



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

January 25, 2016

COUNTY FISCAL LETTER NO. 15/16-41

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE FISCAL OFFICERS
ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS

SUBJECT: FISCAL YEAR 2015-16 COMMERCIALY SEXUALLY
EXPLOITED CHILDREN PROGRAM ALLOCATION

REFERENCES: ALL COUNTY LETTER NO. 15-48, DATED MAY 29, 2015
COUNTY FISCAL LETTER NO. 15/16-22, DATED
OCTOBER 1, 2015
PENAL CODE SECTION 11166
SB 794 (CHAPTER 425, STATUTES OF 2015)
WELFARE AND INSTITUTIONS CODE SECTIONS 16501.1,
16501.35 and 16501.45
CHILD WELFARE POLICY MANUAL
CALIFORNIA CHILD WELFARE INDICATORS PROJECT

The purpose of this letter is to inform counties of the additional Fiscal Year (FY) 2015-16 \$3.25 million General Fund (GF) allocation for the **federally mandated activities** associated with identifying and protecting children and youth at risk of sex trafficking, as required by the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) and effective January 1, 2016, conforming changes to implement the federal act which are contained in SB 794 (Chapter 425, Statutes of 2015), specifically Welfare and Institutions Code (WIC) sections 16051.1(f)(19), 16501.35 and 16501.45 and Penal Code Section 11166(j)(2)-(3).

Attachment I displays the \$3.25 million GF allocation that is being added to the \$10.75 million GF allocated to counties in County Fiscal Letter (CFL) No.15/16-22, dated October 1, 2015 and in individual letters sent between November 2015 through December 2015 for the State Commercially Sexually Exploited Children (CSEC)

Program. For your information, the State CSEC allocations were based on the approval of the County Plans and Interagency Protocols submitted to the California Department of Social Services in accordance with All County Letter (ACL) No.15-48, dated May 29, 2015.

A total of \$3.25 million is allocated as follows:

- In order to ensure all counties implement the federal mandated activities, a minimum floor of \$10,000 was allocated.
- After distributing a minimum floor, the remaining balance was distributed, on a percent to total of the calendar year 2015 caseload of youth ages 10 to 20 years old that are in foster care (California Child Welfare Indicators Project from UC Berkeley website).

For those counties participating in the Title IV-E California Well-Being Project (Project), the Administration for Children and Families has provided program instructions allowing the federal CSEC program expenditures are outside of the Project. The state optional CSEC program will remain inside the Project and will be tracked against the capped allocation amount.

Attachment II outlines the required activities of the federal provisions regarding identifying and protecting children and youth at risk of sex trafficking. These activities include but are not limited to:

- Developing and implementing policies and procedures to identify, document and determine appropriate services for children or youth who are, or are at risk of becoming, victims of commercial sexual exploitation;
- Developing and implementing "Runaway" protocols (in addition to the CSEC policies and procedures) to expeditiously locate any child or non-minor dependent missing from foster care. Such protocols must include a screening to determine whether or not the child or youth was a victim of child sex trafficking;
- Reporting to law enforcement agencies when a child or youth receiving child welfare services has been identified as a victim of commercial sexual exploitation, and when a child or youth receiving child welfare services is missing or abducted who is reasonably believed to be the victim or at risk of being a victim of commercial sexual exploitation;
- Collecting and inputting federally-required data elements into Child Welfare System/Case Management System (CWS/CMS) for CSEC; and
- Determining appropriate services for CSEC and at-risk youth.

Forthcoming ACLs will provide additional information and instructions on all the aspects of these required activities.

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Attachment III provides the County Welfare Department(s) (CWDs) and County Probation Departments (CPD) with claiming instructions for federally mandated activities associated with identifying and protecting children and youth at risk of sex trafficking, as defined in the Preventing Sex Trafficking and Strengthening Families Act and codified in state law.

For program-related questions, please contact the CSEC Program at CSECProgram@dss.ca.gov. Any questions regarding the allocation and/or claiming instructions, please direct them to fiscal.systems@dss.ca.gov.

Sincerely,

Original Document Signed By:

LILIA A. YOUNG, Chief
Financial Management and Contracts Branch

Attachments

Attachment I

FY 2015-16 COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC) PROGRAM
GENERAL FUND (GF) ALLOCATION

Counties	FY 2015-16 Tier I and/or Tier II CSEC Allocation <i>CFL 15/16-22 & Individual Letters</i>	FY 2015-16 Augmentation for Federal CSEC Activities	TOTAL FY 2015-16 CSEC GF ALLOCATION
Alameda	\$1,110,512	\$134,605	\$1,245,117
Alpine	\$0	\$10,000	\$10,000
Amador	\$0	\$13,466	\$13,466
Butte	\$0	\$23,731	\$23,731
Calaveras	\$25,000	\$19,238	\$44,238
Colusa	\$25,000	\$11,994	\$36,994
Contra Costa	\$277,628	\$82,107	\$359,735
Del Norte	\$0	\$13,781	\$13,781
El Dorado	\$277,628	\$15,541	\$293,169
Fresno	\$277,628	\$87,464	\$365,092
Glenn	\$0	\$14,094	\$14,094
Humboldt	\$0	\$15,120	\$15,120
Imperial	\$0	\$18,059	\$18,059
Inyo	\$0	\$10,839	\$10,839
Kern	\$25,000	\$92,188	\$117,188
Kings	\$0	\$21,104	\$21,104
Lake	\$0	\$16,511	\$16,511
Lassen	\$0	\$14,409	\$14,409
Los Angeles	\$2,776,280	\$991,486	\$3,767,766
Madera	\$25,000	\$12,705	\$37,705
Marin	\$25,000	\$17,139	\$42,139
Mariposa	\$0	\$11,051	\$11,051
Mendocino	\$0	\$14,068	\$14,068
Merced	\$277,628	\$31,815	\$309,443
Modoc	\$0	\$11,260	\$11,260
Mono	\$0	\$10,315	\$10,315
Monterey	\$52,763	\$23,834	\$76,597
Napa	\$0	\$19,660	\$19,660
Nevada	\$0	\$14,409	\$14,409
Orange	\$555,256	\$120,012	\$675,268
Placer	\$25,000	\$15,856	\$40,856
Plumas	\$25,000	\$12,939	\$37,939
Riverside	\$721,833	\$189,623	\$911,456
Sacramento	\$721,833	\$146,785	\$868,618
San Benito	\$52,763	\$13,466	\$66,229
San Bernardino	\$555,256	\$206,425	\$761,681
San Diego	\$555,256	\$152,036	\$707,292
San Francisco	\$555,256	\$65,518	\$620,774
San Joaquin	\$277,628	\$83,261	\$360,889
San Luis Obispo	\$166,577	\$20,895	\$187,472
San Mateo	\$277,628	\$24,779	\$302,407
Santa Barbara	\$138,814	\$29,400	\$168,214
Santa Clara	\$555,256	\$81,059	\$636,315
Santa Cruz	\$52,763	\$15,959	\$68,722
Shasta	\$25,000	\$20,686	\$45,686
Sierra	\$0	\$10,106	\$10,106
Siskiyou	\$25,000	\$14,936	\$39,936
Solano	\$25,000	\$22,680	\$47,680
Sonoma	\$94,407	\$32,445	\$126,852
Stanislaus	\$94,407	\$34,648	\$129,055
Sutter	\$0	\$15,460	\$15,460
Tehama	\$0	\$10,081	\$10,081
Trinity	\$0	\$13,045	\$13,045
Tulare	\$25,000	\$45,253	\$70,253
Tuolumne	\$0	\$14,621	\$14,621
Ventura	\$25,000	\$40,635	\$65,635
Yolo	\$25,000	\$14,686	\$39,686
Yuba	\$0	\$10,712	\$10,712
TOTAL	\$10,750,000	\$3,250,000	\$14,000,000

Attachment II

Federal Preventing Sex Trafficking and Runaway Provisions

The Preventing Sex Trafficking and Strengthening Families Act of the House of Representatives Bill 4980 (P.L. 113-183) established a Title IV-E eligible program designed to identify and protect children and youth at risk of sex trafficking. The Preventing Sex Trafficking and Strengthening Families Act amended part E of Title IV of the Social Security Act to require the state plan for foster care and adoption assistance to demonstrate that the state agency has developed policies and procedures for identifying, documenting in agency records and determining appropriate services with respect to, any child or youth over whom the state agency has responsibility for placement, care or supervision who the state has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking or a severe form of trafficking in persons. This Act requires the state plan to demonstrate specific protocols have been developed to expeditiously locate any child missing from foster care.

The Federal Sex Trafficking and Runaway provisions requirements are codified in state law in WIC Sections 16501.1(f)(19), 16501.35, 16501.4 and 16501.45 and Penal Code Section 11166(j)(2)-(3). Under these provisions:

1. Caseworkers [i.e. county social workers and placement probation officers] are required to receive "relevant training" for identifying, documenting and determining appropriate services for any child or youth who for whom the state agency has responsibility for placement, care or supervision and has reasonable cause to believe is, or is at risk of being, a sex trafficking victim, as specified.
2. County child welfare agencies and probation departments are required to implement policies and procedures for the children or youth identified for all of the following activities:
 - a. Identifying children who are, or are at risk of becoming, victims of commercial sexual exploitation;
 - b. Documenting children or youth identified in the Child Welfare Services/Case Management System and any other agency record as determined by the county;
 - c. Determining appropriate services for the child or youth identified; and
 - d. Receiving relevant training in the identification, documentation and determination of appropriate services for any child or youth identified (same as #1 above).

3. County child welfare agencies and probation departments are required to report to the appropriate law enforcement agency:
 - a. Any child or youth who is receiving child welfare services and is identified as a victim of commercial sexual exploitation. Commercial sexual exploitation is defined as either of the following:
 - i. The sexual trafficking of a child where anything of value is given or received by any person (Penal Code Section 236.1); or
 - ii. The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act as specified in Penal Code Sections 11165.1 and 236.1(c).
 - b. Any child or youth who is receiving child welfare services, and is reasonably believed to be a victim of commercial sexual exploitation, or is at risk of becoming commercially sexually exploited, **AND** is missing or abducted. The report of the incident must occur immediately or within 24 hours so that the law enforcement authority can enter the information into the Federal Bureau of Investigation's National Crime Information Center database and National Center for Missing and Exploited Children.
4. County child welfare agencies and probation departments are required to develop and implement runaway protocols to quickly locate any missing child from foster care. At a minimum, the runaway protocol is required to include the following:
 - a. Describe efforts to locate the missing child; including at a minimum: 1) the timeframe for reporting missing youth, 2) the individuals or entities entitled to notice that the youth is missing, 3) any required initial and ongoing efforts to locate the youth, and 4) the plans to return the youth to placement.
5. The social worker or probation officer is required to determine:
 - a. The primary factors that contributed to the child or non-minor dependent running away or otherwise being absent from care;
 - i. Respond to these factors for the child's next placement to the extent that this is possible;
 - b. The child or non-minor dependent's experiences while absent from care; and
 - c. Whether the child or non-minor dependent was a possible victim of commercial sexual exploitation.
6. Data Collection Requirement: Document data in the CWS/CMS, as specified and consistent with instructions provided in ACL 15-49 (May 28, 2015) and in WIC 16501.45, for the following children:

- a. CSEC Victim During Care;
- b. CSEC Victim Before Care;
- c. CSEC At-Risk; and
- d. CSEC Absence From Placement;
- e. CSEC with Closed Case, receiving Independent Living Program Services; and
- f. CSEC with open case not in foster care.

Additional instructions regarding data collection will be provided in a future ACL.

SB 855 (Chapter 29, Statutes of 2014) amended the WIC Section 300 to clarify that, under existing law, commercially sexually exploited children whose parents or guardians failed or were unable to protect them may fall within the description of 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 county CSEC Program to be administered by the California Department of Social Services (CDSS). In order to access the funds under the CSEC Program, counties must meet certain requirements as specified in ACL 15-48. Under this optional program, several counties received Tier I or Tier II funding in order to develop and/or implement local CSEC protocols pursuant to WIC 16524.8. This code section requires the development of interagency protocols by the county child welfare agency, with participation from county probation, mental health, public health and the juvenile court as a requirement for accessing additional CSEC funding in the optional program. In addition, P.L. 113-183 requires agencies to consult with law enforcement, health care providers, education agencies and organizations with experience in working with at-risk youth in the development of policies, procedures and protocols, and these protocols must be inclusive of both victims of child sex trafficking and at-risk youth.

WIC 16501.35(c) requires CDSS, in consultation with stakeholders including but not limited to, the California Welfare Directors Association, the Chief Probation Officers of California, former foster youth, child advocacy organizations, to develop model policies, procedures and protocols to assist the counties to comply with the requirements of the federal law and SB 794. In addition, the state law requires CDSS to consult with the Department of Health Care Services, the California Department of Education, state and local law enforcement and agencies with experience in serving CSEC and at risk youth to develop model policies and procedures. CDSS will be convening this workgroup shortly. Pending completion of workgroup activities, county child welfare and probation agencies are encouraged to refer to ACIN I-23-15 which contains CSEC Model Interagency Protocol Framework as developed by the CSEC Action Team of the Child Welfare Council as a starting point. Counties which have already developed CSEC protocols under the SB 855 program may wish to refer to the federal statute to P.L. 113-183 to assess compliance to federal law pending further guidance and completion of the workgroup activities as required under SB 794.

Time Study and Claiming Instructions

Effective the date of this CFL, counties who are developing policies and procedures necessary to implement the required provisions for identifying and protecting children and youth at risk of sex trafficking should report their time to Time Study Code (TSC) 9281 – Federal Sex Trafficking and Runaways Activities.

Federal Preventing Sex Trafficking and Runaway Activities

The CWDs should report Federal Sex Trafficking and Runaway activities, as defined in Preventing Sex Trafficking and Strengthening Families Act, and codified in state law in WIC Sections 16501.1(f)(19), 16501.35, 16501.45, and Penal Code Section 11166(j)(2)-(3), to TSC 9281 (Federal Preventing Sex Trafficking and Runaways Activities).

TSC 9281 – Federal Preventing Sex Trafficking and Runaway Activities

Allowable activities to be reported to this code include those directed to a child, identified as a victim, or at risk of, Commercial Sexual Exploitation (CSE). Activities to be claimed to this Program Code (PC) are limited to Title IV-E administrative activities directly related to the Federal Sex Trafficking and Runaway Provisions. These activities are codified in state law in WIC Sections 16501.1(f)(19), 16501.35, 16501.45 and Penal Code Section 11166(j)(2)-(3). These activities include the following:

- Developing and implementing policies and procedures for identifying, documenting and determining services for children and youth who are victims or at risk of sex trafficking.
- Developing and implementing specific protocols for expeditiously locating and responding to children who run away from foster care, including screening youth for CSE.
- Identifying, documenting and determining services for children and youth who are victims or at risk of sex trafficking, including conducting human trafficking screenings, documenting victims in case files, determining appropriate services, including referrals to services, and completing reports required for law enforcement.
- Expeditiously locating any child or non-minor dependent missing from care, determining the primary factors that contributed to them being absent from care, responding to such identified factors in subsequent placements, determining their experience while absent from care, determining whether they are a possible victim of CSE, and documenting these activities and this information.

- Reporting to law enforcement instances of sex trafficking when a child or youth receiving child welfare services is identified as a victim.
- Reporting to law enforcement when a child or youth receiving child welfare services, who is reasonably believed to be the victim or at risk of CSE, is missing or abducted, for entry into the National Crime Information Center and to the National Center for Missing & Exploited Children.
- Documenting in CWS/CMS when a child or youth receiving child welfare services is a victim or at risk of CSE.

Counties may not claim the costs for conducting investigations of allegations of sex trafficking or other forms of child abuse or neglect or for providing social services, such as counseling or treatment, to victims of sex trafficking or other children or youth.

PC	928	Federal Preventing Sex Trafficking and Runaway Activities
TSC	9281	Federal Preventing Sex Trafficking and Runaway Activities
Direct-To-Program (DTP)	A73	Federal Preventing Sex Trafficking and Runaway Activities – Direct-To-Program – Support Staff
Costs will be funded at 50/25/00/25 (Federal/State/Health/County)		

The associated DTP code is available for clerical/support staff providing direct support to the above referenced staff.

Claiming Instructions

Effective with the date of this CFL, CWDs should claim program expenses for the federal sex trafficking and runaway activities as indicated below:

The following PC and associated Program Identifier Numbers (PINs) have been established for the CWDs to claim expenses for Federal Preventing Sex Trafficking and Runaway Activities:

PC	928	Federal Preventing Sex Trafficking and Runaway Activities
PIN	928031	Contracted Activities
PIN	928092	Casework OT/CTO Costs
PIN	928093	Support Staff – OT/CTO Costs
PIN	928094	Startup/Nonrecurring Costs
Costs will be funded at 50/25/00/25 (Federal/State/Health/County)		

Costs for PC 928 will be tracked against the county allocation ledger. Costs claimed in excess of each participating county's allocation will be shifted to county-only share using State Use Only (SUO) code 919 - CSEC Overmatch.

County Probation Departments

There may be instances when a child under CPD jurisdiction may be subsequently identified as a victim or at risk of becoming a victim of human sex trafficking, and the case may be transitioned and served by the CWDs as appropriate. The CPD should claim reimbursement for allowable federal preventing sex trafficking and runaway expenses to the following PIN:

PIN 929059 – Probation Federal Preventing Sex Trafficking and Runaway Activities

Allowable activities to be claimed under this code include administrative activities associated with developing and implementing policies and procedures for identifying victims of commercial sexual exploitation and protocols for locating and responding to children who run away from foster care.

PC	929	Probation Preventing Federal Sex Trafficking and Runaway Activities
PIN	929059	Probation Preventing Federal Sex Trafficking and Runaway Activities
Costs will be funded at 50/00/00/50 (Federal/State/Health/County)		

Please Note: If case management activities are being performed for youth who are in detention, or are not foster youth, these activities are to be claimed to the "Probation County Only" code as described in Attachment VI, FY 2013-14 Probation PCs (non-time study codes) of [CFL No. 14/15-29](#). This code is specifically for federal sex trafficking and runaways provisions activities.

Title IV-E Non-Federal Discount Rate

As stated in [CFL No. 12/13-24](#), the Title IV-E non-federal discount rate is the state's federally-approved methodology for identifying and allocating costs to the benefiting programs. The amount of cost that is allocable to the Title IV-E PCs is adjusted to reflect the proportion of activity related to Title IV-E eligible children through application of the Title IV-E non-federal discount rate.

The Administration for Children and Families (ACF) updated the [Child Welfare Policy Manual](#) (Section 8.1 Title IV-E Administrative Functions/Costs,

Question 7) on August 25, 2015, instructing the non-Title IV-E discount rate NOT be applied to eligible Title IV-E administrative expenditures associated with the CSEC program effective the beginning of Federal Fiscal Year (FFY) 2015. These expenditures include expenses for *“developing and implementing policies and procedures to identify, document in agency records, and determine appropriate services for victims of sex trafficking; conducting human trafficking screenings and documenting victims of sex trafficking in agency files; determining appropriate services for individuals identified as such victims, including referrals to services; completing reports required for law enforcement and ACF of children or youth who the agency identifies as being a sex trafficking victim; and developing and implementing protocols to locate and assess children missing from foster care, including screening the child to identify if the child is a possible sex trafficking victim. Title IV-E agencies may also claim allowable Title IV-E administrative costs on behalf of any child missing from foster care for the purpose of administering section 471(a)(35) of the Act. This would include developing and implementing protocols to locate and assess children missing from foster care, including screening the child to identify if the child is a possible sex trafficking victim.”*

The Title IV-E discount rate will not be applied to administrative expenses for the Federal Sex Trafficking and Runaways Activities as detailed above.

CSEC Youth Training and Services

In accordance with the new federal requirements, all counties should claim expenditures for training provided to commercially sexually exploited youth and direct services for specialized prevention and intervention services delivered to commercially sexually exploited youth to PC 918 - CSEC Youth Training and Services Non-Federal, as described in CFL No. 15/16-29. Pursuant to Welfare and Institutions Code Section 16524.7(b), the funds allocated for the CSEC Program shall not supplant funds for existing programs.

The SUO code 919 (SUO Overmatch - CSEC) will be used to shift funds from state to county if a county exceeds its allocation. Costs for SUO code 919 will be funded at 00/00/00/100 (Federal/State/Health/County).

The CPD activities to service sex trafficked and/or runaway youth will be addressed through the local CSEC Memorandum of Understanding and CSEC protocols developed by each county.