



WORKING TOGETHER
TO PROTECT
EXPLOITED CHILDREN

Memorandum of Understanding Template for the Commercially Sexually Exploited Children (CSEC) Program

Developed by the Child Welfare Council CSEC Action Team

Copyright © 2015 Child Welfare Council Commercially Sexually Exploited Children (CSEC) Action Team. All Rights Reserved.

The California Department of Social Services (CDSS) provided funding for the development of these documents as samples of promising practice. The opinions expressed herein are solely those of the authors and not of CDSS.



Introduction

The Commercially Sexually Exploited Children (CSEC) Action Team¹ of the California Child Welfare Council² created this Memorandum of Understanding Template (MOU Template) to assist counties that are electing to participate in the state-funded CSEC Program. The MOU Template fulfills the statutory requirements of the CSEC Program and integrates promising practices, but it does not incorporate new federal requirements.³

While this MOU Template is designed specifically to address service delivery to commercially sexually exploited children and youth, many of the steps outlined can be utilized to improve service delivery for other vulnerable youth that touch multiple systems.⁴

Please note what is outside the scope of this MOU Template:

- Targeted responses to populations with distinctive needs, including:
 - Undocumented youth
 - Homeless youth
 - Youth who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ)
 - Youth who have no current involvement in either the child welfare or juvenile justice systems
 - Transition age youth between the ages of 18 and 24
 - Children with significant developmental or cognitive delays
 - Children who are from out-of-county or out-of-state
 - Children identified as missing on the National Center for Missing and Exploited Children (NCMEC) and the National Crime Information Center (NCIC)
 - Child labor trafficking victims
- Internal response protocols delineating how individual agencies will identify and respond to victims of commercial sexual exploitation within their own agency. These internal response protocols must align with the overarching, interagency protocol memorialized in the MOU.
- A communications framework to facilitate effective communication and collaborative service delivery among the parties to the MOU. This will include assigning certain responsibilities to the parties including, but not limited to: organizing the logistics of the

¹ See KATE WALKER, CAL. CHILD WELF. COUNCIL, ENDING THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN: A CALL FOR MULTI-SYSTEM COLLABORATION IN CALIFORNIA (2013) (providing recommendations for combatting CSEC statewide, which resulted in the creation of the CSEC Action Team at the behest of the California Child Welfare Council in 2014), available at http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf.

² 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.”).

³ State legislation to codify federal requirements is pending. Counties should consider incorporating federal requirements into their MOU. See Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014) (detailing the federal requirements).

⁴ See generally JOHN A. TUELL ET AL., DUAL STATUS YOUTH – TECHNICAL ASSISTANCE WORKBOOK (2013) (providing guidance to state and local jurisdiction to improve the outcomes for dual status youth and families), available at <http://www.rfkncrj.org/images/PDFs/Dual-Status-Youth-TA-Workbook-Cover.pdf>.



MDTs, such as scheduling, convening and inviting non-required parties to participate in the MDTs; and notifying a particular agency when a youth under its jurisdiction comes to the attention of another agency.

- Training guidance that defines the training that must occur prior to the implementation of the MOU to: 1) educate the parties about commercial sexual exploitation,⁵ 2) explain how to use the screening and assessment tools, and 3) understand the roles and responsibilities of each party under the MOU.

In order to access CSEC Program funding, as explained in ACL No. 15-48, a county must submit:

- 1) A County Plan to the California Department of Social Services (CDSS) by June 30, 2015 and
- 2) An interagency protocol to CDSS by October 1, 2015 pursuant to WI&C Section 16524.8 or another agreement such as a Memorandum of Understanding (MOU) that fulfills the statutory requirements of the interagency protocol in order to qualify for Tier II funding.

To develop the interagency MOU, a county's CSEC Steering Committee⁶ must complete all underlined text in all sections. The following steps will help guide counties' decisions regarding the underlined sections:

- 1) Review all of the underlined text to identify the decisions a county should consider. For example, the screening process to identify exploited children⁷ and the three-tiered multidisciplinary approach.⁸
- 2) Consider what processes are already in place within and across agencies that can be leveraged to meet the needs of CSEC.⁹
- 3) Review examples provided throughout the MOU Template, which provide specific examples on how a county may choose to approach certain sections.¹⁰
- 4) Identify which agencies have a role under each section and delineate their specific responsibilities.¹¹

For questions about this MOU Template, please email CSECActionTeam@youthlaw.org.

⁵ See CalSWEC et al., "CSEC 101 Learning Objectives," available at

http://calswec.berkeley.edu/sites/default/files/uploads/csec_101_learning_objectives_finalr0021015.pdf.

⁶ See CAL. DEP'T OF SOC. SER., CAL. HEALTH AND HUMAN SER. AGENCY, ALL COUNTY INFORMATION NOTICE NO. 1-23-15, COMMERCIAL SEXUALLY EXPLOITED CHILDREN (CSEC) MODEL INTERAGENCY PROTOCOL FRAMEWORK (2015) (recommending that counties form a steering committee to, among other responsibilities, develop and oversee the implementation of the MOU), available at http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acin/2015/I-23_15.pdf. [hereinafter ACIN No. 1-23-15].

⁷ See *infra* Section II, Identification, pp. 7.

⁸ See *infra* Section IV, Multidisciplinary Response, pp. 11.

⁹ The CSEC Action Team recognizes both the incredible demands on agency workers, as well as the multiple teaming and other case plan efforts that are already in place in numerous jurisdictions. Therefore, the Action Team recommends that counties assess whether there are ways to build off of existing processes and incorporate CSEC specific responses, where appropriate, rather than creating entirely new processes that will be unduly burdensome and resource-intensive.

¹⁰ All examples, which follow underlined text, fall within quotation marks and can be adapted, replaced, or utilized as-is by the county, e.g. "The parties agree to..."

¹¹ Note that the examples provided do not address the responsibilities of *all* agencies, but rather provide a sample for select agencies. The Steering Committee should exhaustively consider and outline responsibilities for each relevant agency in each section.



MEMORANDUM OF UNDERSTANDING¹² 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), Department of Education of County, Children’s Dependency Attorneys, Community-Based Agencies”]

As to County’s Commercially Sexually Exploited Children (CSEC) Program

WHEREAS, an individual who is commercially sexually exploited child (CSEC) or 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 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), Department of Education of County, 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

WHEREAS, the MOU reflects the County and the parties’ commitment to the following guiding principles:

A. Commercial Sexual Exploitation of Children:

¹² This template, in the form of a memorandum of understanding, was adapted from a number of sources. See, e.g., LOURDES M. ROSADO & RIYA S. SHAH, JUV. LAW CTR., PROTECTING YOUTH FROM SELF-INCRIMINATION WHEN UNDERGOING SCREENING, ASSESSMENT, AND TREATMENT WITHIN THE JUVENILE JUSTICE SYSTEM, APPENDIX B (2007), available at http://www.jlc.org/sites/default/files/publication_pdfs/protectingyouth.pdf; LA CNTY., OPERATIONAL AGREEMENT LOS ANGELES COUNTY COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC) LAW ENFORCEMENT FIRST RESPONDER PROTOCOL (2014), available at <http://www.cwda.org/downloads/tools/csec/LA-CSEC-Operational-Agreement.pdf>.



1. Must be understood as child abuse and reported as such,¹³ and
2. Should not be criminalized.

B. Responses to CSEC should be:

1. Victim-centered,¹⁴
2. Trauma-informed,¹⁵
3. Strengths-based,¹⁶
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 better 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 youth's strengths and respond to his/her 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 the identification and assessment process or during a multidisciplinary team meeting shall be used solely for prevention, identification, and treatment

¹³ See CAL. PENAL CODE §§ 11164-11174.3.

¹⁴ See CAL. CHILD WELF. COUNCIL, CSEC ACTION TEAM, MODEL INTERAGENCY PROTOCOL, APPENDIX (2015), available at http://www.youthlaw.org/fileadmin/ncyl/youthlaw/child_welfare/Appendix_040615_Final.pdf.

¹⁵ See *id.*

¹⁶ See *id.*



purposes and shall otherwise be confidential and retained in the files of the entity performing the screening or assessment. 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

WHEREAS, the parties, as defined by law, must comply with mandatory reporting guidelines as defined by California Penal Code Sections 11164 – 11174.3 and report known or suspected child abuse and neglect, which includes sexual exploitation; 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. Description of the Steering Committee to oversee the CSEC Program

1. In order to ensure County effectively implements the CSEC Program, 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 youth 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,¹⁷
 - (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) Providing an annual report to the State in compliance with State and Federal requirements.”¹⁸

¹⁷ 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 CHILDREN, YOUTH AND FAMILIES, ACYF-CB-IM-14-03, NEW LEGISLATION – PUBLIC LAW 113-183, THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT (2014), *available at* <http://www.acf.hhs.gov/sites/default/files/cb/im1403.pdf>. [hereinafter PUBLIC LAW 113-183].

¹⁸ See CAL. CHILD WELF. COUNCIL, CSEC ACTION TEAM, MODEL INTERAGENCY PROTOCOL FRAMEWORK 3 (2015), *available at* http://www.youthlaw.org/fileadmin/ncyl/youthlaw/child_welfare/Model_Interagency_Protocol_Framework_040615_Final.pdf [hereinafter PROTOCOL FRAMEWORK]; CAL. WELF. & INST. CODE § 16524.10; PUBLIC LAW 113-183, *supra* note 17.



B. Identify the members on the Steering Committee.

i. *Example:* “The following parties agree to participate in the Steering Committee and fulfill the responsibilities defined in this MOU:

1. Required:¹⁹
 - a. Child Welfare – Lead
 - b. Probation
 - c. Mental Health
 - d. Public Health
 - e. Juvenile Courts
2. Optional:²⁰
 - a. Children’s Dependency Attorney
 - b. District Attorney
 - c. Public Defender
 - d. Survivor mentors/advocates
 - e. County Counsel
 - f. Direct legal and service providers
 - g. Educational representatives
 - h. Law enforcement
 - i. Staff/administrative support.²¹”

C. Define general participant responsibilities on the Steering Committee.

- i. *Example:* “Each party will fulfill the following responsibilities as part of its work on the Steering Committee under this MOU:
- (i) Appoint director or designee empowered to make decisions on behalf of the party to participate,
 - (ii) Attend regularly scheduled meetings and participate collaboratively in committee,
 - (iii) Report on successes, barriers to providing services, and areas for improvement, including recommendations for adapting the MOU and training needs/gaps, and
 - (iv) Provide aggregate data on identified CSEC including the numbers identified and the services accessed by those youth.”²²

D. Define each party’s roles and responsibilities for the Steering Committee.

- i. *Example:* “The following describes the specific roles and responsibilities of each party in the Steering Committee:
- (i) Child Welfare Department will be responsible for:²³

¹⁹ See CAL. WELF. & INST. CODE § 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 18, 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).

²⁰ ACIN NO. 1-23-15, *supra* note 6 (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”).

²¹ Counties may choose to hire staff to provide administrative/staffing to support the Steering Committee and MDTs. Staff may provide assistance with items such as data collection, drafting reports, coordinating and scheduling meetings, and note-taking.

²² PROTOCOL FRAMEWORK, *supra* note 18, at 4.



1. Convening and serving as lead agency of steering committee,
2. Providing staff to coordinate the steering committee, and
3. Gathering aggregate data from the MDTs to present and analyze with Steering Committee.”

II. Identification

A. Description of screening process to identify commercially sexually exploited children and those at risk for such exploitation

1. The parties agree that youth will be screened as follows: provide a detailed description of the screening process including the following information:
 - A. Identify the parties responsible for conducting the screening and the parties’ designees who will administer the screening to children and youth.
 - i. *Example:* “The following parties are responsible for screening youth to identify whether they have been commercially sexually exploited, are being commercially sexually exploited, or are at risk of becoming commercially sexually exploited.
 - (i) Child Welfare Department
 1. Child abuse hotline staff
 2. Emergency response investigators
 3. Case carrying social workers
 - (ii) Probation Department
 1. Juvenile Hall intake staff
 2. Deputy probation officers – juvenile supervision
 3. School-based juvenile probation officers
 - (iii) Public Health Department-Physical Health
 1. Emergency Department/Room medical professionals including physicians and nurses
 2. Teen clinic medical professionals
 - (iv) Office of Education
 1. Foster Youth Services coordinator
 2. School-based counselors.”
 - B. Describe the circumstances in which each party must screen a child for commercial sexual exploitation.
 - i. *Example:* “The parties must screen for sexual exploitation under the following circumstances:
 - (i) Child Welfare Department:
 1. All children age 10 and above who are either/both:
 - a. Chronically on the run
 - b. Living in the same home in which another child is identified as having been exploited.

²³ Note, this example defines the responsibilities for *one* agency. All future examples follow a similar format. In their complete MOUs, counties should outline the responsibilities for *all* relevant agencies in each section.



- (ii) Public Health Department:
1. With chronic sexually transmitted infections/sexually transmitted diseases (STIs/STDs), and/or
 2. Who are pregnant or have received multiple pregnancy tests.”
- C. Identify the screening instrument to be used, including a statement that each of the parties has received and reviewed the screening instrument. Attach the screening instrument as an appendix to this MOU.
- i. *Example:* “The Commercial Sexual Exploitation - Identification Tool (CSE-IT)²⁴ will be administered as a screening instrument as described in this MOU. All parties have received and reviewed a copy of the CSE-IT, including an overview of the tool, and understand the training required for use. A copy of the tool and overview are attached as an appendix to this MOU.”
- D. Describe what the screening tool’s administrator will communicate to the youth regarding information sharing, confidentiality, and access to records immediately prior to being screened.²⁵
- 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 youth 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, including inadmissibility at different stages of the juvenile and/or criminal court processes.

²⁴ See WESTCOAST CHILDREN’S CLINIC, COMMERCIAL SEXUAL EXPLOITATION-IDENTIFICATION TOOL (CSE-IT) PILOT TEST FREQUENTLY ASKED QUESTIONS (2015).

²⁵ The CSEC Action Team recommends that each county draft a script, in consultation with county counsel, that is read to the youth before the screening tool is administered. The script should use developmentally appropriate language that a youth can understand. It should describe the possible and prohibited disclosures and uses of the information and statements gathered during the screen, including what access the youth will/will not have to the screening results.



III. Assessment

A. Description of the assessment process

1. The above parties agree that an assessment of an exploited youth's needs and strengths must take place upon identification and on an ongoing basis. Further, the parties agree that it is in the youth'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 youth.
 - i. *Example:* "The following parties are responsible for assessing children and youth 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."
 - B. Describe the circumstances in which each party must assess youth to determine his/her needs and tailor the youth'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, and/or
 3. Every six months to monitor progress.
 - (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 youth regarding information sharing, confidentiality, and access to records immediately prior to being assessed.²⁶

B. Permissible and prohibited disclosure and uses of information/statements obtained during assessment²⁷

1. The above agencies agree that the information and statements obtained from the youth 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, including inadmissibility at different stages of the juvenile and/or criminal court processes.

IV. Multidisciplinary Response²⁸

- 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”²⁹ and commercially sexually exploited children and those at risk for such exploitation.³⁰ In order to sufficiently address a commercially sexually exploited child’s needs from identification

²⁶ The CSEC Action Team recommends that each county draft a script, in consultation with county counsel, that is read to the youth before the assessment is conducted. The script should use developmentally appropriate language that a youth can understand. It should describe the possible and prohibited disclosures and uses of the information and statements gathered during the assessment, including what access the youth will/will not have to the assessment results.

²⁷ Note that this may be similar to but different than the “permissible and prohibited disclosures and uses of information/statements obtained during the screening” addressed in Section II.B.1.

²⁸ See CAL. WELF. & INST. CODE § 16524.8(b) (requiring a multidisciplinary response as a component of the CSEC Program).

²⁹ CAL. WELF. & INST. CODE § 18961.7.

³⁰ *Id.*



through ongoing stabilization, a three-tiered multidisciplinary response, as described below, may be employed.³¹ This approach includes:

1. *Immediate Crisis MDT*, which involves both a rapid response within 2 hours³² as well as intensive, ongoing support through the first 72 hours³³ post-identification.³⁴
2. *Initial MDT*, which includes convening a team within 10 days³⁵ to address the youth'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.³⁶

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 – Lead
- 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:³⁷

³¹ Although the CSEC Program does not require this three-tiered multidisciplinary approach, it is the recommendation of the CSEC Action Team. That said, the Action Team recognizes that some counties may have very small numbers of CSEC and limited resources and a different approach may be more appropriate.

³² Although county child welfare agencies are only required to respond within 24 hours when there is an imminent safety risk to the child, many child welfare agencies respond to investigate the allegation of abuse within 2 hours. Because commercially sexually exploited children often run away and are difficult to engage, the CSEC Action Team recommends that this initial engagement occur within 2 hours; *see* CAL. WELF. & INST. CODE § 16501(f).

³³ This 72-hour period is a promising practice and not a statutory requirement for county opt-in for the CSEC Program; *see* LA CNTY., LAW ENFORCEMENT FIRST RESPONDER PROTOCOL FOR COMMERCIALY SEXUALLY EXPLOITED CHILDREN (CSEC) (on file with the CSEC Action Team).

³⁴ Note that the members of the team responding within the first 2 hours may vary from the members of the team responding throughout the first 72 hours. For example, the social worker and an advocate may respond to a staging area within the first 2 hours to engage and stabilize the youth, and a physician may become involved to conduct a medical evaluation within the 72 hour period.

³⁵ The CSEC Action Team recommends that the Initial MDT convene within 10 days, which is the time frame required to investigate allegations of child abuse and neglect that do not present imminent danger; *see* CAL. WELF. & INST. CODE § 16501(f).

³⁶ Note that not all required parties will need to participate in all three tiers of the response.

³⁷ Note that each jurisdiction will need to consider the benefits and drawbacks of including additional parties in the MDTs. Forthcoming guidance from the CSEC Action Team will explore these questions.



- i. Youth
- 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.”³⁸

C. Immediate Crisis Multidisciplinary Team³⁹

1. *Example*: “The parties agree that children who are suspected or identified victims of sexual exploitation and where an imminent risk to safety is present, require an immediate crisis response including initial engagement within 2 hours, a child abuse investigation, and intensive services through the first 72 hours to stabilize them.”

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 his/her 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 youth 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,⁴⁰
 - (vi) Coordinating, monitoring, and adjusting service plan to achieve desired outcomes for individual youth,
 - (vii) Advising on appropriate placement,
 - (viii) Conducting safety plan once at the placement with parent/guardian/caregiver, which includes:⁴¹
 - a. Ascertaining the potential safety risks for the youth, the family, the providers,
 - b. Identifying trauma triggers,
 - c. Teaching techniques the youth can use to de-escalate when triggered,

³⁸ PROTOCOL FRAMEWORK, *supra* note 18, at 5.

³⁹ See *infra* Section IV.A.1, pp. 12 (the Immediate Crisis response involves both a rapid response, beginning within 2 hours of identification, and continuing through the first 72 hours of identification.).

⁴⁰ See CAL. CHILD WELF. COUNCIL, CSEC ACTION TEAM, HOLISTIC NEEDS OF COMMERCIALY SEXUALLY EXPLOITED CHILDREN (2015) (on file with the CSEC Action Team). [hereinafter HOLISTIC NEEDS].

⁴¹ See CAL. WELF. & INST. CODE § 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.”).



- d. Deciding on steps team members will take to prevent a trigger from occurring, and
 - e. Delineating and documenting responsibilities of team members in the event a youth exhibits unsafe behavior (e.g., if a youth runs away, the parent/guardian will notify law enforcement and the social worker and the survivor mentor will text the youth to maintain communication).
- (ix) Meaningfully involving youth in planning and decision-making.”⁴²
- B. Identify the circumstances that require an Immediate Crisis MDT.⁴³
- 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 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) Youth
 - (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

⁴² See PROTOCOL FRAMEWORK, *supra* note 18, at 5.

⁴³ 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.



- 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 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 youth is a dependent pursuant to Welfare and Institutions Code Section 300,
 - ii. The youth is dual-jurisdiction pursuant to Welfare and Institutions Code Section 241.1 and Child Welfare is the lead agency, and/or
 - iii. **The** youth 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 youth comes within the jurisdiction of the juvenile justice system pursuant to Welfare and Institutions Code Section 602, et seq., or
 - ii. The youth is dual-jurisdiction pursuant to Welfare and Institutions Code Section 241.1 and Probation is the lead agency.
 - b. 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 evaluation with Department of Public Health, and
 - v. 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. Coordinating appropriate responses and services to treat the victim, and
 - b. Providing information, services, and medication related to reproductive and sexual health, including access to contraceptives, HIV prophylaxis, and treatment for STIs/STDs to youth who have been sexually exploited.
- (v) Youth.”
- 2. Describe what Immediate Crisis MDT members will communicate to the youth 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 youth with this information and when it will be provided.⁴⁴

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.⁴⁵ For these non-urgent situations, the parties agree to coordinate and participate in an Initial MDT.

⁴⁴ The CSEC Action Team recommends that each county draft a script, in consultation with county counsel, that is read at the beginning of each MDT to inform the parties participating about the purpose of the meeting, possible and permitted disclosures of information, and the records that will be shared among the parties. The statement should be in developmentally appropriate language that a youth can understand.

⁴⁵ Note that the Steering Committee should determine how decisions will be made as to whether a child and his/her circumstances warrant an Immediate Crisis versus an Initial MDT Team response. Counties may choose to follow existing child welfare protocols to evaluate whether youth is at imminent risk of danger, which would require an Immediate Crisis response.



A. Describe the purpose of the Initial MDT

- i. *Example:* “The Initial MDT is designed to engage the child within 10 days,⁴⁶ 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 youth and family to the multidisciplinary teaming approach
 - (iii) Providing individual case-by-case collaboration with multiple child-serving agencies,
 - (iv) Engaging with youth 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,⁴⁷
 - (vii) Coordinating the service plan to achieve desired outcomes for individual youth,
 - (viii) Advising on appropriate placement,
 - (ix) Conducting safety plan once at the placement with parent/guardian/caregiver⁴⁸
 - a. Ascertaining the potential safety risks for the youth, the family, the providers,
 - b. Identifying trauma triggers that may cause a youth to engage in unsafe behavior such as substance use or returning to exploiter/the streets,
 - c. Listing coping skills the youth can use to de-escalate,
 - d. Deciding on steps team members will take to prevent a trigger from occurring,
 - e. Delineating and documenting responsibilities of team members in the event a youth exhibits unsafe behavior (e.g., if a youth runs away, the parent/guardian will notify law enforcement and the social worker and the survivor mentor will text the youth to maintain communication), and
 - (x) Meaningfully involving youth in planning and decision-making.”⁴⁹

B. Identify the circumstances that require an Initial MDT.⁵⁰

- 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 youth is commercially sexually exploited.

⁴⁶ The CSEC Action Team recommends that the Initial MDT convene within 10 days, the timeframe required to investigate allegations of child abuse and neglect that do not present imminent danger; *see* CAL. WELF. & INST. CODE § 16501(f).

⁴⁷ *See* HOLISTIC NEEDS, *supra* note 40.

⁴⁸ *See* CAL. WELF. & INST. CODE § 18964(b).

⁴⁹ *See* PROTOCOL FRAMEWORK, *supra* note 18, at 5.

⁵⁰ 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 when the initiation of an Initial MDT.



- (i) A child discloses to an adult (e.g., social worker, clinician, teacher) that he/she 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 to have sex and turn over the profit, or
- (iii) A child discloses to an adult (e.g., doctor, probation officer) that he/she 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
 - (iv) Department of Public Health
 - (v) Mental Health Department
 - (vi) Substance Abuse
 - (vii) Department of Health Services
 - (viii) Youth
 - (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 youth is a dependent pursuant to Welfare and Institutions Code Section 300,
 - ii. The youth is dual-jurisdiction pursuant to Welfare and Institutions Code Section 241.1 and Child Welfare is the lead agency, and/or



- iii. The youth 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 youth with community-based supports.”
 - 2. Describe what will be communicated to the youth 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 youth with this information and when it will be provided.⁵¹
- B. 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 youth and ensure his/her needs are adequately addressed.
 - A. Describe the purpose of the Ongoing MDT and whether the MDT is individualized or part of a case review model.⁵²
 - i. *Example:* “Hold individualized, Ongoing MDT meetings with each youth identified as commercially sexually exploited to monitor and support the youth and his/her family as the youth stabilizes, including:
 - (i) Identifying the reason for calling the meeting,
 - (ii) Further refining the case plan of the youth
 - (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 youth under their jurisdiction, an individualized, Ongoing MDT meeting for

⁵¹ The CSEC Action Team recommends that each county draft a script, in consultation with county counsel, that is read at the beginning of each MDT to inform the parties participating about the purpose of the meeting, possible and permitted disclosures of information, and the records that will be shared among the parties. The statement should be in developmentally appropriate language that a youth can understand.

⁵² Ongoing MDTs can occur either as an individualized MDT, like the Initial MDT, *or* as a “case review” where partners convene at set intervals of time (e.g. monthly or quarterly) to review all suspected or confirmed CSEC cases in a jurisdiction. Note the examples contained in this section only pertain to an individualized, Ongoing MDT and not a “case review” model.



an identified CSEC should occur under the following circumstances including, but not limited to:⁵³

- (i) Once a month,
- (ii) When a youth runs away from placement/home/shelter, and
- (iii) When a youth prepares to testify in court case against exploiter/purchaser.⁵⁴

C. Identify the parties required to participate in the Ongoing MDT:⁵⁵

- 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) Youth
 - (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:⁵⁶

- i. *Example:* “The responsibilities for each party participating in the individualized, Ongoing MDT are as follows:
 - (i) Child Welfare:
 - 1. Serve as the lead agency,
 - 2. Schedule and assemble the other team members when one of the circumstances above occurs,
 - 3. Appoint someone to facilitate the meeting,
 - 4. Consult the youth as to whether he/she wants to participate, and
 - 5. Discuss and refine the ongoing plan.
 - (ii) Department of Mental Health
 - 1. Ensure participation of clinician working with the youth and family,
 - 2. Assess whether there are any new mental health needs,
 - 3. Develop a plan to meet those needs and continue to monitor existing needs, and
 - 4. Adapt safety plan based on any new trigger that the youth and team members identify.”

⁵³ Note that this set of examples only pertains to individualized Ongoing MDTs and not the case-review Ongoing MDT.

⁵⁴ Note that some of these situations may also warrant an immediate response.

⁵⁵ Note that participants will vary based on whether the ongoing MDT is individualized for each youth or if a case review model is employed.

⁵⁶ Again, note that the content will vary based on whether ongoing MDTs are structured as individualized, case specific MDTs, or generalized case review that address multiple CSEC cases at once.



JUVENILE COURT OF COUNTY

/s/ _____
Presiding Judge Date

PUBLIC DEFENDER’S OFFICE OF COUNTY

/s/ _____
Chief Public Defender Date

DISTRICT ATTORNEY’S OFFICE OF COUNTY

/s/ _____
District Attorney Date

PROBATION DEPARTMENT OF COUNTY

/s/ _____
Chief Juvenile Probation Officer Date

DEPARTMENT OF PUBLIC HEALTH OF COUNTY

/s/ _____
Director of Agency Date

DEPARTMENT OF MENTAL HEALTH⁵⁹ OF COUNTY

/s/ _____
Director of Agency Date

SUBSTANCE ABUSE AGENCY OF COUNTY

/s/ _____
Director of Agency Date

PRIVATE TREATMENT AGENCY NAME HERE

/s/ _____
Director of Agency Date

OTHER AGENCIES LISTED HERE

/s/ _____
Director of Agency Date

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.

⁵⁹ Department of Mental Health may be referred to as Department of Behavioral Health or may be a sub-department of the Department of Public Health.



- 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.

