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POLICY

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## I. GENERAL BACKGROUND

Senate Bill 855, Chapter 29, Statutes of 2014 amended Welfare and Institutions Code (WIC) section 300 to clarify that under existing law, children and youth whose parent(s)/guardian(s) failed or were unable to protect them and who are commercially exploited may fall within the description of WIC section 300(b) and be adjudged as dependents of the juvenile court. In September of 2014, President Obama signed Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act. California codified these federal requirements into state law through SB 794, effective January 1, 2016. SB 794 clarifies that commercial sexual exploitation of children and youth must be reported as child abuse by mandated reporters and that appropriate reports must be made to law enforcement when a child or youth receiving child welfare services is identified as commercially sexually exploited.

## II. DEFINITIONS

- A. **Child and Family Team (CFT) Meeting:** Meetings consisting of a team of people, including the youth, the family, and all of the ancillary individuals who are working with them toward their successful transition out of the child welfare system.
- B. **Commercial Sex Act:** Sexual conduct in which anything of value is given or received by any person (California Penal Code 236.1).
- C. **Commercial Sexual Exploitation Identification Tool (CSE-IT,** pronounced “see it”): An identification tool used to screen and identify youth who may be commercially sexually exploited or are at risk of becoming so. There is a full version and a condensed version for use by the Centralized Screening Unit.
- D. **Commercially Sexually Exploited Children (CSEC)/Commercially Sexually Exploited Youth (CSEY):** Any child under the age of 18 that has been induced to perform a commercial sex act, regardless of whether force, fraud or coercion can be proven and regardless of whether the minor is “doing the act on their own” or has a pimp/trafficker. Any sex act exchanged for anything of value meets the definition of commercial sexual exploitation of children (e.g., a minor stripping in exchange for a place to stay; a mother selling her child in exchange for drugs; a minor performing a sex act in exchange for a cheeseburger).
- E. **Imminent Danger:** A child or youth is placed at risk of some harm or injury that could occur in the very near future. Also referred to as a safety threat in Structured Decision Making (SDM).

1. Indicators for Imminent Danger may include:

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- a. “Boyfriend” or other adult hovering/watching near by
  - b. Victim seemingly very worried, anxious or fearful
  - c. Location of child/youth is known for harboring victims
  - d. Disclosures of verbal threats of pending harm
  - e. Harassment that includes physical stalking and/or cyber/text stalking
  - f. Concerns related to kidnapping and/or being held against one’s will
  - g. Unexplained injuries and/or sexually transmitted diseases
  - h. Evidence of commercial trafficking (e.g. selling fruit on the street corner)
- F. **Multi-Disciplinary Team Meeting (MDT):** A standing monthly meeting at which Contra Costa County interagency partners are present to discuss strengths and challenges specific to the needs of identified CSEC/CSEY, and to determine next steps for intervention and support.
- G. **Non Minor Dependent (NMD):** Young adults, age 18 to 21, who are receiving Child Welfare services through the California Fostering Connections to Success Act, Assembly Bill 12, effective January 1, 2012. NMDs may be included in legal protections for CSEC if they were exploited prior to turning 18.
- H. **Safety Plan:** A written document that outlines the specific acts of protection to be demonstrated by the parent(s)/guardian(s) and/or care provider(s) that directly mitigates all identified threats to the child/youth’s safety.
- I. **Serious Harm:** Includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue to performing labor, services, or commercial sexual acts in order to avoid incurring that harm (California Penal Code 2316.1).
- J. **Sex Trafficking Victim**, as defined by California Penal Code §11165.1(d):
- 1. An individual subject to the “recruitment, harboring, transportation, provision, or

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obtaining of a person for the purposes of a commercial act”; OR

2. A victim of “severe form of trafficking in a person” in which “a commercial sex act is included by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age.”
- K. Welfare and Institution Code §300(b)(2): “The Legislature finds and declares that a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.”
- L. Sexual Abuse under Welfare and Institution Code §300(d): “The child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as defined in [Section 11165.1 of the Penal Code](#), by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.”
- M. **SOGIE:** Acronym that stands for “Sexual Orientation, Gender Identity and/or Expression”.
- N. **Structured Decision Making (SDM):** A system of assessment tools utilized in the field of child welfare for making decisions at key points throughout the course of a child welfare case. <http://ssd-sql1/STARS/STARSDDRS/ManualSection/31-0/MS31-907v4.pdf>

### III. POLICY

- A. Federal and State regulations and laws require county child welfare agencies to implement policies and procedures for commercially sexually exploited (CSE) children and youth to include the following activities:
1. Identifying children who are, or are at risk of becoming victims of CSE;
  2. Documenting at-risk or in-risk CSE children or youth in the Child Welfare Services/Case Management System (CWS/CMS) and any other agency record as determined by the county;

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3. Determining appropriate services for CSE children and youth; and
4. Receiving relevant training in the identification, documentation, and determination of appropriate services for any CSE child or youth.

B. Identifying CSEC

Identifying these children and youth as victims and survivors rather than as prostitutes and criminals can help change how these children are viewed in the community.

1. Common red flags and warning signs for CSEC may include, but are not limited to youth who:
  - a. are in possession of large amounts of money, belongings, or phones;
  - b. have a history of STDs/STIs and/or pregnancies;
  - c. have visible street tattoos, especially on the face or neck;
  - d. have status offenses (e.g. truancy, running away, violating curfew);
  - e. have been arrested in an area known for sex work;
  - f. have visible signs of physical abuse;
  - g. show behaviors of fear, anxiety, depression, submission, tension, and/or nervousness;
  - h. have contradicting personal information (e.g. lies about name or age, carries a fake form of identification, etc.);
  - i. have a history of gang activity;
  - j. have a history of substance use; or
  - k. identify as LGBTQ or are struggling with SOGIE issues.
2. All CFS staff who notice indicators of CSEC/CSEY will either:
  - a. Immediately notify the assigned SW; OR

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- b. Will immediately or as soon as practically possible make a suspected child abuse report to the Hotline (877-881-1116).
  - c. If there is concern that a non-minor dependent (NMD) is being trafficked or exploited, CFS staff are required to follow step (a) or (b) above. If there are indicators that someone affiliated with the NMD's placement is engaging in exploitation or trafficking, CFS staff must consult with the Centralized Screening unit to make reports to law enforcement and/or the appropriate licensing agency for investigation.
  - d. As youth may exhibit the above warning signs or be evasive about whereabouts, associations, and activities for reasons other than CSEC, factors should be understood in the youth's specific context in order to determine if they are related to CSEC or something else.
3. All CFS staff with primary responsibility for assessing danger, risk, and safety will utilize an approved assessment tool to screen for the presence of exploitation indicators.

## IV. PROCEDURE

### A. Hotline/Centralized Screening

1. CFS Hotline/Centralized Screening Unit staff will follow the Department Manual Section [\(MS\) 31-104](#), Emergency Response (ER) Hotline/Centralized Screening and [MS 31-907](#), Structured Decision Making (SDM) Protocol when receiving referrals related to commercial sexual exploitation/sex trafficking of a minor.
2. Staff will utilize the "At Risk" definition clarified in ACL 16-49 as required by SB 794
  - a. Minimum of one of the following indicators:
    - i. Child/youth exhibits behaviors or otherwise indicates that she/he is being controlled or groomed by another person.
    - ii. Child/youth spends time with people known to be involved in commercial sex;

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iii. Child/youth's use of internet, cell phone, or social media involves social or sexual behavior that is atypical for his/her age;

**OR** minimum of two of the following indicators 4-8:

iv. Child/youth has a history of running away, unstable housing, including multiple foster care placements, or periods of homelessness including couch surfing;

v. Child/youth has had prior involvement with law enforcement or the juvenile justice system;

vi. Child/youth is frequently truant;

vii. Child/youth's relationships are concerning, placing him/her at risk or in danger of exploitation;

viii. Child/youth has a history of substance abuse, specifically narcotics, opiates, crack/cocaine and amphetamines.

b. If the child is determined to be at Risk of CSEC, the screener will enter the appropriate code on the ID page of the Client in the Referral Notebook.

#### B. Emergency Response

1. The CFS Emergency Response to referrals alleging CSE of children and youth will follow existing policies related to Emergency Response, including [MS 31-084v1](#), Emergency Response, [MS 31-084.6](#), Emergency Response After Hours Procedures, and [MS 31-084.14v1](#), Emergency Response Face to Face Contact
2. When the ER investigation determines that ongoing intervention is warranted in order to protect the CSE child/youth from further exploitation, CFS will pursue the least intrusive option available. The Primary ER SW will document CSE allegation conclusions in CWS/CMS and select the new abuse subcategory of "Commercial Sexual Exploitation".
  - a. If the allegation of general neglect of commercial sexual exploitation is substantiated, the Primary SW will select the new abuse subcategory of "Fail/Unable to Protect from CSE" General neglect falls under WIC 300(b)(2).

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- b. Based on the evidence gathered during the investigation, the Primary SW will determine who is named as the perpetrator in each allegation. Under general neglect 300(b)(2), when the parent is not the exploiter of the child/youth and the only allegation is under general neglect, the substantiated report of “general neglect” is not referred to the CACI pursuant to Penal Code Section 11169(a).
- c. When concluding the Substantiated CSEC Allegation, the SW will complete the allegation conclusion on the ID page in the client services notebook and select the appropriate Abuse SubCategory.
- d. If the ER investigation is concluded without opening a case and the child accepts services, a referral will be made to the community based contracted agency to provide CSEC services. However if the ER investigation is concluded without opening a case and the child/youth refuses services, the social worker shall inform the child/youth of any resources available and provide them the CFS hotline for support.

C. Ongoing Case Management

1. All staff who provide direct services to children, youth, and/or families will follow their existing policies and procedures.
  - a. Social Workers in Emergency Response, Intensive Family Services, Court, Continuing Services, and any specialized program (e.g., Permanency & Transition, Adoptions, Children’s Residential Placement Unit) shall utilize [SDM](#) and CSE-IT as a reference to screen all youth 10 years of age and older to identify youth who are being commercially sexually exploited and those who are at risk for exploitation.
  - b. If using the CSE-IT to screen for exploitation indicators, and the assessment indicates either “Some Concern” or “Clear Concern,” the assigned SW will consult with their supervisor to decide on next steps, which may include:
    - Referring the child/youth to contracted community program
    - Convening a Child & Family Team (CFT) meeting

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2. All SWs assigned to in-person work with families or youth (as identified above) shall complete a re-screen of each youth:
    - When a new allegation of abuse or neglect is investigated;
    - After returning from runaway status or any change in placement or circumstances; to reassess accuracy of risk level
    - At least every 6 months to regularly monitor for change in CSE indicators and new information.
- D. Child and Family Team Meetings
1. Child and Family Team Meetings (CFT) will be held for a CSE child, youth or NMD and shall include the participation of the CSE child or youth when appropriate to establish a safety plan. NMD's have to consent to the CFT meeting. Other participants may include but not limited to: parents, guardians, Community agency Case Specialist and CSE Advocate, Social Workers, Domestic Violence Liaison, Mental Health Liaison, clinical case managers, Parent Partners, CASA, and Bay Area Legal Aid.
- E. Children/Youth Missing from Placement (formerly known as AWOL)
1. Whenever a youth has gone missing or has been abducted from care and their whereabouts are unknown, the SW shall report all necessary information to the National Crime Information Center (NCIC) and the National Center for Missing and Exploited Children (NCMEC) within 24 hours of having been advised of the youth's missing status. <http://ssd-sql1/STARS/STARSDDRS/ManualSection/31-0/MS31-481.pdf>
  2. For youth who are at risk of runaway or who have returned from a runaway episode:
    - a. The SW will collaborate with the child and family team (CFT) and/or the multidisciplinary team (MDT) to create a safety plan.
    - b. If a youth returns to care after having been missing or run away, the SW must assess and determine whether the youth was a victim of CSE while missing from placement.



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- c. The SW will consult with the Community Contracted Program Case Specialist and/or other services providers to ensure that the youth's needs are being addressed.
- d. The SW will document in the Special Indicator in CWS/CMS.

F. Documentation

- 1. The SW will document CSEC services, assessments and referrals in contact notes, court reports, and safety plans.
- 2. The SW or designated CFS staff is required to document the following on the ID page in the client notebook according to guidelines provided in ACL 16-49
  - a. At Risk
  - b. Victim Before Foster Care
  - c. Victim During Foster Care
  - d. Victim in open case, not in Foster Care
  - e. Victim while Absent from Placement
  - f. Victim with Closed Case, Rev ILP Svs

**Note:** A child/youth can have more than one CSEC type that applies.

- 3. The Start date is a mandatory field when creating a new row and cannot be less than the date of birth for the child/youth.
- 4. The End date is mandatory if an "At Risk" value is created and an active "Victim" row already exists.

#### IV. DESK GUIDES & RESOURCES

- A. [Local and National CSEC Resources](#)
- B. [CSEC Documentation Desk Guide](#)
- C. Referral Form for Community Based Services (located in CWS/CMS)
- D. [MDT Nomination Form](#)

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- E. [CSEC Bulletin](#)
- F. [Human Trafficking Terminology \(Reference for street terms\)](#)

## VI. REFERENCE

- Interagency Protocol for Serving Commercially Sexually Exploited Children In Contra Costa County
- ACL NO. 14-62 Commercially Sexually Exploited Children (CSEC) Program
- ACIN NO. 1-23-15 Commercially Sexually Exploited Children (CSEC) Model Interagency Protocol
- ACL NO.: 16-08 Federal Preventing Sex Trafficking and Strengthening families Act
- ACL NO.: 16-49 Commercially Sexually Exploited Children Documentation in the Child Welfare Services/Case Management System
- ACIN NO. 1-21-16, Commercially Sexually Exploited Children (CSEC) 300(b)(2) and Child Abuse Central Index (CACI)
- Penal Code 11165.1, Section 236.1
- Welfare and Institutions Code 18960-18964
- Welfare and Institutions Code 18961.7(c)

CONTACT PERSON: Supervisors and above may contact the Program Analyst with any questions.

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