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AB-2207 Commercially sexually exploited children. (2017-2018)

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Assembly Bill No. 2207

CHAPTER 757

An act to amend Section 16501.35 of, the Welfare and Institutions Code, relating to sexual abuse.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2207, Eggman. Commercially sexually exploited children.

Existing law provides for the placement of children who have been removed from their homes due to neglect or abuse and governs the placement of those children under the supervision of the State Department of Social Services and county welfare departments. Existing law requires county child welfare agencies and probation departments to develop and implement policies and procedures or protocols that require social workers and probation officers to identify children who are at risk of becoming victims of commercial sexual exploitation, to determine whether a child or nonminor dependent is a possible victim of commercial sexual exploitation, and to document this information, as specified. Existing law also requires the State Department of Social Services to develop, in consultation with specified stakeholders, model policies, procedures, and protocols to assist the counties in complying with these requirements.

This bill would require the State Department of Social Services to develop the model policies, procedures, and protocols described above by no later than January 1, 2020.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) According to a 2012 report by the Attorney General's office, human trafficking is a \$32 billion-a-year global industry, and California is one of the nation's top destination states for the trafficking of human beings, which makes human trafficking "a substantial problem facing California."

(b) The Child Welfare Council's Commercially Sexually Exploited Children (CSEC) Action Team has reported that CSEC frequently have prior involvement with the child welfare system in California. For example, an analysis by several local agencies in San Diego found that between 80 and 90 percent of CSEC were known to the child welfare system.

(c) On September 29, 2014, the President of the United States signed into law the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183), which included amendments to Title IV-E of the Social Security Act that addresses child sex trafficking. The act's requirements were incorporated into state law with the passage of Senate Bill 794 in 2015, adding Section 16501.35 to the Welfare and Institutions Code, which required all county child welfare and probation departments, by September

20, 2016, and regardless of whether they have opted into the state CSEC program or not, to implement policies and procedures related to CSEC who are receiving child welfare services, to identify children receiving child welfare services who are at risk of becoming CSEC, and to implement protocols to expeditiously locate any child or nonminor dependent missing from foster care.

(d) In 2017, the State Department of Social Services released a report entitled "Commercially Sexually Exploited Children Program, 2017 Report to the Legislature." The report's conclusions and observations about recent county initiatives to provide services to CSEC include, but are not limited to, the following:

- (1) Counties have encountered various challenges while developing and implementing CSEC interagency protocols.
- (2) CSEC typically suffer from extreme levels of trauma that result in strong bonds with their exploiters. As a result, the overwhelming majority of CSEC do not initially recognize themselves as victims, and it often takes them many attempts to engage in services prior to making significant progress towards long-term stabilization.
- (3) A universally acknowledged barrier to effectively serving CSEC in California is the lack of suitable placement options.
- (4) Some counties have not yet been able to identify any CSEC or at-risk children.
- (5) There are not yet enough identified best practices, services, and appropriate placements to identify and serve gender-fluid and lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth.
- (6) Providers of CSEC services and placements have high rates of staff turnover, which negatively impacts the implementation of counties' CSEC programs, as agency staff and community-based providers need introductory and in-depth CSEC training to meet their responsibilities.
- (7) A total of \$38 million from the General Fund has been allocated for CSEC programs since the 2014–15 fiscal year, and the State Department of Social Services has been responsible for distributing this funding to counties. However, there has not been reporting regarding whether or how counties have spent money allocated to them for their CSEC programs, nor has there been reporting regarding the outcomes of services or the number and types of placements provided with these funds.

SEC. 2. Section 16501.35 of the Welfare and Institutions Code is amended to read:

16501.35. (a) On or before September 29, 2016, county child welfare agencies and probation departments shall implement policies and procedures that require social workers and probation officers to do all of the following:

- (1) Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or are at risk of becoming, victims of commercial sexual exploitation.
- (2) Document individuals identified pursuant to paragraph (1) in the Child Welfare Services/Case Management System and any other agency record as determined by the county.
- (3) Determine appropriate services for the child or youth identified pursuant to paragraph (1).
- (4) Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (1).

(b) County child welfare agencies and probation departments shall develop and implement specific protocols to expeditiously locate any child missing from foster care. At a minimum, these policies shall do all of the following:

- (1) Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from care, including, but not limited to, the timeframe for reporting missing youth, the individuals or entities entitled to notice that a youth is missing, any required initial and ongoing efforts to locate youth, and plans to return youth to placement.
- (2) Require the social worker or probation officer to do all of the following:
 - (A) Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.
 - (B) Respond to factors identified in paragraph (2) in subsequent placements, to the extent possible.
 - (C) Determine the child's or nonminor dependent's experiences while absent from care.
 - (D) Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.
 - (E) Document the activities and information described in subparagraphs (A) to (D), inclusive, for federal reporting purposes, consistent with instructions from the department.

(c) In consultation with stakeholders, including, but not limited to, the County Welfare Directors Association of California, the Chief Probation Officers of California, former foster youth, and child advocacy organizations, the department shall, no later than January 1, 2020, develop model policies, procedures, and protocols to assist the counties to comply with this section. In addition, the department shall consult with the California Department of Education, the State Department of Health Care Services, state and local law enforcement, and agencies with experience serving children and youth at risk of commercial sexual exploitation in the development of the model policies and procedures described in subdivision (a).

(d) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section through all-county letters or similar instructions until regulations are adopted.