1(g)(19). Refer to [Attachment 1—Case Plan Suggested Guidelines](#) of CFS P&P [Case Plans \(D-0101\)](#) for further information.

**Identification of CSE**

WIC § 16501.35 mandates child welfare agencies assess children and NMDs receiving child welfare services to identify victims of, or at risk of, CSE.

An important element in the assessment and identification process is recognizing risk factors and indicators associated with CSE. The existence of risk factors is a possible indicator that preventative services may be required to reduce a child's/NMD's vulnerability to CSE.

The assigned SSW will:



- A. Refer to [Attachment 2—Identifying Commercially Sexually Exploited Children](#) for identification of risk factors/indicators of CSE and follow-up actions.
- B. Consult with the designated SSSS, as applicable, regarding identification of risk factors/indicators and possible need for intervention.
- C. Document the above information in CWS/CMS per existing program protocols.

As outlined in the CSEC MOU, all client record information is confidential, including information obtained during the screening process, with certain exceptions:

- Information may be shared with MDT members to develop an appropriate plan for services
- Information shared during assessment may be shared with other agencies/programs to ensure the child’s safety and safety of others
- Information may be shared with Juvenile Court in order to better assess the child’s safety and intervention needs

Refer to the “Confidentiality” Policy section below and [CFS P&P Confidentiality—CFS Client Records \(F-0105\)](#) for further information regarding confidentiality of client records.

Per the CSEC MOU, the assigned SSW will:

- Inform the child that information obtained through the screening process may be shared as indicated above
- Advise the child that allegations of child abuse and neglect, including CSE, are reportable to CAR

**CWS/CMS  
Documentation  
for Data  
Collection**

State law mandates the collection of specific data regarding children and NMDs receiving child welfare services who are identified as victims of, or at risk of, CSE.

To meet data collection mandates and as outlined in ACL 16-49, the assigned SSW or designated CFS staff will document the following according to guidelines provided in [Data Entry Standards—Commercially Sexually Exploited Children \(CSEC\)](#) and [Attachment 3—Victims of Commercial Sexual Exploitation Data Collection Criteria](#):

- Child/NMD is at risk of CSE
- Child/NMD was a victim of CSE before foster care
- Child/NMD became a victim of CSE during foster care
- Child became a victim of CSE while in an open case but **not** in foster care (e.g., Voluntary Family Services [VFS])
- Child/NMD became a victim of CSE while absent from placement and identified as such upon return to placement
- Child who is currently receiving Independent Living Program Services (ILP) became a victim of CSE in a closed case

**Mandated Reporting Responsibilities**

CFS staff will comply with the following mandated reporting responsibilities:

A. **Reporting Allegations of CSE to the Child Abuse Registry (CAR):**

Pursuant to CANRA, CFS staff are mandated reporters of child abuse and neglect.

As mandated reporters, CFS staff will report known or suspected allegations of child abuse and neglect, including allegations of CSE, to CAR.

Pursuant to PC § 11166(j)(1), allegations of child abuse and neglect will be cross-reported to law enforcement by CAR clerical staff and as outlined in CFS P&P [Child Abuse Registry \(M-0109\)](#).

**Note:** CAR clerical staff cross-reporting functions indicated above are separate from the duties of the assigned SSW indicated below.

B. **Reporting Children Identified as Victims of CSE to Law Enforcement:**

The assigned SSW, upon receiving the following information, will contact the appropriate law enforcement jurisdiction by telephone, immediately or within 24 hours:

- Pursuant to PC § 11166(j)(2), when a child receiving child welfare services is identified as a victim of CSE
- Pursuant to PC § 11166(j)(3), when a child receiving child welfare services is missing or abducted and is reasonably believed to be the victim of, or at risk of, CSE. Refer to CFS P&P [Runaway/AWOL \(K-0214\)](#) for further guidelines

Refer to CFS P&P [Runaway/AWOL \(K-0214\)](#) for guidelines on reporting NMDs identified as victims of CSE to law enforcement.

**AWOL  
Children/  
Missing NMDs**

Pursuant to WIC § 16501.35, and as outlined in ACL 16-15, the assigned SSW will make efforts to expeditiously locate a child or NMD who is missing from foster care, and assess for possible CSE upon return to placement. Refer to CFS P&P [Runaway/AWOL \(K-0214\)](#) for further guidance.

**Confidentiality**

As outlined in CFS P&P [Confidentiality—CFS Client Records \(F-0105\)](#), client records are confidential with certain exceptions.

Sharing of relevant information among MDT members who are engaged in the prevention, identification, management, or treatment of child abuse or neglect, is permissible pursuant to WIC § 18961.7 and WIC § 830 under specific guidelines.

Refer to [Attachment 1—Guidelines for Release of CFS Client Information](#) of CFS P&P [Confidentiality—CFS Client Records \(F-0105\)](#) and the CSEC MOU for further information.

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**REFERENCES**

**Attachments  
and CWS/CMS  
Data Entry  
Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Multidisciplinary Team \(MDT\) Guidelines](#)
- [Attachment 2—Identifying Commercially Sexually Exploited Children](#)
- [Attachment 3—Victims of Commercial Sexual Exploitation Data Collection Criteria](#)
- [Attachment 4—Commercial Sexual Exploitation of Children: Considerations for Intervention and Ongoing Services](#)
- [Data Entry Standards—Commercially Sexually Exploited Children \(CSEC\)](#)

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## Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on the link provided.

- CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#)
- CFS P&P [Structured Decision Making \(D-0311\)](#)
- CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#)
- CFS P&P [Dependency Intake \(A-0502\)](#)
- CFS P&P [Jurisdictional/Dispositional Hearing Report \(G-0310\)](#)
- CFS P&P [Case Plans \(D-0101\)](#)
- CFS P&P [Confidentiality—CFS Client Records \(F-0105\)](#)
- CFS P&P [Runaway/AWOL \(K-0214\)](#)

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## Other Sources

Other printed references include the following:

None.

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## FORMS

### Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
<a href="#">Orange County Social Services Agency Child Abuse Report</a>	F063-04-49A

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### Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

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**CWS/CMS  
Forms**

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

	<b>Form Name</b>	<b>Form Number</b>
	None.	

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**Brochures**

Brochures to distribute in conjunction with this policy may include:

	<b>Brochure Name</b>	<b>Brochure Number</b>
	None.	

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**LEGAL MANDATES**

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[Child Abuse and Neglect Reporting Act \(CANRA\)](#) provides for the protection of children from child abuse and neglect. CANRA defines sexual abuse, sexual exploitation, commercial sexual exploitation, neglect, physical abuse, emotional abuse, abuse and neglect in out-of-home care and mandates that certain professionals report known or suspected child abuse to appropriate authorities.

[Penal Code \(PC\) Section \(§\) 236.1](#) describes acts constituting the crime of human trafficking.

[PC § 311.2](#) describes acts of sexual exploitation punishable by law.

[PC § 311.4\(a\)](#) stipulates punishments for a person who uses a minor to do, or assist in, sex crimes described in PC § 311.2.

[PC § 11165.1\(c\)](#) defines the term, “sexual exploitation” and clarifies that “a person responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

[PC § 11165.1\(d\)](#) defines the term “commercial sexual exploitation.”

[PC § 11165.9](#) mandates that designated agencies accept reports of suspected child abuse and neglect received by mandated and non-mandated reporters and requires that the designated agency maintain a record of reports received.

[PC § 11166\(j\)\(1\)](#) mandates that child welfare agency staff immediately, or as soon as possible, cross report known or suspected instances of child abuse or neglect to the appropriate law enforcement agency, the District Attorney's office and to the agency given responsibility to investigate pursuant to WIC § 300.

[PC § 11166\(j\)\(2\)](#) mandates child welfare agency staff report to law enforcement immediately, or within 24 hours, when a child receiving child welfare services is identified as a victim of commercial sexual exploitation.

[PC § 11166 \(j\)\(3\)](#) mandates child welfare agency staff report to law enforcement immediately, or within 24 hours, a child (receiving child welfare services) who is missing or who is abducted and is reasonably believed to be a victim of, or at risk of, commercial sexual exploitation.

[Welfare and Institutions Code \(WIC\) § 300\(b\)\(2\)](#) clarifies that children who are commercially sexually exploited and whose parents failed to, or were unable to protect, come under the jurisdiction of the child welfare agency.

[WIC § 830](#) specifies that members of a multidisciplinary team engaged in the prevention, identification, management, or treatment of child abuse or neglect may disclose and exchange confidential information under specific guidelines.

[WIC § 16524.6](#) mandates that child welfare counties utilize a multidisciplinary team approach to case management, service planning and provision of services to victims of, or at risk of, commercial sexual exploitation.

[WIC § 16501](#) defines the term, "child welfare services."

[WIC § 16501.1\(g\)\(19\)](#) mandates that services provided for a child or non-minor dependent who are victims of, or at risk of, commercial sexual exploitation be documented in the child's case plan.

[WIC § 16501.35](#) mandates child welfare agencies identify, document, and determine appropriate services for children and NMDs who are victims of, or at risk of, commercial sexual exploitation. Also instructs child welfare agencies to expeditiously locate children and NMDs missing from care and outlines specific follow-up protocols.

[WIC § 18961.7](#) specifies multidisciplinary teams may be established to share confidential information in order for the provider agency to investigate reports of suspected child abuse or neglect, or for child welfare agencies to make a detention determination.

[22 United States Code \(U.S.C.\) 7102\(4\)](#) defines the term, "commercial sex act."

[22 U.S.C. 7102\(10\)](#) defines the term, "sex trafficking."

[All County Letter \(ACL\)16-49](#) provides guidelines for documentation of victims of, or at risk of, commercial sexual exploitation in the Child Welfare Services/Case Management System (CWS/CMS).

[ACL 16-15](#) outlines search requirements and follow-up protocols to expeditiously locate children and NMDs missing from care.