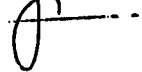


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

21 FEB 15 AIO :59

SENATE

S. No. 2050

RECEIVED 

Introduced by Senator Manuel "Lito" M. Lapid

**AN ACT
ESTABLISHING A MORATORIUM ON AGING OUT OF FOSTER CARE DURING
THE STATE OF PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS
DISEASE (COVID-19) PANDEMIC AND FOR SIX (6) MONTHS THEREAFTER,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10165, OTHERWISE
KNOWN AS THE FOSTER CARE ACT OF 2012**

EXPLANATORY NOTE

It has been reported that the current COVID-19 pandemic has a "potentially far-reaching, long-term negative impact on children" in the form of increasing incidence of domestic violence, child labor, sexual exploitation, teenage pregnancy, limited or no education and other forms of abuse or violation of their rights.¹ This negative impact is even more pronounced in vulnerable sectors of this age group such as abandoned, neglected, orphaned, rescued or surrendered children. One specific example is the plight of children under foster care. These children are commonly not equipped with sufficient filial and social networks and support systems from whom they can depend on or who are capable of assisting them in enduring this pandemic situation. When these children age out of their foster care arrangements, they most likely don't have families, relatives and even close friends who can temporarily shelter them and provide them with basic necessities. They may end up returning in crowded

¹ <https://www.hrw.org/news/2020/04/09/covid-19s-devastating-impact-children>

institutional care facilities or orphanages, or worse, become homeless and live in the streets.

This bill seeks to address this problem by establishing a moratorium on the aging out of children in foster care, i.e. reaching the age of majority which terminates the foster care placement, under Republic Act No. 10165 or the "Foster Care Act of 2012" during the pendency of the "State of Public Health Emergency Throughout the Philippines" in connection with the Coronavirus Disease (COVID-19) pandemic as declared by Presidential Proclamation No. 922, series of 2020, and for six (6) months from the termination thereof. Children who were under foster care during the start of the State of Public Health Emergency declared by Presidential Proclamation No. 922, series of 2020, but have aged out prior to the effectivity of this Act shall be entitled to return to foster care, if requested. During the moratorium period, the bill also provides that both the foster child and the foster parent/s shall continue to receive the assistance and incentives set forth in Section 21 (Foster Child Subsidy and Health Insurance) and Section 22 (Support Care Services) of Republic Act No. 10165.

In view of this, early passage of this bill is sought.



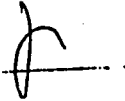
MANUEL "LITO" M. LAPID
Senator

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AN ACT
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THE STATE OF PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS
DISEASE (COVID-19) PANDEMIC AND FOR SIX (6) MONTHS THEREAFTER,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10165, OTHERWISE
KNOWN AS THE FOSTER CARE ACT OF 2012

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

1 Section 1. Section 14 of the RA 10165 is hereby amended to read as follows:

2 "Sec. 14. Termination of Placement. Termination of placement shall
3 be done by the DSWD, upon recommendation of the agency, on the
4 following grounds:

5 (a) Return of the child to biological parents;

6 (b) Placement for adoption of the child;

7 (c) Death of the child;

8 (d) Death of both foster parents;

9 (e) Expiration of the FPA; and

10 (f) In all cases where placement becomes prejudicial to the welfare
11 of the child, such as, but not limited to, abandonment,
12 maltreatment, sexual assault, violence or other forms of abuse.

1 Provided, That in the case of (f), the foster child, with the assistance
2 of a registered social worker, shall have the option to apply for
3 termination of placement.

4 ***PROVIDED, FURTHER, THAT THERE SHALL BE A***
5 **MORATORIUM ON THE AGING OUT OF CHILDREN IN**
6 **FOSTER CARE DURING THE PENDENCY OF THE STATE OF**
7 **PUBLIC HEALTH EMERGENCY THROUGHOUT THE**
8 **PHILIPPINES IN CONNECTION WITH THE CORONAVIRUS**
9 **DISEASE (COVID-19) PANDEMIC AS DECLARED BY**
10 **PRESIDENTIAL PROCLAMATION NO. 922, SERIES OF 2020,**
11 **AND FOR SIX (6) MONTHS FROM THE TERMINATION**
12 **THEREOF. CHILDREN WHO REACH THE AGE OF MAJORITY**
13 **WHILE IN FOSTER CARE SHALL NOT BE REMOVED FROM**
14 **FOSTER CARE AND SHALL HAVE THE OPTION TO REMAIN**
15 **IN FOSTER CARE. *PROVIDED, FURTHER, THAT CHILDREN***
16 **WHO WERE UNDER FOSTER CARE DURING THE START OF**
17 **THE STATE OF PUBLIC HEALTH EMERGENCY DECLARED BY**
18 **PRESIDENTIAL PROCLAMATION NO. 922, SERIES OF 2020,**
19 **BUT HAVE AGED OUT PRIOR TO THE EFFECTIVITY OF THIS**
20 **ACT SHALL BE ENTITLED TO RETURN TO FOSTER CARE, IF**
21 **REQUESTED.**

22
23 ***PROVIDED, FINALLY, THAT DURING THE MORATORIUM***
24 **PERIOD, BOTH THE FOSTER CHILD AND THE FOSTER**
25 **PARENT/S SHALL CONTINUE TO RECEIVE THE ASSISTANCE**
26 **AND INCENTIVES SET FORTH IN SECTION 21 AND 22 OF**
27 **THIS ACT.**

28
29 **THE REQUIREMENTS OF REGULAR HOME VISITS AND**
30 **QUARTERLY PROGRESS REPORTS PROVIDED IN SECTION**
31 **13 OF THIS ACT SHALL CONTINUE TO BE FULFILLED OR**
32 **CONDUCTED DURING THE MORATORIUM PERIOD.**

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Section 2. *Repealing Clause.* — All laws, presidential decrees, executive orders, proclamations, rules and regulations, or any part thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 3. *Separability Clause.* – If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

Section 4. *Effectivity Clause.* — This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation. This Act shall expire and be deemed repealed six (6) months after the termination of the State of Public Health Emergency Throughout the Philippines in connection with the Coronavirus Disease (COVID-19) pandemic, as declared in Presidential Proclamation No. 922, series of 2020

Approved,