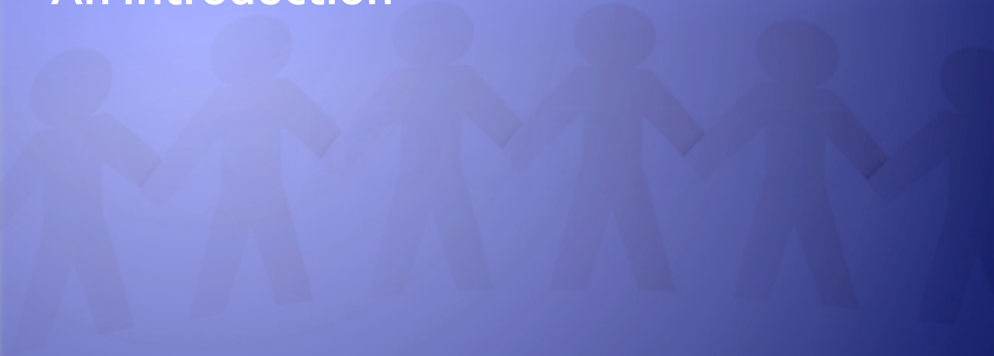


# Commercial Sexual Exploitation of Children

## An Introduction

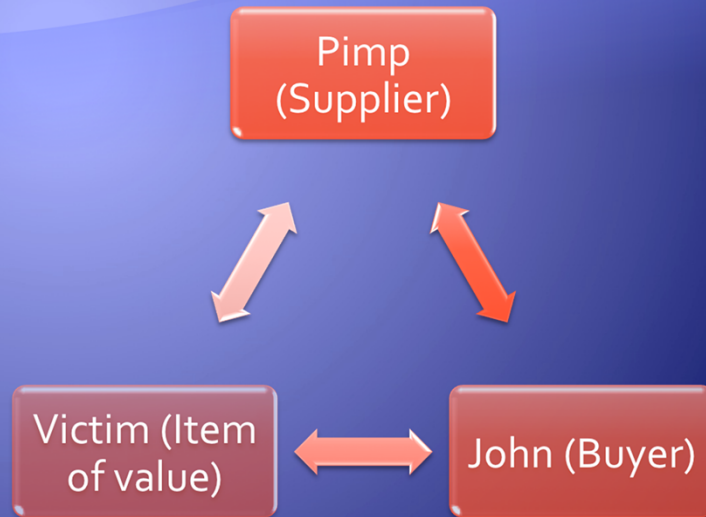


*Joslyn Baker, Collaboration Consultant*

## **The importance of language:**

- **Exploited persons are victims, but view the exploiter as a loved one**
- **Shapes and informs the discussion to help the victim**
- **Guides a community response and system change**
- **Clarifies roles and service needs to the system**
- **Creates options for containing the exploiters**

# Supply & Demand



## Sex Trafficking Definition

- ▣ The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act
- ▣ Induced by force, fraud, or coercion to engage another person into sex work
- ▣ Under the age of 18 do not need to prove force, fraud, or coercion
- ▣ Any Gender

# Statistics

## National

7

The Average life expectancy of a child, once Prostituted (Farley, 2008).



90%

Youth who self disclosed prior sexual abuse

12-14 years old

11-13 years old

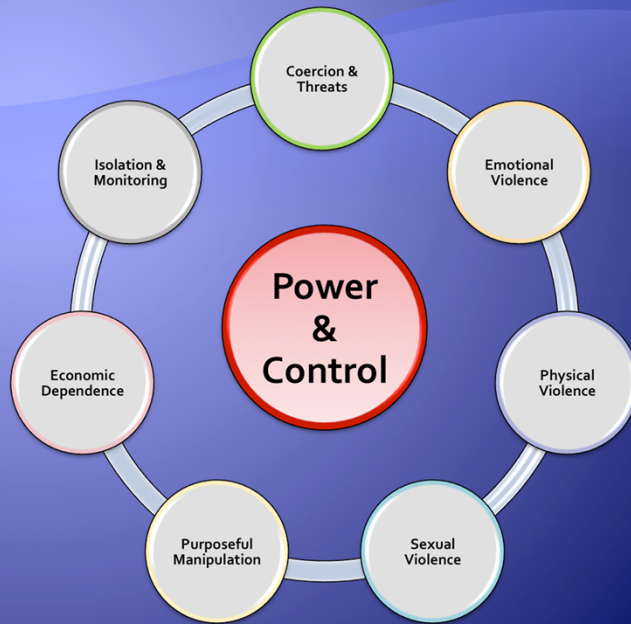
Average Age of Entry

They start out young

They have experinced sexual abuse by some one the trust and love

For boys its even worse

# Control



## Effects of CSEC on survivor

- Physical
- Emotional
- Social
- Life Skills



**Joslyn Baker - Collaboration Consultant**

**Phone: 503-799-4749**

**Email: [joslynbaker66@gmail.com](mailto:joslynbaker66@gmail.com)**

**[joslynbakerconsulting.com](http://joslynbakerconsulting.com)**



## HOUSE BILL 2908

Statutory Changes Pending –  
Oregon's Implementation of the Federal  
Preventing Sex Trafficking and  
Strengthening Families Act of 2014

In October 2014, the President signed the Federal Preventing Sex Trafficking and Strengthening Families Act of 2014. Several provisions of this act require changes to Oregon's juvenile code. States must comply with this law to continue to receive federal dollars to support foster care placements. OJD

participated in a work group that included staff from the Legislative Judiciary Committee, DHS, PDSC, DOJ and Youth, Rights and Justice.

The result of that work group is House Bill 2908:

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2908/Introduced>

## House Bill 2908 makes four main changes to Oregon law:

- ◉ Permanency Planning
  - > APPLA – wards 16 & older only
  - > Placement With a Fit & Willing Relative
- ◉ Extracurricular, enrichment, cultural and social activities
- ◉ Transition Planning for children age 14 and up
- ◉ Foster children's rights



President Obama signed H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act, on September 29, 2014. The new law, in part, amends Part E of Title IV of the Social Security Act, relating to the case planning and case review requirements for children in substitute care. The new federal law goes into

effect on October 1, 2015.

HB 2908 implements federal provisions in state law. Oregon receives more than \$230M in Title IV-E federal funds each biennium to support children in foster care. The provisions included in HB 2908 need to be consistently implemented, to reduce Oregon's risk of losing these funds which help ensure the safety and well-being of children in care.

## Permanency Planning

- Another Planned Permanent Living Arrangement (APPLA) will be limited to wards who are 16 and older
- “Placement with a Fit and Willing Relative” is, as allowed under the federal law, a legally recognized permanency plan in Oregon.

APPLA plans generally are provided for children in permanent foster care, who are receiving an independent living housing subsidy, or who are placed in a psychiatric residential facility, developmental disabilities placement, or residential treatment facility.

Since current law does not restrict the plan's use by the child's age, many wards under age 16 are currently placed in APPLA plans. Under the new federal law and HB 2908, the next time courts review these cases after October 1, 2015 – the court will need to designate another permanency plan for wards under age 16.

HB 2908 amends the permanency hearing statute to clarify that “Placement with a Fit and Willing Relative” is, as allowed under the federal law, a legally recognized permanency plan in Oregon. This change makes clear that the court may designate this plan for cases in which it is unsafe for the child to be returned home to a parent

and the permanency plans of adoption  
and guardianship are not appropriate.

## Permanency Plans

- ◉ Return to Parent
- ◉ Adoption
- ◉ Guardianship
- ◉ Placement with a Fit & Wiling Relative
- ◉ APPLA – 16 and older only



## APPLA Myths

- ◉ MYTH: Wards younger than 16 with a plan of APPLA will be "grand fathered" in when the law changes.
  - ☞ **There are no provisions in the federal law or HB 2908 that allow a ward under 16 to remain in a plan of APPLA when the court conducts a permanency hearing on or after October 1, 2015.**
- ◉ MYTH: Courts will need to review all cases of wards under age 16 with an APPLA plan and designate another permanency plan prior to October 1, 2015.
  - ☞ **HB 2908 does not require courts to hold permanency hearings and change the plans in these cases prior to the implementation date of the bill.**

## Placement with a Fit & Willing Relative - Myth

- MYTH: "Placement with a Fit and Willing Relative" will require some children who have been in long standing, non-relative foster care placements to be moved from those placements.
  - ☞ **The current juvenile code and HB 2908 do not define "relative." Relative is defined by OARs and DHS policies. DHS will need to update a number of policies and OARs in order to implement HB 2908. DHS, through the rule making process, may change the definition of relative for the purposes of "placement with a fit and willing relative" to include foster care providers who have established a "caregiver relationship" with specific children: for example, children who have significant medical needs or who are DD.**

ORS 419B.116 and OARs define a foster parent who cares for a child for at least 12 consecutive months as someone who has established a "caregiver relationship" with the child. ORS 419B.192 and OARs require placement preferences with relatives or persons who have established a caregiver relationship.

## Placement with a Fit & Willing Relative Myth

- MYTH: Placement with a Fit and Willing Relative" will result in DHS not being involved in the case, leaving relatives or foster parents who have established a caregiver relationship without the financial assistance and support of a foster care placement with DHS oversight.
  - ☞ **HB 2908 clarifies for courts and parties that this is a legally recognized plan, separate and distinct from guardianship and adoption. When a ward is in DHS custody and has a plan of "Placement with a Fit and Willing Relative," the child remains in substitute care, foster parents can continue to receive the financial support and services from DHS to support the placement, and six month periodic reviews (by the CRB or court) along with annual permanency hearings by the court are still required.**

References to "Placement with a Fit and Willing Relative" are already included in ORS 419B.476(5)(e)-(f), requiring the court to rule out placement with a fit and willing relative as a permanency plan option before determining the case plan should be APPLA.

## Extracurricular, Enrichment, Cultural and Social Activities



### **New definitions -**

- ◉ “Reasonable and prudent parent standard”
- ◉ “Age-appropriate or developmentally appropriate activities”

- ORS 419A.004 (Juvenile Code Definitions)

New definitions are added in sections (1) and (21) of this statute to address the new “reasonable and prudent parent standard.” Under H.R. 4980, state agencies are required to provide training to foster parents to ensure they are following this standard, and providing wards in their care opportunities for participation in extracurricular, enrichment, cultural and social activities.

**(1) “Age-appropriate or developmentally appropriate activities” means:**

**(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and**

**(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional,**

**physical and behavioral capacities of the child.**

**(21) “Reasonable and prudent parent standard” means the standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or ward while encouraging the emotional and developmental growth of the child or ward, that a substitute care provider shall use when determining whether to allow a child or ward in substitute care to participate in extracurricular, enrichment, cultural and social activities.**

For all children and wards - DHS must provide documentation to the court and CRB about whether the child's foster parent is providing the child with regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

- For all wards -16 years of age or older - in an APPLA plan, the court and CRB must make a finding during periodic reviews as to whether the foster parent is following the reasonable and prudent parent standard and whether the ward has regular, ongoing opportunities to engage in extracurricular activities

Transition Plan to  
“Successful Adulthood”  
for Wards Age 14 and Up

The **T1** and **T2** :

*Powerful tools to help prepare youth for the  
transition from foster care to adulthood*

DHS must ensure that case plans address transition planning for children in foster care beginning at age 14 rather than age 16.

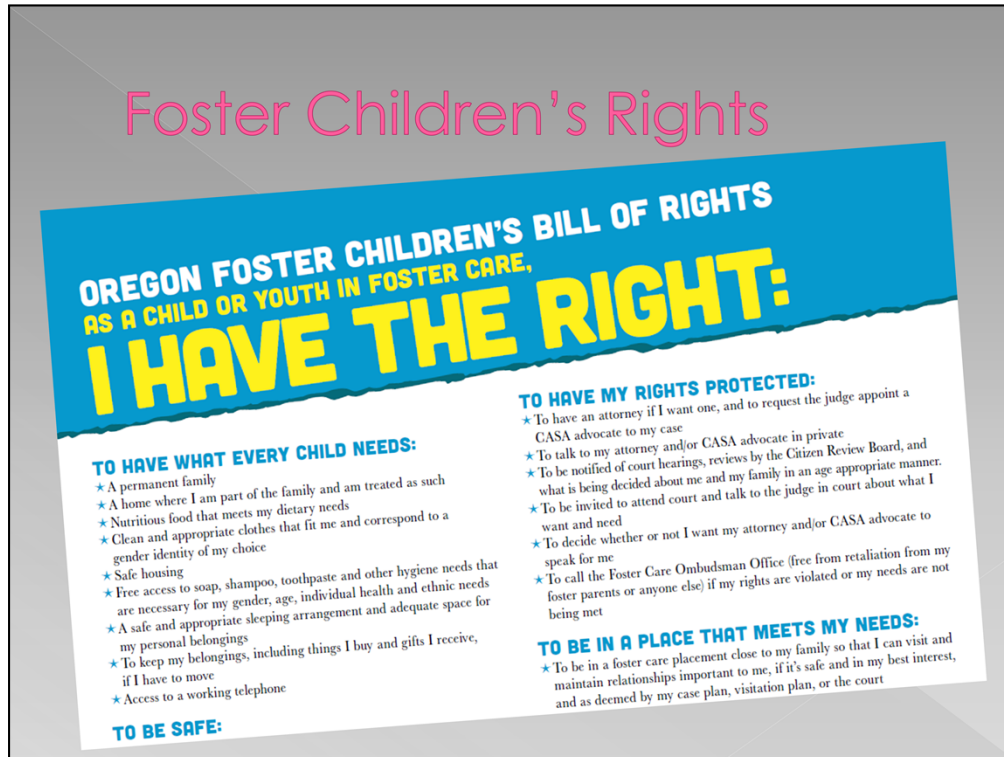
Transition planning is designed to prepare children to live independently when they leave DHS care, by helping them learn life skills



necessary for independence, as well as plan for housing, higher education, and getting a job. In addition, the bill requires the court to review the child's transition plan at each permanency hearing. The court must make findings as to the adequacy of the plan, whether appropriate services have been offered pursuant to the plan, and whether DHS Involved the child in developing the plan.

In addition, references to "independent living" have been changed to "successful adulthood" consistent with the language provided in the new federal law.

## Foster Children's Rights



The new federal law requires case plans for children age 14 and older who are in foster care to include a document containing a list of the child's rights that has been explained to and signed by the child.

House Bill 2908 integrates this requirement into the case planning

statute (ORS 419B.343) and the Foster Children's Bill of Rights (ORS 418.201).

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