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REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

May 23, 2016

ALL COUNTY LETTER NO. 16-49

TO: ALL COUNTY CHILD WELFARE DIRECTORS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL COUNTY CHIEF PROBATION OFFICERS
 ALL TITLE IV-E AGREEMENT TRIBES
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS

SUBJECT: **COMMERCIALLY SEXUALLY EXPLOITED CHILDREN
 DOCUMENTATION IN THE CHILD WELFARE SERVICES/CASE
 MANAGEMENT SYSTEM**

REFERENCE: [PUBLIC LAW \(P.L.\) 113-183](#); [SENATE BILL \(SB\) 855 \(CHAPTER 29, STATUTES OF 2014\)](#); [SENATE BILL \(SB\) 794 \(CHAPTER 425, STATUTES OF 2015\)](#); [COMMERCIALLY SEXUALLY EXPLOITED CHILDREN \(CSEC\) PROGRAM, WELFARE AND INSTITUTIONS \(WIC\) CODE SECTION 16524.6 ET SEQ.](#); [PENAL CODE SECTION 11165.1](#); [ALL COUNTY LETTER \(ACL\) NO. 14-62](#); [ACL NO. 15-49](#).

This All County Letter (ACL) provides instruction on how to properly document within the Child Welfare Services/Case Management System (CWS/CMS) children and youth¹ who are, or are at risk of being, commercially sexually exploited (CSE) as required by SB 855 and SB 794. Specifically, these instructions explain how to transition from the Special Project Codes (SPCs) to using the **permanent system changes** in CWS/CMS.

This ACL supersedes the instructions previously provided in ACL No. 15-49, which implemented the temporary use of the SPCs. The SPCs caseworkers have been using

¹ Under Section 471(a)(9)(C)(i)(I) of the Social Security Act, this includes “any child or youth over whom the State agency has responsibility for placement, care, or supervision and who the State has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom a State child welfare agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under Section 475(8) of this Act, and youth who are not in foster care but are receiving services under Section 477 of this Act)”

as an interim “workaround” will now be replaced by the permanent system changes described below. Existing data from the SPCs will be merged into the new commercially sexually exploited children (CSEC) fields at the same time the permanent system changes go live on **Saturday, May 21, 2016**. Users will be able to enter the SPCs between Saturday and Monday, however; that data would not be pulled over into the new fields. Caseworkers should commence use of the permanent system changes on **May 21, 2016**.

Background

Senate Bill (SB) 855 amended Welfare and Institutions Code (WIC) section 300 to clarify that under existing law, CSEC children² whose parents or guardians failed or were unable to protect them may fall within the description of the WIC section 300(b) and be adjudged as dependents of the juvenile court. The Legislature also amended the WIC (commencing with section 16524.6) to establish a state-funded CSEC Program to be administered by the California Department of Social Services (CDSS) in which counties elected to participate. Pursuant to WIC section 16524.9, the CWS/CMS must be capable of collecting data concerning CSEC, including children who are referred to the child abuse hotline and children currently served by county child welfare and probation departments who are subsequently identified as victims of commercial sexual exploitation.

In addition, on September 29, 2014, President Obama signed Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act. This new federal law contains several provisions relating to sex-trafficked children, including a requirement that agencies develop policies and procedures for identifying, documenting, and determining appropriate services for serving children and youth who are, or are at risk of being, a victim of sex trafficking, and reporting related data to the federal Department of Health and Human Services, Administration for Children and Families.

Conforming state law changes implementing these new federal requirements were codified by SB 794 (2015) and became operative on January 1, 2016. In particular, WIC section 16501.35(a) requires county child welfare agencies and probation departments to implement policies and procedures to identify children receiving child welfare services who are, or are at risk of becoming, victims of commercial sexual exploitation, and to document these identified individuals in the CWS/CMS. Pursuant to WIC section 16501.45(c), county child welfare agencies and probation departments must provide the data necessary to comply with federal reporting requirements.

² WIC § 300(b)(2) “...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.”

Use of the Exploitation & Neglect Abuse Categories and CSEC SubCategories

When a referral comes in indicating the commercial sexual exploitation of a child or youth, the intake worker may choose “exploitation” and/or “general neglect” as the abuse category allegation in the Referral Notebook, depending upon the specific circumstances alleged by the referral. Based upon the evidence gathered during the investigation, caseworkers should use appropriate judgment to determine who is named as the perpetrator in each allegation, and whether other allegations, such as sexual abuse or caretaker absence, should also be documented in the referral.

If an exploitation allegation in the case of a commercially sexually exploited child or youth is substantiated, county workers should select the new Abuse Subcategory of “Commercial Sexual Exploitation.” This abuse subcategory replaces the previously existing subcategories of “Child Porno/Knowledge/Involvement of Parent” and “Selling/Offering to Sell Child,” which will be greyed out and no longer available for use.

If a general neglect allegation in the case of a commercially sexually exploited child or youth is substantiated, county workers should select the new abuse subcategory of “Fail/Unable to Protect from CSE.” Please see Attachment A for more details.

CSEC Data Grid

The CSEC Data Grid is located on the ID page in the Client Notebook (See Attachment B). The grid is enabled in Case and Referral for a child or youth only. The new grid allows users the capability to add, view and modify CSEC data.

The CSEC Type in the table on the next page will be used to identify and document children and youth who are, or are at risk of being, commercially sexually exploited and have new, open, and closed cases in the CWS/CMS. Updating CSEC data for closed cases or referrals is only allowable if the user has the 'Closed Case/Referral Update' privilege.

Please note: Four of the six CSEC Types match the CSEC SPCs that have been used in the interim workaround. To fully implement the new federal reporting requirements, two new CSEC Types have been added and are identified with an asterisk (*).

The “At Risk” definition has been changed and clarified.

	CSEC Type	Description	Instructions
1.	<p>At-Risk³</p> <p>Required by SB 794.</p>	<p>Minimum of one of the following indicators: (A) Child/youth exhibits behaviors or otherwise indicates that she/he is being controlled or groomed by another person. (B) Child/youth spends time with people known to be involved in commercial sex; (C) 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 D-H: (D) Child/youth has a history of running away, unstable housing, including multiple foster care placements, or periods of homelessness including couch surfing; (E) Child/youth has had prior involvement with law enforcement or the juvenile justice system; (F) Child/youth is frequently truant; (G) Child/youth’s relationships are concerning, placing him/her at risk or in danger of exploitation; (H) Child/youth has a history of substance abuse, specifically narcotics, opiates, crack/cocaine and amphetamines.</p>	<ul style="list-style-type: none"> • Start Date: The date the child or youth is identified by the caseworker as being at-risk for CSE based upon meeting the risk factor requirements in the description and based upon the knowledge of the caseworker. • End Date: The date the child or youth no longer meets the At-Risk criteria for CSE as assessed by the caseworker, or the date when the child or youth became a victim of CSE. If the child or youth becomes a victim of CSE after having been identified and documented as At-Risk for CSE, the caseworker should enter an end date for the At-Risk type and select the appropriate CSEC type (Victim During Foster Care, Victim in Open Case not in Foster Care, or Victim with Closed Case, Rcv ILP Svcs) to the case notebook.

³ Social Security Act § 471(a)(9)(C)(i)(I), WIC § 16501.35, & WIC § 16501.45

	CSEC Type	Description	Instructions
2.	Victim Before Foster Care⁴ Required by SB 855 and SB 794.	Child/youth who is CSEC/sex trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in Penal Code §236.1 or §11165.1, including pornography and who became such a victim BEFORE entering foster care.	<ul style="list-style-type: none"> • The Start Date must be entered and can be a date prior to the child or youth's entry into the child welfare system. • The End Date should be entered as the date the child or youth no longer receives any child welfare services.
3.	Victim During Foster Care⁵ Required by SB 855 and SB 794.	Child/youth who is sex trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in Penal Code §236.1 or §11165.1, including pornography and who became such a victim WHILE IN foster care.	<ul style="list-style-type: none"> • Start Date: The date the child or youth—while in care—became a victim of CSE, as identified by the caseworker through the county screening process. • End Date: The date the child or youth is no longer in foster care.
4.	* Victim in Open Case not in Foster Care⁶ Required by SB 855 and SB 794.	Child/youth who is CSEC/sex trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in Penal Code §236.1 or §11165.1, including pornography and who became such a victim while in an open case but not in foster care. This includes a child who became a CSE victim with an open family maintenance case or whose parent(s) are participating in voluntary services and the child has not been removed from the home.	<ul style="list-style-type: none"> • Start Date: The date the child or youth became a victim of CSE, as identified by the caseworker through the county screening process. • End Date: The date the child or youth no longer receives child welfare services.

⁴ Social Security Act § 471(a)(9)(C)(i)(I), § 479(c)(3)(E), WIC § 16501.45 & WIC § 16524.9

⁵ Social Security Act § 471(a)(9)(C)(i)(I), § 479(c)(3)(E), WIC § 16501.45, WIC § 16501.35, & WIC § 16524.9

⁶ Social Security Act § 471(a)(9)(C)(i)(I), WIC § 16501.35, & WIC § 16524.9

	CSEC Type	Description	Instructions
5.	Victim While Absence From Placement ⁷ Required by SB 855 and SB 794.	A child or youth who is absent without leave (AWOL), or is abducted, or is otherwise absent from placement and is CSEC/sex trafficked as described in WIC §300(b)(2) or Penal Codes §236.1 or §11165.1 during absence from placement and identified as such upon return to placement.	<ul style="list-style-type: none"> • Applies to a child or youth in foster care and not the expanded populations of youth identified in Footnote 1 of this ACL. • Per federal law⁸, the caseworker will need to ascertain the child's experiences while absent from placement, including whether the child was a victim of CSE during their absence from placement. Once the child is identified, the caseworker will retroactively enter the Start Date as the date when the child was first absent from placement and the End Date as the date the child returned to placement. • May be used multiple times for separate incidents.
6.	* Victim with Closed Case, Rcv ILP Svcs ⁹ Required by SB 794	Child/youth who is CSEC/sex trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in Penal Code §236.1 or §11165.1, including pornography and who became such victim in a closed case and receives Independent Living Program (ILP) Services.	<ul style="list-style-type: none"> • Applies to a child or youth whose case is closed but is receiving ILP services. • Start Date: The date the child or youth became a victim of CSE, as identified by the caseworker through the county screening process. • End Date: The date the child or youth no longer receives ILP services. • May be used multiple times for separate incidents.

⁷ Social Security Act § 471(a)(35)(A)(iii), WIC § 16501.35, WIC § 16501.45, & WIC § 16524.9

⁸ Social Security Act § 471(a)(35)(A)(iii) requires “determining the child’s experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim (as defined in Section 475(9)(A)).” This requirement is codified in state law in WIC § 16501.35.

⁹ Social Security Act § 471(a)(9)(C)(i)(I), WIC § 16501.35

If an Allegation with an Abuse SubCategory of 'Commercial Sexual Exploitation' or 'Fail/Unable to Protect from CSE' exists and the child or youth does not have any CSEC data entered into the CSEC Data Grid, a message will be displayed and instruct the user to enter information into the CSEC Data Grid before allowing them to save to the database.

Start and End Dates

The Start Date is a mandatory field when creating a row and cannot be less than the date of birth for the child or youth. The Start Date cannot be a future start date. The history sorts in descending order with null End Dates first. The End Date is mandatory if an 'At Risk' value is created and an active 'Victim' row already exists. The same is true when a 'Victim' row is created and an active 'At Risk' row already exists. A child or youth cannot be at risk and a victim at the same time. The End Date field is mandatory if 'Absence from Placement' is selected because the child or youth would have returned and the case worker would have interviewed them. The End Date must be greater than or equal to the Start Date and cannot be a future End Date.

Counties needing additional assistance regarding data entry should contact their System Support Consultant at the Office of Systems Integration, or the CMS Support Branch at CMSProgramPolicyUnit@dss.ca.gov.

For any other questions, please contact the Child Welfare Policy and Program Development Bureau; Child Trafficking Response Unit staff at CSECPprogram@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

c: CWDA

ATTACHMENT A

Instructions for entering the Abuse SubCategory while Substantiating a CSEC Allegation of Exploitation

In the Referral Management Notebook (green section):

1. Click on the **Open Existing Allegation** button.
2. Select the Allegation row that you are concluding.
3. Click on the **Conclusion** tab and enter the **Allegation Conclusion** of Substantiated.
4. Click the “+” button under **Abuse Information** to select the **Abuse SubCategory** of Commercial Sexual Exploitation.

The screenshot shows the 'Client Services - Referral [L, Mother] - [Allegation [L, Susie (15)]]' application window. The 'Conclusion' tab is active. The 'Current Conclusion' section includes fields for 'People Involved' (Alleged Victim: L. Susie, Abuse Category: Exploitation, Alleged Perpetrator: [empty]), 'Conclusion Date' (04/12/2016), and 'Allegation Conclusion' (Substantiated). The 'Abuse Information' section has a red box around the '+' button. A red arrow points from this button to the 'Select Abuse Information' dialog box. The dialog box lists several options, with 'Commercial Sexual Exploitation' highlighted in a red box. The 'Conclusion History' table is empty. At the bottom, there is a section for 'Allegation Conclusion modified as a result of grievance?' with radio buttons for 'No' and 'Yes'.

NOTE: The existing Abuse SubCategory rows 'Child Porno, Knowledg/Involmnt of Parnt' and 'Selling/Offering to Sell Child' under the Abuse Category of 'Exploitation' has been replaced with a new value of '**Commercial Sexual Exploitation.**'

ATTACHMENT A (cont'd)

Instructions for entering the Abuse SubCategory while Substantiating a CSEC Allegation of General Neglect

In the Referral Management Notebook (green section):

1. Click on the **Open Existing Allegation** button.
2. Select the Allegation row that you are concluding.
3. Click on the **Conclusion** tab and enter the **Allegation Conclusion** of Substantiated.
4. Click the “+” button under **Abuse Information** to select the **Abuse SubCategory** of Fail/Unable to Protect from CSE.

The screenshot displays the 'Client Services - Referral' application window for a case involving 'L, Mother' and an allegation for 'L, Susie (15)'. The 'Conclusion' tab is active, showing the 'Current Conclusion' section with the following details:

- Alleged Victim: L, Susie
- Abuse Category: General Neglect
- Allegation Conclusion: Substantiated
- Conclusion Date: 04/12/2016

The 'Abuse Information' section contains a '+' button (highlighted in red) and a text field for 'Abuse Subcategory'. A dialog box titled 'Select Abuse Information' is open, showing a list of subcategories. The 'Abuse SubCategory' label in the dialog is highlighted in red, and the option 'Fail/Unable to Protect from CSE' is selected. Other options in the list include:

- Failure to Provide Adequate, Safe Shelter
- Failure to Provide Clothing
- Failure to Provide Food
- Failure to Provide General Medical Care
- Lack of Supervision
- Prenatal Exposure to Drugs/Alcohol

The dialog box also features 'OK', 'Cancel', and 'Help' buttons. A red arrow points to the 'Fail/Unable to Protect from CSE' option in the list.

ATTACHMENT B

Instructions for locating and entering the CSEC Data and Start and End Date

In the Client Management Section (blue section)\Open Existing Client notebook:

1. Click the **ID** tab to access the **CSEC Data** table.
2. Select from the six **CSEC Types** and enter the **Start and End Dates** according to the instructions in the table starting on page four of this ACL.
3. The Start Date is a mandatory field when creating a row and cannot be less than the date of birth for the child or youth.
4. The Start Date cannot be a future start date.
5. The End Date is mandatory if an 'At Risk' value is created and an active 'Victim' row already exists. The same is true when a 'Victim' row is created and an active 'At Risk' row already exists. A child or youth cannot be at risk and a victim at the same time.
6. The End Date field is mandatory if 'Absence from Placement' is selected because the child or youth would have returned and the case worker would have interviewed them.
7. The End Date must be greater than or equal to the Start Date and cannot be a future End Date.

The screenshot shows the 'Client Services - Referral [L, Mother] - [Client [Susie L]]' application window. The 'ID' tab is active, displaying the 'CSEC Data' table. The table has columns for 'CSEC Type', 'Start Date', and 'End Date'. A dropdown menu is open for the 'CSEC Type' column, showing options: '<None>', 'At Risk', 'Victim Before Foster Care', 'Victim During Foster Care', 'Victim in Open Case not in Foster Care', 'Victim while Absent from Placement', and 'Victim with Closed Case, Rcv ILP Svcs'. A red arrow points to the 'Victim During Foster Care' option. The 'Other Client Information' section shows 'ICWA Eligible' as 'No' and 'Incapacitated Parent' as 'No'. The 'Language' section shows 'Primary Language' as 'English'. The 'Race/Ethnicity' section shows 'Race' as 'White' and 'Ethnicity' as 'Other Ethnicity'. The 'Safely Surrendered Baby' section shows 'This Client has been involved in the Safely Surrendered Baby Program' as 'No'. The 'Confidentiality' section shows 'Confidentiality In Effect' as 'No'.