

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Santiago
(Principal coauthors: Assembly Members Campos and Weber)
(Principal coauthor: Senator Liu)

February 2, 2016

An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, to amend Sections 236.1, 647, 653.22, and 13519.14 of, and to add Sections 236.21 and 236.22 to, the Penal Code, and to amend Sections 300, 16206, and 16540 of, and to add Chapter 4 (commencing with Section 2200) and Chapter 5 (commencing with Section 2300) to Division 2.5 of, the Welfare and Institutions Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as introduced, Santiago. Human trafficking.

(1) Under existing law, as amended by Proposition 35, an initiative measure approved by the voters at the November 6, 2012, statewide general election, a person who deprives or violates another person's personal liberty with the intent to obtain forced labor or services or who deprives or violates another person's personal liberty for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony. Proposition 35 provides that it may be amended by a statute in furtherance of its objectives by a majority of the membership of each house of the Legislature concurring.

This bill would require a peace officer to determine whether a suspect of a crime is a minor who has engaged in a commercial sex act or has committed a crime constituting a commercial sex act, or is a minor who is a human trafficking victim, and whether any nonviolent crime that

person is suspected of was committed as a direct result of being trafficked. The bill would require the peace officer to make a record of this determination. Upon making this determination, the bill would require the peace officer to report suspected abuse or neglect of the minor to the county child welfare agency. The bill would prohibit the arrest of a minor meeting the above criteria and would require any record of an arrest previously made to be sealed and destroyed. By imposing new duties on local peace officers, this bill would impose a state-mandated local program.

Commencing June 30, 2017, the bill would make immune from prosecution a minor who has engaged in a commercial sex act or who committed a nonviolent crime as a human trafficking victim and would instead allow the minor to be adjudged to be a dependent subject to the jurisdiction of the juvenile court. The bill would allow the minor to be taken into temporary custody to protect the minor from his or her human trafficker.

(2) Existing law makes it a crime to solicit or engage in any act of prostitution. Existing law makes it a crime to loiter in any public place with the intent to commit prostitution.

Commencing June 30, 2017, this bill would prohibit the arrest or punishment of a minor who has exchanged or attempted to exchange sex acts in return for money or other consideration. Commencing June 30, 2017, the bill would prohibit the arrest or punishment of a minor who has loitered in a public place with the intent to exchange sex acts in return for money or other consideration. The bill would instead allow the person to be adjudicated a dependent of the juvenile court and would require a peace officer to report suspected abuse or neglect to the county child welfare agency. By imposing new duties on local law enforcement, this bill would impose a state-mandated local program.

(3) Existing law requires the Commission on Peace Officer Standards and Training to implement a course of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and to develop guidelines for law enforcement response to human trafficking.

This bill would require the commission to update its training to conform with changes in law that this bill would make prohibiting the arrest and punishment of minor victims of human trafficking.

(4) Existing law allows a child who is sexually trafficked, or who receives food or shelter in exchange for, or who is paid to perform,

sexual acts, and whose parent or guardian has failed or was unable to protect the child, to be adjudged a dependent of the juvenile court.

This bill would enact the State Plan to Serve and Protect Child Trafficking Victims and would require the California Health and Human Services Agency, no later than January 30, 2017, to convene an interagency workgroup, as prescribed, to develop the plan. The bill would require the plan to include, among other things, at a minimum, a multiagency-coordinated child trafficking response protocol and guidelines for local implementation that establish clear lines of ongoing responsibility to ensure that child trafficking victims have access to the necessary continuum of treatment options. The bill would require the workgroup to submit the plan to the Legislature, Judicial Council, and Governor no later than January 30, 2018.

The bill would require the State Department of Social Services to establish a working group in consultation with county welfare departments and other stakeholders to develop recommendations for the board, care, and supervision of child trafficking victims who are in need of placement in facilities that will protect them from traffickers and provide needed specialized support and services.

The bill would require the State Department of Social Services, with input from county child welfare agencies, probation departments, and other stakeholders, to identify, develop, and disseminate screening tools for use by county child welfare and probation staff to identify children who are child trafficking victims. The bill would require the department, no later than December 31, 2017, to provide counties with guidance on the use of the screening tools.

The bill would require the State Department of Social Services and the State Department of Health Care Services, in consultation with county child welfare and county mental health representatives and other stakeholders, to identify tools and best practices to screen, assess, and serve child trafficking victims. The bill would require the State Department of Social Services to develop curriculum and provide training to local multidisciplinary teams no later than December 31, 2017.

The bill would require each county to develop an interagency protocol to be utilized in serving child trafficking victims. The bill would require each county's protocol to be adopted by the board of supervisors no later than June 30, 2017. The bill would require the protocols to identify the roles and responsibilities of county based agencies and local service responders in serving victims of trafficking or commercial sexual

exploitation. By imposing new duties on local governments, this bill would impose a state-mandated local program.

The bill would require that the administrator certification program for group homes, the administrator certification program for short-term residential treatment centers, mandatory training for licensed or certified foster parents, and training for mandated child abuse reporters and child welfare personnel include instruction on cultural competency and sensitivity and related best practices for providing adequate care to child trafficking victims.

(5) Existing law establishes the California Child Welfare Council, which serves as the advisory body responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems.

This bill would require the California Child Welfare Council to provide recommendations and updates to the State Plan to Serve and Protect Child Trafficking Victims.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1522.41 of the Health and Safety Code
2 is amended to read:

3 1522.41. (a) (1) The department, in consultation and
4 collaboration with county placement officials, group home provider
5 organizations, the Director of Health Care Services, and the
6 Director of Developmental Services, shall develop and establish
7 an administrator certification training program to ensure that
8 administrators of group home facilities have appropriate training
9 to provide the care and services for which a license or certificate
10 is issued.

11 (2) The department shall develop and establish an administrator
12 certification training program to ensure that administrators of

1 short-term residential treatment center facilities have appropriate
2 training to provide the care and services for which a license or
3 certificate is issued.

4 (b) (1) In addition to any other requirements or qualifications
5 required by the department, an administrator of a group home or
6 short-term residential treatment center shall successfully complete
7 a specified department-approved training certification program,
8 pursuant to subdivision (c), prior to employment.

9 (2) In those cases when the individual is both the licensee and
10 the administrator of a facility, the individual shall comply with all
11 of the licensee and administrator requirements of this section.

12 (3) Failure to comply with this section shall constitute cause for
13 revocation of the license of the facility.

14 (4) The licensee shall notify the department within 10 days of
15 any change in administrators.

16 (c) (1) The administrator certification programs for group homes
17 shall require a minimum of 40 hours of classroom instruction that
18 provides training on a uniform core of knowledge in each of the
19 following areas:

20 (A) Laws, regulations, and policies and procedural standards
21 that impact the operations of the type of facility for which the
22 applicant will be an administrator.

23 (B) Business operations.

24 (C) Management and supervision of staff.

25 (D) Psychosocial and educational needs of the facility residents,
26 including, but not limited to, the information described in
27 subdivision (d) of Section 16501.4 of the Welfare and Institutions
28 Code.

29 (E) Community and support services.

30 (F) Physical needs of facility residents.

31 (G) Assistance with self-administration, storage, misuse, and
32 interaction of medication used by facility residents.

33 (H) Resident admission, retention, and assessment procedures,
34 including the right of a foster child to have fair and equal access
35 to all available services, placement, care, treatment, and benefits,
36 and to not be subjected to discrimination or harassment on the
37 basis of actual or perceived race, ethnic group identification,
38 ancestry, national origin, color, religion, sex, sexual orientation,
39 gender identity, mental or physical disability, or HIV status.

1 (I) Instruction on cultural competency and sensitivity and related
2 best practices for providing adequate care for children across
3 diverse ethnic and racial backgrounds, as well as children
4 identifying as lesbian, gay, bisexual, or transgender.

5 *(J) Instruction on cultural competency and sensitivity and*
6 *related best practices for providing adequate care to child*
7 *trafficking victims.*

8 ~~(J)~~

9 (K) Nonviolent emergency intervention and reporting
10 requirements.

11 ~~(K)~~

12 (L) Basic instruction on the existing laws and procedures
13 regarding the safety of foster youth at school and the ensuring of
14 a harassment- and violence-free school environment contained in
15 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
16 19 of Division 1 of Title 1 of the Education Code.

17 (2) The administrator certification programs for short-term
18 residential treatment centers shall require a minimum of 40 hours
19 of classroom instruction that provides training on a uniform core
20 of knowledge in each of the following areas:

21 (A) Laws, regulations, and policies and procedural standards
22 that impact the operations of the type of facility for which the
23 applicant will be an administrator.

24 (B) Business operations and management and supervision of
25 staff, including staff training.

26 (C) Physical and psychosocial needs of the children, including
27 behavior management, de-escalation techniques, and trauma
28 informed crisis management planning.

29 (D) Permanence, well-being, and educational needs of the
30 children.

31 (E) Community and support services, including accessing local
32 behavioral and mental health supports and interventions, substance
33 use disorder treatments, and culturally relevant services, as
34 appropriate.

35 (F) Understanding the requirements and best practices regarding
36 psychotropic medications, including, but not limited to, court
37 authorization, uses, benefits, side effects, interactions, assistance
38 with self-administration, misuse, documentation, storage, and
39 metabolic monitoring of children prescribed psychotropic
40 medications.

1 (G) Admission, retention, and assessment procedures, including
2 the right of a foster child to have fair and equal access to all
3 available services, placement, care, treatment, and benefits, and
4 to not be subjected to discrimination or harassment on the basis
5 of actual or perceived race, ethnic group identification, ancestry,
6 national origin, color, religion, sex, sexual orientation, gender
7 identity, mental or physical disability, or HIV status.

8 (H) The federal Indian Child Welfare Act (25 U.S.C Sec. 1901
9 et seq.), its historical significance, the rights of children covered
10 by the act, and the best interests of Indian children as including
11 culturally appropriate, child-centered practices that respect Native
12 American history, culture, retention of tribal membership, and
13 connection to the tribal community and traditions.

14 (I) Instruction on cultural competency and sensitivity and related
15 best practices for providing adequate care for children across
16 diverse ethnic and racial backgrounds, as well as children
17 identifying as lesbian, gay, bisexual, or transgender.

18 *(J) Instruction on cultural competency and sensitivity and*
19 *related best practices for providing adequate care to child*
20 *trafficking victims.*

21 ~~(J)~~

22 (K) Nonviolent emergency intervention and reporting
23 requirements.

24 ~~(K)~~

25 (L) Basic instruction on the existing laws and procedures
26 regarding the safety of foster youth at school and the ensuring of
27 a harassment- and violence-free school environment contained in
28 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
29 19 of Division 1 of Title 1 of the Education Code.

30 (d) Administrators who possess a valid group home license,
31 issued by the department, are exempt from completing an approved
32 initial certification training program and taking a written test,
33 provided the individual completes 12 hours of classroom instruction
34 in the following uniform core of knowledge areas:

35 (1) Laws, regulations, and policies and procedural standards
36 that impact the operations of a short-term residential treatment
37 center.

38 (2) (A) Authorization, uses, benefits, side effects, interactions,
39 assistance with self-administration, misuse, documentation, and
40 storage of medications.

1 (B) Metabolic monitoring of children prescribed psychotropic
 2 medications.

3 (3) Admission, retention, and assessment procedures, including
 4 the right of a foster child to have fair and equal access to all
 5 available services, placement, care, treatment, and benefits, and
 6 to not be subjected to discrimination or harassment on the basis
 7 of actual or perceived race, ethnic group identification, ancestry,
 8 national origin, color, religion, sex, sexual orientation, gender
 9 identity, mental or physical disability, or HIV status.

10 (4) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
 11 et seq.), its historical significance, the rights of children covered
 12 by the act, and the best interests of Indian children as including
 13 culturally appropriate, child-centered practices that respect Native
 14 American history, culture, retention of tribal membership, and
 15 connection to the tribal community and traditions.

16 (5) Instruction on cultural competency and sensitivity and related
 17 best practices for providing adequate care for children across
 18 diverse ethnic and racial backgrounds, as well as children
 19 identifying as lesbian, gay, bisexual, or transgender.

20 *(6) Instruction on cultural competency and sensitivity and*
 21 *related best practices for providing adequate care to child*
 22 *trafficking victims.*

23 ~~(6)~~
 24 (7) Physical and psychosocial needs of children, including
 25 behavior management, deescalation techniques, and trauma
 26 informed crisis management planning.

27 (e) Individuals applying for administrator certification under
 28 this section shall successfully complete an approved administrator
 29 certification training program, pass a written test administered by
 30 the department within 60 days of completing the program, and
 31 submit to the department the documentation required by
 32 subdivision (f) within 30 days after being notified of having passed
 33 the test. The department may extend these time deadlines for good
 34 cause. The department shall notify the applicant of his or her test
 35 results within 30 days of administering the test.

36 (f) The department shall not begin the process of issuing a
 37 certificate until receipt of all of the following:

38 (1) A certificate of completion of the administrator training
 39 required pursuant to this chapter.

1 (2) The fee required for issuance of the certificate. A fee of one
2 hundred dollars (\$100) shall be charged by the department to cover
3 the costs of processing the application for certification.

4 (3) Documentation from the applicant that he or she has passed
5 the written test.

6 (4) Submission of fingerprints pursuant to Section 1522. The
7 department may waive the submission for those persons who have
8 a current clearance on file.

9 (5) That person is at least 21 years of age.

10 (g) It shall be unlawful for any person not certified under this
11 section to hold himself or herself out as a certified administrator
12 of a group home or short-term residential treatment center. Any
13 person willfully making any false representation as being a certified
14 administrator or facility manager is guilty of a misdemeanor.

15 (h) (1) Certificates issued under this section shall be renewed
16 every two years and renewal shall be conditional upon the
17 certificate holder submitting documentation of completion of 40
18 hours of continuing education related to the core of knowledge
19 specified in subdivision (c). No more than one-half of the required
20 40 hours of continuing education necessary to renew the certificate
21 may be satisfied through online courses. All other continuing
22 education hours shall be completed in a classroom setting. For
23 purposes of this section, an individual who is a group home or
24 short-term residential treatment center administrator and who is
25 required to complete the continuing education hours required by
26 the regulations of the State Department of Developmental Services,
27 and approved by the regional center, may have up to 24 of the
28 required continuing education course hours credited toward the
29 40-hour continuing education requirement of this section. The
30 department shall accept for certification, community college course
31 hours approved by the regional centers.

32 (2) Every administrator of a group home or short-term residential
33 treatment center shall complete the continuing education
34 requirements of this subdivision.

35 (3) Certificates issued under this section shall expire every two
36 years on the anniversary date of the initial issuance of the
37 certificate, except that any administrator receiving his or her initial
38 certification on or after July 1, 1999, shall make an irrevocable
39 election to have his or her recertification date for any subsequent
40 recertification either on the date two years from the date of issuance

1 of the certificate or on the individual's birthday during the second
2 calendar year following certification. The department shall send
3 a renewal notice to the certificate holder 90 days prior to the
4 expiration date of the certificate. If the certificate is not renewed
5 prior to its expiration date, reinstatement shall only be permitted
6 after the certificate holder has paid a delinquency fee equal to three
7 times the renewal fee and has provided evidence of completion of
8 the continuing education required.

9 (4) To renew a certificate, the certificate holder shall, on or
10 before the certificate expiration date, request renewal by submitting
11 to the department documentation of completion of the required
12 continuing education courses and pay the renewal fee of one
13 hundred dollars (\$100), irrespective of receipt of the department's
14 notification of the renewal. A renewal request postmarked on or
15 before the expiration of the certificate shall be proof of compliance
16 with this paragraph.

17 (5) A suspended or revoked certificate shall be subject to
18 expiration as provided for in this section. If reinstatement of the
19 certificate is approved by the department, the certificate holder,
20 as a condition precedent to reinstatement, shall submit proof of
21 compliance with paragraphs (1) and (2) of this subdivision, and
22 shall pay a fee in an amount equal to the renewal fee, plus the
23 delinquency fee, if any, accrued at the time of its revocation or
24 suspension. Delinquency fees, if any, accrued subsequent to the
25 time of its revocation or suspension and prior to an order for
26 reinstatement, shall be waived for a period of 12 months to allow
27 the individual sufficient time to complete the required continuing
28 education units and to submit the required documentation.
29 Individuals whose certificates will expire within 90 days after the
30 order for reinstatement may be granted a three-month extension
31 to renew their certificates during which time the delinquency fees
32 shall not accrue.

33 (6) A certificate that is not renewed within four years after its
34 expiration shall not be renewed, restored, reissued, or reinstated
35 except upon completion of a certification training program, passing
36 any test that may be required of an applicant for a new certificate
37 at that time, and paying the appropriate fees provided for in this
38 section.

39 (7) A fee of twenty-five dollars (\$25) shall be charged for the
40 reissuance of a lost certificate.

1 (8) A certificate holder shall inform the department of his or
2 her employment status and change of mailing address within 30
3 days of any change.

4 (i) Unless otherwise ordered by the department, the certificate
5 shall be considered forfeited under either of the following
6 conditions:

7 (1) The department has revoked any license held by the
8 administrator after the department issued the certificate.

9 (2) The department has issued an exclusion order against the
10 administrator pursuant to Section 1558, 1568.092, 1569.58, or
11 1596.8897, after the department issued the certificate, and the
12 administrator did not appeal the exclusion order or, after the appeal,
13 the department issued a decision and order that upheld the
14 exclusion order.

15 (j) (1) The department, in consultation and collaboration with
16 county placement officials, provider organizations, the State
17 Department of Health Care Services, and the State Department of
18 Developmental Services, shall establish, by regulation, the program
19 content, the testing instrument, the process for approving
20 administrator certification training programs, and criteria to be
21 used in authorizing individuals, organizations, or educational
22 institutions to conduct certification training programs and
23 continuing education courses. The department may also grant
24 continuing education hours for continuing courses offered by
25 accredited educational institutions that are consistent with the
26 requirements in this section. The department may deny vendor
27 approval to any agency or person in any of the following
28 circumstances:

29 (A) The applicant has not provided the department with evidence
30 satisfactory to the department of the ability of the applicant to
31 satisfy the requirements of vendorization set out in the regulations
32 adopted by the department.

33 (B) The applicant person or agency has a conflict of interest in
34 that the person or agency places its clients in group homes or
35 short-term residential treatment centers.

36 (C) The applicant public or private agency has a conflict of
37 interest in that the agency is mandated to place clients in group
38 homes or short-term residential treatment centers and to pay
39 directly for the services. The department may deny vendorization
40 to this type of agency only as long as there are other vendor

1 programs available to conduct the certification training programs
2 and conduct education courses.

3 (2) The department may authorize vendors to conduct the
4 administrator's certification training program pursuant to this
5 section. The department shall conduct the written test pursuant to
6 regulations adopted by the department.

7 (3) The department shall prepare and maintain an updated list
8 of approved training vendors.

9 (4) The department may inspect administrator certification
10 training programs and continuing education courses, including
11 online courses, at no charge to the department, to determine if
12 content and teaching methods comply with regulations. If the
13 department determines that any vendor is not complying with the
14 requirements of this section, the department shall take appropriate
15 action to bring the program into compliance, which may include
16 removing the vendor from the approved list.

17 (5) The department shall establish reasonable procedures and
18 timeframes not to exceed 30 days for the approval of vendor
19 training programs.

20 (6) The department may charge a reasonable fee, not to exceed
21 one hundred fifty dollars (\$150) every two years, to certification
22 program vendors for review and approval of the initial 40-hour
23 training program pursuant to subdivision (c). The department may
24 also charge the vendor a fee, not to exceed one hundred dollars
25 (\$100) every two years, for the review and approval of the
26 continuing education courses needed for recertification pursuant
27 to this subdivision.

28 (7) (A) A vendor of online programs for continuing education
29 shall ensure that each online course contains all of the following:

30 (i) An interactive portion in which the participant receives
31 feedback, through online communication, based on input from the
32 participant.

33 (ii) Required use of a personal identification number or personal
34 identification information to confirm the identity of the participant.

35 (iii) A final screen displaying a printable statement, to be signed
36 by the participant, certifying that the identified participant
37 completed the course. The vendor shall obtain a copy of the final
38 screen statement with the original signature of the participant prior
39 to the issuance of a certificate of completion. The signed statement
40 of completion shall be maintained by the vendor for a period of

1 three years and be available to the department upon demand. Any
2 person who certifies as true any material matter pursuant to this
3 clause that he or she knows to be false is guilty of a misdemeanor.

4 (B) Nothing in this subdivision shall prohibit the department
5 from approving online programs for continuing education that do
6 not meet the requirements of subparagraph (A) if the vendor
7 demonstrates to the department's satisfaction that, through
8 advanced technology, the course and the course delivery meet the
9 requirements of this section.

10 (k) The department shall establish a registry for holders of
11 certificates that shall include, at a minimum, information on
12 employment status and criminal record clearance.

13 (l) Notwithstanding any law to the contrary, vendors approved
14 by the department who exclusively provide either initial or
15 continuing education courses for certification of administrators of
16 a group home or short-term residential treatment center as defined
17 by regulations of the department, an adult residential facility as
18 defined by regulations of the department, or a residential care
19 facility for the elderly as defined in subdivision (k) of Section
20 1569.2, shall be regulated solely by the department pursuant to
21 this chapter. No other state or local governmental entity shall be
22 responsible for regulating the activity of those vendors.

23 SEC. 2. Section 1529.2 of the Health and Safety Code, as added
24 by Chapter 773 of the Statutes of 2015, is amended to read:

25 1529.2. (a) It is the intent of the Legislature that all foster
26 parents have the necessary knowledge, skills, and abilities to
27 support the safety, permanency, and well-being of children in foster
28 care. Initial and ongoing preparation and training of foster parents
29 should support the foster parent's role in parenting vulnerable
30 children, youth, and young adults, including supporting the
31 children's connection with their families. Their training should be
32 ongoing in order to provide foster parents with information on new
33 practices and requirements and other helpful topics within the child
34 welfare and probation systems and may be offered in a classroom
35 setting, online, or individually.

36 (b) A licensed or certified foster parent shall complete a
37 minimum of eight training hours annually, a portion of which shall
38 be from one or more of the following topics, as prescribed by the
39 department, pursuant to subdivision (a):

40 (1) Age-appropriate child and adolescent development.

1 (2) Health issues in foster care, including, but not limited to,
2 the authorization, uses, risks, benefits, assistance with
3 self-administration, oversight, and monitoring of psychotropic or
4 other medications, and trauma, mental health, and substance use
5 disorder treatments for children in foster care under the jurisdiction
6 of the juvenile court, including how to access those treatments.
7 Health issues in foster care, including, but not limited to, the
8 authorization, uses, risks, benefits, assistance with
9 self-administration, oversight, and monitoring of psychotropic or
10 other medications, and trauma, mental health, and substance use
11 disorder treatments for children in foster care under the jurisdiction
12 of the juvenile court, including how to access those treatments, as
13 the information is also described in subdivision (d) of Section
14 16501.4 of the Welfare and Institutions Code.

15 (3) Positive discipline and the importance of self-esteem.

16 (4) Preparation of children and youth for a successful transition
17 to adulthood.

18 (5) The right of a foster child to have fair and equal access to
19 all available services, placement, care, treatment, and benefits, and
20 to not be subjected to discrimination or harassment on the basis
21 of actual or perceived race, ethnic group identification, ancestry,
22 national origin, color, religion, sex, sexual orientation, gender
23 identity, mental or physical disability, or HIV status.

24 (6) Instruction on cultural competency and sensitivity and related
25 best practices for providing adequate care for children across
26 diverse ethnic and racial backgrounds, as well as children
27 identifying as lesbian, gay, bisexual, or transgender.

28 (7) *Instruction on cultural competency and sensitivity and*
29 *related best practices for providing adequate care to child*
30 *trafficking victims.*

31 (c) In addition to any training required by this section, a foster
32 parent may be required to receive specialized training, as relevant,
33 for the purpose of preparing the foster parent to meet the needs of
34 a particular child in care. This training may include, but is not
35 limited to, the following:

36 (1) Understanding how to use best practices for providing care
37 and supervision to commercially sexually exploited children.

38 (2) Understanding cultural needs of children, including, but not
39 limited to, cultural competency and sensitivity and related best
40 practices for providing adequate care to children across diverse

1 ethnic and racial backgrounds, as well as children identifying as
2 lesbian, gay, bisexual, or transgender.

3 (3) Understanding the requirements and best practices regarding
4 psychotropic medications, including, but not limited to, court
5 authorization, benefits, uses, side effects, interactions, assistance
6 with self-administration, misuse, documentation, storage, and
7 metabolic monitoring of children prescribed psychotropic
8 medications.

9 (4) Understanding the federal Indian Child Welfare Act (25
10 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
11 children covered by the act, and the best interests of Indian
12 children, including the role of the caregiver in supporting culturally
13 appropriate, child-centered practices that respect Native American
14 history, culture, retention of tribal membership and connection to
15 the tribal community and traditions.

16 (5) Understanding how to use best practices for providing care
17 and supervision to nonminor dependents.

18 (6) Understanding how to use best practices for providing care
19 and supervision to children with special health care needs.

20 (d) No child shall be placed with a foster parent unless each
21 foster parent in the home meets the requirements of this section.

22 (e) (1) Upon the request of the licensed or certified foster parent
23 for a hardship waiver from the annual training requirement or a
24 request for an extension of the deadline, the county may, at its
25 option, on a case-by-case basis, waive the training requirement or
26 extend any established deadline for a period not to exceed one
27 year, if the training requirement presents a severe and unavoidable
28 obstacle to continuing as a foster parent.

29 (2) Obstacles for which a county may grant a hardship waiver
30 or extension are:

31 (A) Lack of access to training due to the cost or travel required
32 or lack of child care to participate in the training, when online
33 resources are not available.

34 (B) Family emergency.

35 (3) Before a waiver or extension may be granted, the licensed
36 or certified foster parent should explore the opportunity of
37 receiving training online or by video or written materials.

38 (f) (1) Foster parent training may be obtained through sources
39 that include, but are not necessarily limited to, community colleges,
40 counties, hospitals, foster parent associations, the California State

1 Foster Parent Association’s conference, online resources, adult
2 schools, and certified foster parent instructors.

3 (2) In addition to the foster parent training provided by
4 community colleges, foster family agencies shall provide a program
5 of training for their certified foster families.

6 (g) (1) Training certificates shall be submitted to the appropriate
7 licensing or foster family agency.

8 (2) Upon completion, a licensed or certified parent shall submit
9 a certificate of completion for the annual training requirements.

10 (h) Nothing in this section shall preclude a county or a foster
11 family agency from requiring foster parent training in excess of
12 the requirements in this section.

13 (i) This section shall become operative on January 1, 2017.

14 (j) This section shall remain in effect only until January 1, 2019,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2019, deletes or extends that date.

17 SEC. 3. Section 236.1 of the Penal Code is amended to read:

18 236.1. (a) ~~Any~~A person who deprives or violates the personal
19 liberty of another with the intent to obtain forced labor or services,
20 is guilty of human trafficking and shall be punished by
21 imprisonment in the state prison for 5, 8, or 12 years and a fine of
22 not more than five hundred thousand dollars (\$500,000).

23 (b) ~~Any~~A person who deprives or violates the personal liberty
24 of another with the intent to effect or maintain a violation of
25 Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4,
26 311.5, 311.6, or 518 is guilty of human trafficking and shall be
27 punished by imprisonment in the state prison for 8, 14, or 20 years
28 and a fine of not more than five hundred thousand dollars
29 (\$500,000).

30 (c) ~~Any~~A person who causes, induces, or persuades, or attempts
31 to cause, induce, or persuade, a person who is a minor at the time
32 of commission of the offense to engage in a commercial sex act,
33 with the intent to effect or maintain a violation of Section 266,
34 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or
35 518 is guilty of human trafficking. A violation of this subdivision
36 is punishable by imprisonment in the state prison as follows:

37 (1) Five, 8, or 12 years and a fine of not more than five hundred
38 thousand dollars (\$500,000).

39 (2) Fifteen years to life and a fine of not more than five hundred
40 thousand dollars (\$500,000) when the offense involves force, fear,

1 fraud, deceit, coercion, violence, duress, menace, or threat of
2 unlawful injury to the victim or to another person.

3 (d) In determining whether a minor was caused, induced, or
4 persuaded to engage in a commercial sex act, the totality of the
5 circumstances, including the age of the victim, his or her
6 relationship to the trafficker or agents of the trafficker, and any
7 handicap or disability of the victim, shall be considered.

8 (e) Consent by a victim of human trafficking who is a minor at
9 the time of the commission of the offense is not a defense to a
10 criminal prosecution under this section.

11 (f) Mistake of fact as to the age of a victim of human trafficking
12 who is a minor at the time of the commission of the offense is not
13 a defense to a criminal prosecution under this section.

14 (g) The Legislature finds that the definition of human trafficking
15 in this section is equivalent to the federal definition of a severe
16 form of trafficking found in Section ~~7102(8)~~ 7102(9) of Title 22
17 of the United States Code.

18 (h) For purposes of this chapter, the following definitions apply:

19 (1) “Coercion” includes ~~any~~ a scheme, plan, or pattern intended
20 to cause a person to believe that failure to perform an act would
21 result in serious harm to or physical restraint against any person;
22 the abuse or threatened abuse of the legal process; debt bondage;
23 or providing and facilitating the possession of ~~any~~ a controlled
24 substance to a person with the intent to impair the person’s
25 judgment.

26 (2) “Commercial sex act” means sexual conduct on account of
27 which anything of value is given or received by ~~any~~ a person.

28 (3) “Deprivation or violation of the personal liberty of another”
29 includes substantial and sustained restriction of another’s liberty
30 accomplished through force, fear, fraud, deceit, coercion, violence,
31 duress, menace, or threat of unlawful injury to the victim or to
32 another person, under circumstances where the person receiving
33 or apprehending the threat reasonably believes that it is likely that
34 the person making the threat would carry it out.

35 (4) “Duress” includes a direct or implied threat of force,
36 violence, danger, hardship, or retribution sufficient to cause a
37 reasonable person to acquiesce in or perform an act which he or
38 she would otherwise not have submitted to or performed; a direct
39 or implied threat to destroy, conceal, remove, confiscate, or possess
40 ~~any~~ an actual or purported passport or immigration document of

1 the victim; or knowingly destroying, concealing, removing,
2 confiscating, or possessing ~~any~~ an actual or purported passport or
3 immigration document of the victim.

4 (5) “Forced labor or services” means labor or services that are
5 performed or provided by a person and are obtained or maintained
6 through force, fraud, duress, or coercion, or equivalent conduct
7 that would reasonably overbear the will of the person.

8 (6) “Great bodily injury” means a significant or substantial
9 physical injury.

10 (7) *“Human trafficking victim” means a person who is a victim*
11 *of any of the acts described in subdivisions (a), (b) or (c).*

12 ~~(7)~~

13 (8) “Minor” means a person less than 18 years of age.

14 ~~(8)~~

15 (9) “Serious harm” includes any harm, whether physical or
16 nonphysical, including psychological, financial, or reputational
17 harm, that is sufficiently serious, under all the surrounding
18 circumstances, to compel a reasonable person of the same
19 background and in the same circumstances to perform or to
20 continue performing labor, services, or commercial sexual acts in
21 order to avoid incurring that harm.

22 (10) *“Nonviolent crime” means any crime or offense other than*
23 *murder, attempted murder, voluntary manslaughter, mayhem,*
24 *kidnapping, rape, robbery, arson, carjacking, or any other violent*
25 *felony as defined in subdivision (c) of Section 667.5.*

26 (i) The total circumstances, including the age of the victim, the
27 relationship between the victim and the trafficker or agents of the
28 trafficker, and any handicap or disability of the victim, shall be
29 factors to consider in determining the presence of “deprivation or
30 violation of the personal liberty of another,” “duress,” and
31 “coercion” as described in this section.

32 SEC. 4. Section 236.21 is added to the Penal Code, to read:

33 236.21. (a) (1) A peace officer coming in contact with a person
34 described in Section 236.2 shall determine whether the person
35 meets either of the following criteria:

36 (A) A minor who has engaged in a commercial sex act or is
37 suspected or charged with committing a crime constituting a
38 commercial sex act, including a violation of subdivision (b) of
39 Section 647 or Section 653.22.

40 (B) A minor who is a human trafficking victim.

1 (2) If the peace officer determines that the person is a minor
2 who is a human trafficking victim pursuant to subparagraph (B)
3 of paragraph (1), the peace officer shall additionally determine
4 whether any non-violent crime the person is suspected of or
5 charged with was committed as a direct result of being a human
6 trafficking victim. The peace officer shall make a record of the
7 determinations made pursuant to this subdivision.

8 (b) Immediately upon making either of the determinations
9 specified in subdivision (a), the peace officer shall report suspected
10 abuse or neglect of that minor to the agency given responsibility
11 for investigation of cases under Section 300 of the Welfare and
12 Institutions Code in accordance with Section 11166.

13 (c) If the peace officer makes either of the determinations
14 specified in subdivision (a), he or she shall not arrest the minor
15 for the suspected crime, and the law enforcement agency having
16 jurisdiction over the offense shall seal and subsequently destroy
17 its records of any arrest previously made for the offense pursuant
18 to subdivision (a) of Section 851.8 and take the other actions
19 required by that section, as if a determination of factual innocence
20 had been made and concurred in by the prosecuting attorney upon
21 petition by the minor pursuant to subdivision (a) of Section 851.8.

22 SEC. 5. Section 236.22 is added to the Penal Code, to read:

23 236.22. (a) Upon a determination made pursuant to Section
24 236.21 that a minor has engaged in a commercial sex act, the minor
25 is immune from prosecution as a juvenile or an adult for any crime
26 based on that act, including prosecution for violations of
27 subdivision (b) of Section 647 or Section 653.22.

28 (b) Upon a determination made pursuant to Section 236.21 that
29 a minor suspected of, or charged with, a non-violent crime was a
30 human trafficking victim at the time of the offense and the crime
31 was a direct result of being a human trafficking victim, the minor
32 is immune from prosecution as a juvenile or an adult for that crime.

33 (c) A minor determined to be immune from prosecution for a
34 crime pursuant to subdivision (a) or (b) shall not be subject to the
35 jurisdiction of the juvenile court pursuant to subdivision (a) or (b)
36 of Section 601 of the Welfare and Institutions Code for the conduct
37 that led to the minor being suspected of or charged with that crime.

38 (d) A minor found to be immune from prosecution for a crime
39 pursuant to subdivision (a) or (b) may be adjudged to be a
40 dependent subject to the jurisdiction of the juvenile court pursuant

1 to paragraph (2) of subdivision (b) of Section 300 of the Welfare
2 and Institutions Code and may be taken into temporary custody
3 pursuant to subdivision (a) of Section 305 of the Welfare and
4 Institutions Code upon a reasonable belief that the conditions of
5 subdivision (a) of Section 305 are met, including that custody is
6 necessary to protect the minor from a person found or suspected
7 to have committed any of the acts described in subdivisions (a),
8 (b) or (c), of Section 236.1.

9 (e) If a minor found to be immune from prosecution for a crime
10 pursuant to subdivision (a) or (b) was arrested for that crime, any
11 law enforcement agency or court having jurisdiction over the
12 offense shall seal and subsequently destroy records relating to that
13 offense pursuant to subdivision (a) of Section 851.8, and take the
14 other actions required by that section, as if a determination of
15 factual innocence had been made and concurred in by the
16 prosecuting attorney upon petition by the minor pursuant to
17 subdivision (a) of Section 851.8.

18 (f) This section shall become operative on June 30, 2017 and
19 applies to offenses committed on or after that date.

20 SEC. 6. Section 647 of the Penal Code is amended to read:

21 647. Except as provided in *paragraph (2) of subdivision (b)*
22 *and subdivision (l)*, every person who commits any of the following
23 acts is guilty of disorderly conduct, a misdemeanor:

24 (a) Who solicits anyone to engage in or who engages in lewd
25 or dissolute conduct in any public place or in any place open to
26 the public or exposed to public view.

27 (b) (1) Who solicits or who agrees to engage in or who engages
28 in any act of prostitution. A person agrees to engage in an act of
29 prostitution when, with specific intent to so engage, he or she
30 manifests an acceptance of an offer or solicitation to so engage,
31 regardless of whether the offer or solicitation was made by a person
32 who also possessed the specific intent to engage in prostitution.
33 No agreement to engage in an act of prostitution shall constitute
34 a violation of this subdivision unless some act, in addition to the
35 agreement, is done within this state in furtherance of the
36 commission of an act of prostitution by the person agreeing to
37 engage in that act. As used in this subdivision, "prostitution"
38 includes any lewd act between persons for money or other
39 consideration.

1 (2) *Notwithstanding paragraph (1), commencing June 30, 2017,*
2 *an arrest shall not be made and punishment shall not be imposed*
3 *for a violation of paragraph (1) on a person under 18 years of age*
4 *who exchanges, or attempts or offers to exchange, sex acts in return*
5 *for money or other consideration. Instead, the person may be*
6 *subject to the jurisdiction of the juvenile court pursuant to*
7 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
8 *Institutions Code. A peace officer who detains a minor for a*
9 *violation of this subdivision shall report suspected abuse or neglect*
10 *of the minor to the agency given responsibility for investigation*
11 *of cases under Section 300 of the Welfare and Institutions Code*
12 *in accordance with Section 11166.*

13 (c) Who accosts other persons in any public place or in any
14 place open to the public for the purpose of begging or soliciting
15 alms.

16 (d) Who loiters in or about any toilet open to the public for the
17 purpose of engaging in or soliciting any lewd or lascivious or any
18 unlawful act.

19 (e) Who lodges in any building, structure, vehicle, or place,
20 whether public or private, without the permission of the owner or
21 person entitled to the possession or in control of it.

22 (f) Who is found in any public place under the influence of
23 intoxicating liquor, any drug, controlled substance, toluene, or any
24 combination of any intoxicating liquor, drug, controlled substance,
25 or toluene, in a condition that he or she is unable to exercise care
26 for his or her own safety or the safety of others, or by reason of
27 his or her being under the influence of intoxicating liquor, any
28 drug, controlled substance, toluene, or any combination of any
29 intoxicating liquor, drug, or toluene, interferes with or obstructs
30 or prevents the free use of any street, sidewalk, or other public
31 way.

32 (g) When a person has violated subdivision (f), a peace officer,
33 if he or she is reasonably able to do so, shall place the person, or
34 cause him or her to be placed, in civil protective custody. The
35 person shall be taken to a facility, designated pursuant to Section
36 5170 of the Welfare and Institutions Code, for the 72-hour
37 treatment and evaluation of inebriates. A peace officer may place
38 a person in civil protective custody with that kind and degree of
39 force which would be lawful were he or she effecting an arrest for
40 a misdemeanor without a warrant. A person who has been placed

1 in civil protective custody shall not thereafter be subject to any
2 criminal prosecution or juvenile court proceeding based on the
3 facts giving rise to this placement. This subdivision shall not apply
4 to the following persons:

5 (1) Any person who is under the influence of any drug, or under
6 the combined influence of intoxicating liquor and any drug.

7 (2) Any person who a peace officer has probable cause to believe
8 has committed any felony, or who has committed any misdemeanor
9 in addition to subdivision (f).

10 (3) Any person who a peace officer in good faith believes will
11 attempt escape or will be unreasonably difficult for medical
12 personnel to control.

13 (h) Who loiters, prowls, or wanders upon the private property
14 of another, at any time, without visible or lawful business with the
15 owner or occupant. As used in this subdivision, “loiter” means to
16 delay or linger without a lawful purpose for being on the property
17 and for the purpose of committing a crime as opportunity may be
18 discovered.

19 (i) Who, while loitering, prowling, or wandering upon the private
20 property of another, at any time, peeks in the door or window of
21 any inhabited building or structure, without visible or lawful
22 business with the owner or occupant.

23 (j) (1) Any person who looks through a hole or opening, into,
24 or otherwise views, by means of any instrumentality, including,
25 but not limited to, a periscope, telescope, binoculars, camera,
26 motion picture camera, camcorder, or mobile phone, the interior
27 of a bedroom, bathroom, changing room, fitting room, dressing
28 room, or tanning booth, or the interior of any other area in which
29 the occupant has a reasonable expectation of privacy, with the
30 intent to invade the privacy of a person or persons inside. This
31 subdivision shall not apply to those areas of a private business
32 used to count currency or other negotiable instruments.

33 (2) Any person who uses a concealed camcorder, motion picture
34 camera, or photographic camera of any type, to secretly videotape,
35 film, photograph, or record by electronic means, another,
36 identifiable person under or through the clothing being worn by
37 that other person, for the purpose of viewing the body of, or the
38 undergarments worn by, that other person, without the consent or
39 knowledge of that other person, with the intent to arouse, appeal
40 to, or gratify the lust, passions, or sexual desires of that person and

1 invade the privacy of that other person, under circumstances in
2 which the other person has a reasonable expectation of privacy.

3 (3) (A) Any person who uses a concealed camcorder, motion
4 picture camera, or photographic camera of any type, to secretly
5 videotape, film, photograph, or record by electronic means, another,
6 identifiable person who may be in a state of full or partial undress,
7 for the purpose of viewing the body of, or the undergarments worn
8 by, that other person, without the consent or knowledge of that
9 other person, in the interior of a bedroom, bathroom, changing
10 room, fitting room, dressing room, or tanning booth, or the interior
11 of any other area in which that other person has a reasonable
12 expectation of privacy, with the intent to invade the privacy of that
13 other person.

14 (B) Neither of the following is a defense to the crime specified
15 in this paragraph:

16 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
17 employer, employee, or business partner or associate of the victim,
18 or an agent of any of these.

19 (ii) The victim was not in a state of full or partial undress.

20 (4) (A) Any person who intentionally distributes the image of
21 the intimate body part or parts of another identifiable person, or
22 an image of the person depicted engaged in an act of sexual
23 intercourse, sodomy, oral copulation, sexual penetration, or an
24 image of masturbation by the person depicted or in which the
25 person depicted participates, under circumstances in which the
26 persons agree or understand that the image shall remain private,
27 the person distributing the image knows or should know that
28 distribution of the image will cause serious emotional distress, and
29 the person depicted suffers that distress.

30 (B) A person intentionally distributes an image described in
31 subparagraph (A) when he or she personally distributes the image,
32 or arranges, specifically requests, or intentionally causes another
33 person to distribute that image.

34 (C) As used in this paragraph, “intimate body part” means any
35 portion of the genitals, the anus and in the case of a female, also
36 includes any portion of the breasts below the top of the areola, that
37 is either uncovered or clearly visible through clothing.

38 (D) It shall not be a violation of this paragraph to distribute an
39 image described in subparagraph (A) if any of the following
40 applies:

1 (i) The distribution is made in the course of reporting an
2 unlawful activity.

3 (ii) The distribution is made in compliance with a subpoena or
4 other court order for use in a legal proceeding.

5 (iii) The distribution is made in the course of a lawful public
6 proceeding.

7 (5) This subdivision shall not preclude punishment under any
8 section of law providing for greater punishment.

9 (k) In any accusatory pleading charging a violation of
10 subdivision (b), if the defendant has been once previously convicted
11 of a violation of that subdivision, the previous conviction shall be
12 charged in the accusatory pleading. If the previous conviction is
13 found to be true by the jury, upon a jury trial, or by the court, upon
14 a court trial, or is admitted by the defendant, the defendant shall
15 be imprisoned in a county jail for a period of not less than 45 days
16 and shall not be eligible for release upon completion of sentence,
17 on probation, on parole, on work furlough or work release, or on
18 any other basis until he or she has served a period of not less than
19 45 days in a county jail. In all cases in which probation is granted,
20 the court shall require as a condition thereof that the person be
21 confined in a county jail for at least 45 days. In no event does the
22 court have the power to absolve a person who violates this
23 subdivision from the obligation of spending at least 45 days in
24 confinement in a county jail.

25 In any accusatory pleading charging a violation of subdivision
26 (b), if the defendant has been previously convicted two or more
27 times of a violation of that subdivision, each of these previous
28 convictions shall be charged in the accusatory pleading. If two or
29 more of these previous convictions are found to be true by the jury,
30 upon a jury trial, or by the court, upon a court trial, or are admitted
31 by the defendant, the defendant shall be imprisoned in a county
32 jail for a period of not less than 90 days and shall not be eligible
33 for release upon completion of sentence, on probation, on parole,
34 on work furlough or work release, or on any other basis until he
35 or she has served a period of not less than 90 days in a county jail.
36 In all cases in which probation is granted, the court shall require
37 as a condition thereof that the person be confined in a county jail
38 for at least 90 days. In no event does the court have the power to
39 absolve a person who violates this subdivision from the obligation
40 of spending at least 90 days in confinement in a county jail.

1 In addition to any punishment prescribed by this section, a court
2 may suspend, for not more than 30 days, the privilege of the person
3 to operate a motor vehicle pursuant to Section 13201.5 of the
4 Vehicle Code for any violation of subdivision (b) that was
5 committed within 1,000 feet of a private residence and with the
6 use of a vehicle. In lieu of the suspension, the court may order a
7 person's privilege to operate a motor vehicle restricted, for not
8 more than six months, to necessary travel to and from the person's
9 place of employment or education. If driving a motor vehicle is
10 necessary to perform the duties of the person's employment, the
11 court may also allow the person to drive in that person's scope of
12 employment.

13 (l) (1) A second or subsequent violation of subdivision (j) is
14 punishable by imprisonment in a county jail not exceeding one
15 year, or by a fine not exceeding two thousand dollars (\$2,000), or
16 by both that fine and imprisonment.

17 (2) If the victim of a violation of subdivision (j) was a minor at
18 the time of the offense, the violation is punishable by imprisonment
19 in a county jail not exceeding one year, or by a fine not exceeding
20 two thousand dollars (\$2,000), or by both that fine and
21 imprisonment.

22 (m) (1) If a crime is committed in violation of subdivision (b)
23 and the person who was solicited was a minor at the time of the
24 offense, and if the defendant knew or should have known that the
25 person who was solicited was a minor at the time of the offense,
26 the violation is punishable by imprisonment in a county jail for
27 not less than two days and not more than one year, or by a fine not
28 exceeding ten thousand dollars (\$10,000), or by both that fine and
29 imprisonment.

30 (2) The court may, in unusual cases, when the interests of justice
31 are best served, reduce or eliminate the mandatory two days of
32 imprisonment in a county jail required by this subdivision. If the
33 court reduces or eliminates the mandatory two days' imprisonment,
34 the court shall specify the reason on the record.

35 SEC. 7. Section 653.22 of the Penal Code is amended to read:

36 653.22. (a) ~~It~~(1) *Except as specified in paragraph (2), it is*
37 *unlawful for any person to loiter in any public place with the intent*
38 *to commit prostitution. This intent is evidenced by acting in a*
39 *manner and under circumstances which that openly demonstrate*

1 the purpose of inducing, enticing, or soliciting prostitution, or
 2 procuring another to commit prostitution.

3 (2) *Notwithstanding paragraph (1), commencing June 30, 2017,*
 4 *an arrest shall not be made and punishment may not be imposed*
 5 *for a violation of paragraph (1) on a person under 18 years of age*
 6 *who exchanges, or attempts or offers to exchange, sex acts in return*
 7 *for money or other consideration. Instead, the person may be*
 8 *subject to the jurisdiction of the juvenile court pursuant to*
 9 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
 10 *Institutions Code. A peace officer who detains a minor for a*
 11 *violation of this section shall report suspected abuse or neglect of*
 12 *the minor to the agency given responsibility for investigation of*
 13 *cases under Section 300 of the Welfare and Institutions Code in*
 14 *accordance with Section 11166.*

15 (b) Among the circumstances that may be considered in
 16 determining whether a person loiters with the intent to commit
 17 prostitution are that the person:

18 (1) Repeatedly beckons to, stops, engages in conversations with,
 19 or attempts to stop or engage in conversations with passersby,
 20 indicative of soliciting for prostitution.

21 (2) Repeatedly stops or attempts to stop motor vehicles by
 22 hailing the drivers, waving arms, or making any other bodily
 23 gestures, or engages or attempts to engage the drivers or passengers
 24 of the motor vehicles in conversation, indicative of soliciting for
 25 prostitution.

26 (3) Has been convicted of violating this section, subdivision (a)
 27 or (b) of Section 647, or any other offense relating to or involving
 28 prostitution, within five years of the arrest under this section.

29 (4) Circles an area in a motor vehicle and repeatedly beckons
 30 to, contacts, or attempts to contact or stop pedestrians or other
 31 motorists, indicative of soliciting for prostitution.

32 (5) Has engaged, within six months prior to the arrest under this
 33 section, in any behavior described in this subdivision, with the
 34 exception of paragraph (3), or in any other behavior indicative of
 35 prostitution activity.

36 (c) The list of circumstances set forth in subdivision (b) is not
 37 exclusive. The circumstances set forth in subdivision (b) should
 38 be considered particularly salient if they occur in an area that is
 39 known for prostitution activity. Any other relevant circumstances
 40 may be considered in determining whether a person has the

1 requisite intent. Moreover, no one circumstance or combination
2 of circumstances is in itself determinative of intent. Intent must
3 be determined based on an evaluation of the particular
4 circumstances of each case.

5 SEC. 8. Section 13519.14 of the Penal Code is amended to
6 read:

7 13519.14. (a) The commission shall implement by January 1,
8 2007, a course or courses of instruction for the training of law
9 enforcement officers in California in the handling of human
10 trafficking complaints and also shall develop guidelines for law
11 enforcement response to human trafficking. The course or courses
12 of instruction and the guidelines shall stress the dynamics and
13 manifestations of human trafficking, identifying and
14 communicating with victims, providing documentation that satisfy
15 the Law Enforcement Agency (LEA) endorsement required by
16 federal law, collaboration with federal law enforcement officials,
17 therapeutically appropriate investigative techniques, the availability
18 of civil and immigration remedies and community resources, and
19 protection of the victim. Where appropriate, the training presenters
20 shall include human trafficking experts with experience in the
21 delivery of direct services to victims of human trafficking.
22 Completion of the course may be satisfied by telecommunication,
23 video training tape, or other instruction.

24 (b) As used in this section, “law enforcement officer” means
25 any officer or employee of a local police department or sheriff’s
26 office, and any peace officer of the Department of the California
27 Highway Patrol, as defined by subdivision (a) of Section 830.2.

28 (c) The course of instruction, the learning and performance
29 objectives, the standards for the training, and the guidelines shall
30 be developed by the commission in consultation with appropriate
31 groups and individuals having an interest and expertise in the field
32 of human trafficking.

33 (d) The commission, in consultation with these groups and
34 individuals, shall review existing training programs to determine
35 in what ways human trafficking training may be included as a part
36 of ongoing programs.

37 (e) Every law enforcement officer who is assigned field or
38 investigative duties shall complete a minimum of two hours of
39 training in a course or courses of instruction pertaining to the
40 handling of human trafficking complaints as described in

1 subdivision (a) by July 1, 2014, or within six months of being
2 assigned to that position, whichever is later.

3 *(f) The commission shall update the training implemented*
4 *pursuant to this section by July 1, 2018, to include specific*
5 *instruction on law enforcement responsibilities to determine the*
6 *status of children as victims of human trafficking pursuant to*
7 *Sections 236.21, 236.22, 647 and 653.22.*

8 SEC. 9. Section 300 of the Welfare and Institutions Code is
9 amended to read:

10 300. A child who comes within any of the following
11 descriptions is within the jurisdiction of the juvenile court which
12 may adjudge that person to be a dependent child of the court:

13 (a) The child has suffered, or there is a substantial risk that the
14 child will suffer, serious physical harm inflicted nonaccidentally
15 upon the child by the child's parent or guardian. For purposes of
16 this subdivision, a court may find there is a substantial risk of
17 serious future injury based on the manner in which a less serious
18 injury was inflicted, a history of repeated inflictions of injuries on
19 the child or the child's siblings, or a combination of these and other
20 actions by the parent or guardian that indicate the child is at risk
21 of serious physical harm. For purposes of this subdivision, "serious
22 physical harm" does not include reasonable and age-appropriate
23 spanking to the buttocks if there is no evidence of serious physical
24 injury.

25 (b) (1) The child has suffered, or there is a substantial risk
26 that the child will suffer, serious physical harm or illness, as a
27 result of the failure or inability of his or her parent or guardian to
28 adequately supervise or protect the child, or the willful or negligent
29 failure of the child's parent or guardian to adequately supervise
30 or protect the child from the conduct of the custodian with whom
31 the child has been left, or by the willful or negligent failure of the
32 parent or guardian to provide the child with adequate food,
33 clothing, shelter, or medical treatment, or by the inability of the
34 parent or guardian to provide regular care for the child due to the
35 parent's or guardian's mental illness, developmental disability, or
36 substance abuse. A child shall not be found to be a person described
37 by this subdivision solely due to the lack of an emergency shelter
38 for the family. Whenever it is alleged that a child comes within
39 the jurisdiction of the court on the basis of the parent's or
40 guardian's willful failure to provide adequate medical treatment

1 or specific decision to provide spiritual treatment through prayer,
2 the court shall give deference to the parent's or guardian's medical
3 treatment, nontreatment, or spiritual treatment through prayer alone
4 in accordance with the tenets and practices of a recognized church
5 or religious denomination, by an accredited practitioner thereof,
6 and shall not assume jurisdiction unless necessary to protect the
7 child from suffering serious physical harm or illness. In making
8 its determination, the court shall consider (1) the nature of the
9 treatment proposed by the parent or guardian, (2) the risks to the
10 child posed by the course of treatment or nontreatment proposed
11 by the parent or guardian, (3) the risk, if any, of the course of
12 treatment being proposed by the petitioning agency, and (4) the
13 likely success of the courses of treatment or nontreatment proposed
14 by the parent or guardian and agency. The child shall continue to
15 be a dependent child pursuant to this subdivision only so long as
16 is necessary to protect the child from risk of suffering serious
17 physical harm or illness.

18 (2) The Legislature finds and declares that a child who is
19 ~~sexually trafficked~~ *a human trafficking victim*, as ~~described~~ *defined*
20 *in paragraph (7) of subdivision (h) of Section 236.1 of the Penal*
21 *Code, or who receives food or shelter in exchange for, or who is*
22 *paid to perform, sexual acts described in Section 236.1 or 11165.1*
23 *of the Penal Code, and whose parent or guardian failed to, or was*
24 *unable to, protect the child, is within the description of this*
25 *subdivision, and that this finding is declaratory of existing law.*
26 *These children shall be known as *child trafficking victims or**
27 *commercially sexually exploited children.*

28 (c) The child is suffering serious emotional damage, or is at
29 substantial risk of suffering serious emotional damage, evidenced
30 by severe anxiety, depression, withdrawal, or untoward aggressive
31 behavior toward self or others, as a result of the conduct of the
32 parent or guardian or who has no parent or guardian capable of
33 providing appropriate care. A child shall not be found to be a
34 person described by this subdivision if the willful failure of the
35 parent or guardian to provide adequate mental health treatment is
36 based on a sincerely held religious belief and if a less intrusive
37 judicial intervention is available.

38 (d) The child has been sexually abused, or there is a substantial
39 risk that the child will be sexually abused, as defined in Section
40 11165.1 of the Penal Code, by his or her parent or guardian or a

1 member of his or her household, or the parent or guardian has
2 failed to adequately protect the child from sexual abuse when the
3 parent or guardian knew or reasonably should have known that
4 the child was in danger of sexual abuse.

5 (e) The child is under the age of five years and has suffered
6 severe physical abuse by a parent, or by any person known by the
7 parent, if the parent knew or reasonably should have known that
8 the person was physically abusing the child. For the purposes of
9 this subdivision, “severe physical abuse” means any of the
10 following: any single act of abuse which causes physical trauma
11 of sufficient severity that, if left untreated, would cause permanent
12 physical disfigurement, permanent physical disability, or death;
13 any single act of sexual abuse which causes significant bleeding,
14 deep bruising, or significant external or internal swelling; or more
15 than one act of physical abuse, each of which causes bleeding,
16 deep bruising, significant external or internal swelling, bone
17 fracture, or unconsciousness; or the willful, prolonged failure to
18 provide adequate food. A child shall not be removed from the
19 physical custody of his or her parent or guardian on the basis of a
20 finding of severe physical abuse unless the social worker has made
21 an allegation of severe physical abuse pursuant to Section 332.

22 (f) The child’s parent or guardian caused the death of another
23 child through abuse or neglect.

24 (g) The child has been left without any provision for support;
25 physical custody of the child has been voluntarily surrendered
26 pursuant to Section 1255.7 of the Health and Safety Code and the
27 child has not been reclaimed within the 14-day period specified
28 in subdivision (g) of that section; the child’s parent has been
29 incarcerated or institutionalized and cannot arrange for the care of
30 the child; or a relative or other adult custodian with whom the child
31 resides or has been left is unwilling or unable to provide care or
32 support for the child, the whereabouts of the parent are unknown,
33 and reasonable efforts to locate the parent have been unsuccessful.

34 (h) The child has been freed for adoption by one or both parents
35 for 12 months by either relinquishment or termination of parental
36 rights or an adoption petition has not been granted.

37 (i) The child has been subjected to an act or acts of cruelty by
38 the parent or guardian or a member of his or her household, or the
39 parent or guardian has failed to adequately protect the child from
40 an act or acts of cruelty when the parent or guardian knew or

1 reasonably should have known that the child was in danger of
2 being subjected to an act or acts of cruelty.

3 (j) The child’s sibling has been abused or neglected, as defined
4 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
5 that the child will be abused or neglected, as defined in those
6 subdivisions. The court shall consider the circumstances
7 surrounding the abuse or neglect of the sibling, the age and gender
8 of each child, the nature of the abuse or neglect of the sibling, the
9 mental condition of the parent or guardian, and any other factors
10 the court considers probative in determining whether there is a
11 substantial risk to the child.

12 It is the intent of the Legislature that this section not disrupt the
13 family unnecessarily or intrude inappropriately into family life,
14 prohibit the use of reasonable methods of parental discipline, or
15 prescribe a particular method of parenting. Further, this section is
16 not intended to limit the offering of voluntary services to those
17 families in need of assistance but who do not come within the
18 descriptions of this section. To the extent that savings accrue to
19 the state from child welfare services funding obtained as a result
20 of the enactment of the act that enacted this section, those savings
21 shall be used to promote services which support family
22 maintenance and family reunification plans, such as client
23 transportation, out-of-home respite care, parenting training, and
24 the provision of temporary or emergency in-home caretakers and
25 persons teaching and demonstrating homemaking skills. The
26 Legislature further declares that a physical disability, such as
27 blindness or deafness, is no bar to the raising of happy and
28 well-adjusted children and that a court’s determination pursuant
29 to this section shall center upon whether a parent’s disability
30 prevents him or her from exercising care and control. The
31 Legislature further declares that a child whose parent has been
32 adjudged a dependent child of the court pursuant to this section
33 shall not be considered to be at risk of abuse or neglect solely
34 because of the age, dependent status, or foster care status of the
35 parent.

36 As used in this section, “guardian” means the legal guardian of
37 the child.

38 SEC. 10. Chapter 4 (commencing with Section 2200) is added
39 to Division 2.5 of the Welfare and Institutions Code, to read:

1 services that will ensure that child trafficking victims have access
2 to the services and support needed for their safety and recovery.

3 (c) The workgroup shall develop a comprehensive state plan to
4 serve and protect sexually exploited and trafficked minors,
5 including recommendations and a timeline for implementation.
6 The plan shall include, at a minimum, all of the following:

7 (1) A multiagency-coordinated child trafficking response
8 protocol and guidelines for local implementation that address
9 prevention, identification, screening, assessment, immediate and
10 safe shelter, and clear lines of ongoing responsibility to ensure that
11 child trafficking victims have access to the necessary continuum
12 of treatment options, as determined by the workgroup.

13 (2) Whether new specialized services and programs are needed
14 to ensure that child trafficking victims have access to safe and
15 appropriate services, the identification of funding sources, and a
16 timeline for the creation of those services and programs.

17 (3) The identification of training needs for child welfare staff,
18 law enforcement, and probation staff regarding child trafficking
19 response protocols, and a plan and timeline to implement necessary
20 training.

21 (4) The development of data collection and sharing protocols
22 among agencies.

23 (d) In developing the plan, the workgroup shall consider both
24 of the following:

25 (1) Existing laws and practices in other states and jurisdictions
26 that have developed response protocols and policies to respond to
27 sexual exploitation of minors and child trafficking and the
28 outcomes and unintended consequences of those protocols and
29 policies.

30 (2) The adequacy of existing response protocols and services,
31 including identification, screening, assessment, immediate and
32 safe shelter, and the range of treatment options for child trafficking
33 victims.

34 (e) The workgroup, in collaboration with the California Child
35 Welfare Council, shall submit the plan, including implementation
36 recommendations and a timeline, to the Legislature, Judicial
37 Council, and the Governor no later than January 30, 2018.

38 (f) Reports submitted to the Legislature pursuant to this section
39 shall be submitted in compliance with Section 9795 of the
40 Government Code.

1 SEC. 11. Chapter 5 (commencing with Section 2300) is added
2 to Division 2.5 of the Welfare and Institutions Code, to read:

3

4 CHAPTER 5. DEVELOPMENT OF SPECIALIZED FACILITIES AND
5 ASSESSMENT TOOLS TO PROTECT CHILD TRAFFICKING VICTIMS

6

7 2300. (a) In the implementation of the continuum of care
8 reform, pursuant to Chapter 773 of the Statutes of 2015, the State
9 Department of Social Services shall ensure the necessary care,
10 support, social service needs, and treatment of child trafficking
11 victims in the child welfare system. It shall establish, in
12 consultation with county welfare departments and other
13 stakeholders as appropriate, a working group to develop
14 recommendations for the board, care, and supervision of child
15 trafficking victims as defined in paragraph (2) of subdivision (b)
16 of Section 300 who are in need of a placement in facilities that
17 will protect them from traffickers and provide needed specialized
18 support and services. The plan shall address placement options
19 that promote a continuum of care based on the best interests of the
20 youth, including placements that provide immediate crisis care
21 and assessment in facilities in which victims are protected from
22 their traffickers, long-term placements in family-based settings,
23 and specialized congregate care placements that support
24 independent living with services that promote successful transition
25 to adulthood. The recommendations shall be included in the
26 recommendations submitted pursuant to Section 11461.2.

27 (b) In developing its recommendations, the department shall
28 identify strategies to do all of the following:

29 (1) Recruit and train family-based foster care providers
30 specifically to serve this population and considerations for their
31 need for safety when caring for this population.

32 (2) Support family finding and engagement activities for child
33 trafficking victims as defined in paragraph (2) of subdivision (b)
34 of Section 300 and for children who are at risk of becoming
35 victims.

36 (3) Support training and education for at-risk foster youth in
37 out-of-home placements to reduce the likelihood of human
38 trafficking as specified in subdivisions (a), (b), and (c), of Section
39 236.1 of the Penal Code.

1 (4) Support drop-in centers to provide crisis intervention and
2 support to trafficked or commercially exploited minors and to
3 re-engage them in the child welfare system.

4 (5) Provide for an exemption process for human trafficking
5 victims to be employed in foster care facilities if the crime was
6 committed under threat from their trafficker.

7 2301. (a) The State Department of Social Services, with input
8 from county child welfare agencies, probation departments, and
9 other stakeholders as appropriate, shall identify, develop, and
10 disseminate screening tools for use by county child welfare and
11 probation staff to identify children who are or are at risk of
12 becoming child trafficking victims as defined by paragraph (2) of
13 subdivision (b) of Section 300. No later than December 31, 2017,
14 the department shall provide counties with guidance on the use of
15 the screening tools, including when youth are referred to or placed
16 into care, as appropriate for children who are at risk and in the
17 foster care system.

18 (b) The State Department of Social Services and the State
19 Department of Health Care Services, in consultation with county
20 child welfare and county mental health representatives and other
21 stakeholders as appropriate, shall identify tools and best practices
22 to screen, assess and serve child trafficking victims. The
23 department shall develop curriculum and provide training to local
24 multi-disciplinary teams as defined in paragraph (2) of subdivision
25 (c) of Section 2303 no later than December 31, 2017, for assessing
26 and jointly serving this population.

27 2302. (a) The State Department of Social Services, in
28 consultation with the County Welfare Directors Association, shall
29 ensure that the Child Welfare Services Case Management System
30 is capable of collecting data concerning child trafficking victims
31 as defined in paragraph (2) of subdivision (c) of Section 300,
32 including children who are referred to the child abuse hotline, as
33 well as children currently served by child welfare and probation
34 departments and who subsequently are identified as child
35 trafficking victims.

36 (b) The department shall complete the requirements of
37 subdivision (a) no later than December 1, 2017, including the
38 dissemination of any necessary instructions on data entry to county
39 child welfare staff.

1 2303. (a) (1) Each county shall develop an interagency protocol
 2 to be utilized in serving child trafficking victims as defined in
 3 paragraph (2) of subdivision (b) of Section 300. Each county’s
 4 protocol shall be adopted by the board of supervisors not later than
 5 June 30, 2017. The protocols shall identify the roles and
 6 responsibilities of county-based agencies and other local service
 7 providers in responding to and supporting a coordinated community
 8 response to serve victims of trafficking or commercial sexual
 9 exploitation. At minimum, the protocol shall identify the roles and
 10 responsibilities of the following county administrators in their
 11 oversight and administration of services to victims:

- 12 (A) The district attorney.
- 13 (B) Behavioral health.
- 14 (C) Child welfare.
- 15 (D) Probation.
- 16 (E) Public health.
- 17 (F) Substance use disorder services.
- 18 (G) The Sheriff.
- 19 (H) The County Superintendent of Schools.
- 20 (I) The presiding juvenile court judge.

21 (2) The county interagency protocol shall be developed by a
 22 team led by a representative appointed by the director of the county
 23 human services department and shall include representatives
 24 appointed by the director of each of the agencies listed in paragraph
 25 (1).

26 (3) The county shall ensure input into the development of local
 27 protocols from local service providers specializing in services to
 28 victims of rape and sexual assault, runaways and homeless youth,
 29 youth advocates, survivors of trafficking, and others as deemed
 30 appropriate.

31 (b) At a minimum, the interagency protocol shall address the
 32 provision of services to child trafficking victims, including but not
 33 limited to, all of the following:

- 34 (1) Identifying at least one representative from each county
 35 agency noted in subdivision (a) to serve as a point of contact with
 36 specialized training on serving victims of trafficking or commercial
 37 sexual exploitation.
- 38 (2) The use of a multidisciplinary team approach to provide
 39 coordinated case management, service planning, and services to
 40 minors. A multidisciplinary team serving a minor pursuant to this

1 section shall include, but not be limited to, appropriate staff from
2 the county child welfare, probation, mental health, substance use
3 disorder, and public health departments. As warranted, the
4 multidisciplinary team may also include representatives from local
5 law enforcement, prosecutors, and defense attorneys, attorneys
6 representing children, federal law enforcement, school-based
7 personnel, and community-based providers, as determined by local
8 protocols.

9 (c) The protocol shall describe how the county will adhere to
10 the following principles in serving this population:

11 (1) View trafficked minors or commercial sexually exploited
12 youth as victims, not criminals, avoiding arrest and detention
13 whenever possible.

14 (2) Provide youth with “victim-centered” and trauma-informed
15 care and services.

16 (3) Make youth safety a key concern.

17 (4) Treat victims with respect and take into account their cultural
18 and linguistic needs.

19 (5) Support continuous quality improvement based on available
20 data, research, and experience to improve system response and
21 better outcomes for child victims of trafficking or commercial
22 exploitation.

23 (6) Involve human trafficking victims in the providing of
24 supportive services.

25 (7) Provide recommendations and updates to the State Plan to
26 Serve and Protect Child Trafficking Victims, as described in
27 Chapter 4 (commencing with Section 2200) of Division 2.5.

28 SEC. 12. Section 16206 of the Welfare and Institutions Code
29 is amended to read:

30 16206. (a) The purpose of the program is to develop and
31 implement statewide coordinated training programs designed
32 specifically to meet the needs of county child protective services
33 social workers assigned emergency response, family maintenance,
34 family reunification, permanent placement, and adoption
35 responsibilities. It is the intent of the Legislature that the program
36 include training for other agencies under contract with county
37 welfare departments to provide child welfare services. In addition,
38 the program shall provide training programs for persons defined
39 as a mandated reporter pursuant to the Child Abuse and Neglect
40 Reporting Act (Article 2.5 (commencing with Section 11164) of

1 Chapter 2 of Title 1 of Part 4 of the Penal Code). The program
2 shall provide the services required in this section to the extent
3 possible within the total allocation. If allocations are insufficient,
4 the department, in consultation with the grantee or grantees and
5 the Child Welfare Training Advisory Board, shall prioritize the
6 efforts of the program, giving primary attention to the most
7 urgently needed services. County child protective services social
8 workers assigned emergency response responsibilities shall receive
9 first priority for training pursuant to this section.

10 (b) The training program shall provide practice-relevant training
11 for mandated child abuse reporters and all members of the child
12 welfare delivery system that will address critical issues affecting
13 the well-being of children, and shall develop curriculum materials
14 and training resources for use in meeting staff development needs
15 of mandated child abuse reporters and child welfare personnel in
16 public and private agency settings.

17 (c) The training provided pursuant to this section shall include
18 all of the following:

19 (1) Crisis intervention.

20 (2) Investigative techniques.

21 (3) Rules of evidence.

22 (4) Indicators of abuse and neglect.

23 (5) Assessment criteria, including the application of guidelines
24 for assessment of relatives for placement according to the criteria
25 described in Section 361.3.

26 (6) Intervention strategies.

27 (7) Legal requirements of child protection, including
28 requirements of child abuse reporting laws.

29 (8) Case management.

30 (9) Use of community resources.

31 (10) Information regarding the dynamics and effects of domestic
32 violence upon families and children, including indicators and
33 dynamics of teen dating violence.

34 (11) ~~Posttraumatic~~ *Post-traumatic* stress disorder and the causes,
35 symptoms, and treatment of ~~posttraumatic~~ *post-traumatic* stress
36 disorder in children.

37 (12) The importance of maintaining relationships with
38 individuals who are important to a child in out-of-home placement,
39 including methods to identify those individuals, consistent with
40 the child's best interests, including, but not limited to, asking the

1 child about individuals who are important, and ways to maintain
2 and support those relationships.

3 *(13) Instruction on cultural competency and sensitivity and*
4 *related best practices for providing adequate care to child*
5 *trafficking victims.*

6 ~~(13)~~

7 *(14) The legal duties of a child protective services social worker,*
8 *in order to protect the legal rights and safety of children and*
9 *families from the initial time of contact during investigation*
10 *through treatment.*

11 ~~(14)~~

12 *(15) The information described in subdivision (d) of Section*
13 *16501.4.*

14 (d) The training provided pursuant to this section may also
15 include any or all of the following:

16 (1) Child development and parenting.

17 (2) Intake, interviewing, and initial assessment.

18 (3) Casework and treatment.

19 (4) Medical aspects of child abuse and neglect.

20 (e) The training program in each county shall assess the
21 program's performance at least annually and forward it to the State
22 Department of Social Services for an evaluation. The assessment
23 shall include, at a minimum, all of the following:

24 (1) Workforce data, including education, qualifications, and
25 demographics.

26 (2) The number of persons trained.

27 (3) The type of training provided.

28 (4) The degree to which the training is perceived by participants
29 as useful in practice.

30 (5) Any additional information or data deemed necessary by
31 the department for reporting, oversight, and monitoring purposes.

32 (f) The training program shall provide practice-relevant training
33 to county child protective services social workers who screen
34 referrals for child abuse or neglect and for all workers assigned to
35 provide emergency response, family maintenance, family
36 reunification, and permanent placement services. The training shall
37 be developed in consultation with the Child Welfare Training
38 Advisory Board and domestic violence victims' advocates and
39 other public and private agencies that provide programs for victims
40 of domestic violence or programs of intervention for perpetrators.

1 SEC. 13. Section 16540 of the Welfare and Institutions Code
2 is amended to read:

3 16540. The California Child Welfare Council is hereby
4 established, which shall serve as an advisory body responsible for
5 improving the collaboration and processes of the multiple agencies
6 and the courts that serve the children and youth in the child welfare
7 and foster care systems. The council shall monitor and report the
8 extent to which child welfare and foster care programs and the
9 courts are responsive to the needs of children in their joint care.
10 The council shall issue advisory reports whenever it deems
11 appropriate, but in any event, no less frequently than annually, to
12 the Governor, the Legislature, the Judicial Council, and the public.
13 A report of the Child Welfare Council shall, at a minimum, include
14 recommendations for all of the following:

15 (a) Ensuring that all state child welfare, foster care, and judicial
16 funding and services for children, youth, and families is, to the
17 greatest extent possible, coordinated to eliminate fragmentation
18 and duplication of services provided to children or families who
19 would benefit from integrated multiagency services.

20 (b) Increasing the quality, appropriateness, and effectiveness
21 of program services and judicial processes delivered to children,
22 youth, and families who would benefit from integrated multiagency
23 services to achieve better outcomes for these children, youth, and
24 families.

25 (c) Promoting consistent program and judicial excellence across
26 counties to the greatest extent possible while recognizing the
27 demographic, geographic, and financial differences among the
28 counties.

29 (d) Increasing collaboration and coordination between county
30 agencies, state agencies, federal agencies, and the courts.

31 (e) Ensuring that all state Title IV-E plans, program
32 improvement plans, and court improvement plans demonstrate
33 effective collaboration between public agencies and the courts.

34 (f) Assisting the Secretary of California Health and Human
35 Services and the chief justice in formulating policies for the
36 effective administration of the child welfare and foster care
37 programs and judicial processes.

38 (g) Modifying program practices and court processes, rate
39 structures, and other system changes needed to promote and support
40 relative caregivers, family foster parents, therapeutic placements,

1 and other placements for children who cannot remain in the family
2 home.

3 (h) Developing data- and information-sharing agreements and
4 protocols for the exchange of aggregate data across program and
5 court systems that are providing services to children and families
6 in the child welfare system. These data-sharing agreements shall
7 allow child welfare agencies and the courts to access data
8 concerning the health, mental health, special education, and
9 educational status and progress of children served by county child
10 welfare systems subject to state and federal confidentiality laws
11 and regulations. They shall be developed in tandem with the
12 establishment of judicial case management systems as well as
13 additional or enhanced performance measures described in
14 subdivision (b) of Section 16544.

15 (i) Developing systematic methods for obtaining policy
16 recommendations from foster youth about the effectiveness and
17 quality of program services and judicial processes, and ensuring
18 that the interests of foster youth are adequately addressed in all
19 policy development.

20 (j) Implementing legislative enactments in the child welfare and
21 foster care programs and the courts, and reporting to the Legislature
22 on the timeliness and consistency of the implementation.

23 (k) Monitoring the adequacy of resources necessary for the
24 implementation of existing programs and court processes, and the
25 prioritization of program and judicial responsibilities.

26 (l) Strengthening and increasing the independence and authority
27 of the foster care ombudsperson.

28 (m) Coordinating available services for former foster youth and
29 improving outreach efforts to those youth and their families.

30 (n) *Providing recommendations and updates to the State Plan*
31 *to Serve and Protect Child Trafficking Victims, as described in*
32 *Chapter 4 (commencing with Section 2200) of Division 2.5.*

33 SEC. 14. If the Commission on State Mandates determines
34 that this act contains costs mandated by the state, reimbursement
35 to local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

O