

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

OFFICE OF THE SECRETARY

10 JUL 21 P4:46

SENATE  
S. No. **1788**

RECEIVED BY                     

Introduced by Senator Miriam Defensor Santiago

### EXPLANATORY NOTE

The Constitution, Article 2, Section 13 provides:

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Children with serious emotional disturbance refers to persons under eighteen (18) years of age who exhibit severe behavioral, emotional, or social disabilities that cannot be attributed solely to intellectual, physical, or sensory deficits. A child with, or at risk of, a serious emotional disturbance should be provided access to a comprehensive system of care tailored to meet the child's unique needs. The system of care should be child-centered and family-focused, culturally competent, and non-discriminatory. Further, the system of care should provide services in an environment and in a manner that enhances the personal dignity of children and families, respects their wishes and goals, and maximizes opportunities for involvement and self-determination in the planning and delivery of services.

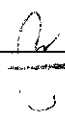
This bill establishes a National System of Care Council for children with, or at risk of, serious emotional disturbance.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*act*

<sup>1</sup> This bill was originally filed in the third regular session of the 14<sup>th</sup> Congress.

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AN ACT  
ESTABLISHING A NATIONAL SYSTEM OF CARE COUNCIL FOR CHILDREN WITH  
SERIOUS EMOTIONAL DISTURBANCE

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

SECTION 1. *Short Title.* – This Act shall be known as the “National System of Care Council for Children with Serious Emotional Disturbance Act.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to recognize the vital role of the youth in nation-building, and to promote and protect their physical, moral, spiritual, intellectual, and social well-being. Toward this end, a child with, or at risk of, a serious emotional disturbance shall be provided access to a comprehensive system of care tailored to meet the child’s unique needs. The system of care shall be child-centered and family-focused, culturally competent, and non-discriminatory. The system also shall provide services in the child’s own community to the maximum degree possible with available and appropriate resources. These services shall be provided in the least restrictive setting.

SECTION 3. *Definitions.* – In this Act, the term –

- (a) “access to services” refers to the right to and ease in securing desired and needed services;
- (b) “child with serious emotional disturbance” refers to a person who is under the age of eighteen (18) years old, or is under the age of twenty-two (22) years old and has been receiving services prior to the age of eighteen (18) years old that must be continued for

1 maximum therapeutic benefits, and who exhibits severe behavioral, emotional or social  
2 disabilities that cannot be attributed solely to intellectual, physical or sensory deficits, such as,  
3 but not limited to:

4 (1) behaviors that are sufficiently intense or severe enough to be considered  
5 seriously detrimental to the child's growth, development, or welfare, or to  
6 the safety or welfare of others;

7 (2) behaviors that, although possibly provoked, are judged to be extreme or out  
8 of proportion to the provocation, or an inappropriate age reaction;

9 (3) behaviors that have been judged sufficiently disruptive to lead to exclusion from  
10 school, home, therapeutic or recreational settings; or

11 (4) behaviors that require interdisciplinary services and intensive, well-coordinated  
12 care to be successfully managed.

13 (c) "child at risk for serious emotional disturbance" refers to a child or adolescent  
14 who would be subject to a serious emotional disturbance for any length of time;

15 (d) "child-centered" refers to a core value of the system of care whereby the  
16 needs of the child and family dictate the type and mix of services provided rather than  
17 expecting the child and family to conform to preexisting service configurations. This  
18 approach is seen as a commitment to providing services in an environment and in a  
19 manner that enhances the personal dignity of children and families, respects their  
20 wishes and goals, and maximizes opportunities for involvement and self-determination  
21 in the planning and delivery of services;

22 (e) "collaboration" refers to the process of bringing together those who have a  
23 stake in children's mental health for the purpose of interdependent problem-solving  
24 that focuses on improving services to children and families;

25 (f) "community-based" refers to a core value of the system of care which  
26 emphasizes the need for services provided to children in less restrictive, more normative  
27 environments which are within or close to the child's home environment;

28 (g) "culturally competent" refers to a set of behaviors, attitudes, and policies of a  
29 system, agency, or among service providers that enables them to work effectively in cross-

1 cultural situations;

2 (h) “family” is defined by its members and each family defines itself.  
3 Families can include biological and adoptive parents and their partners, siblings,  
4 extended family members and friends who provide a significant level of support to the  
5 child or primary caregiver.

6 (i) “family-focused” refers to an approach to designing and providing care that  
7 supports all family members involved with the child's care; decisions about services are  
8 made considering the strengths and needs of the family as a whole, as well as the individual  
9 child with a severe emotional disturbance. Further, family members are also involved in all  
10 aspects of planning and evaluating the service delivery system. This approach is seen as a  
11 commitment to support families in their role as caregivers and to preserve family  
12 integrity to the greatest possible extent.

13 (j) “National System of Care Council” refers to the Council established by this  
14 Act, and is responsible for policy development and implementation of plans and strategies to  
15 foster collaboration among stakeholders so that the system of care policy is substantially  
16 embraced in every program ministering to children with serious emotional disturbances, and  
17 as otherwise provided by this Act.

18 (k) “individualized services” refer to services that are designed specifically to  
19 address the unique needs and strengths of each child and family;

20 (l) “integrated services” refer to services that are provided in a community  
21 through multiple agencies with decreased overlap and decreased gaps in services.

22 (m) “least restrictive setting” means that children and adolescents are served in as  
23 normal an environment as possible. Preferred interventions are those that provide the needed  
24 services and at the same time are minimally intrusive in the normal day-to-day routine of  
25 the child and family. An implicit goal of the system of care is to maintain as many  
26 children as possible in their own homes by providing a full range of family-focused and  
27 community-based services and supports.

28 (n) “parent” refers to the biological and adoptive mother or father, or the legal  
29 guardian of the child, or a responsible relative or primary caregiver, including foster

1 parents, with whom the child regularly resides; and

2 (o) “system of care” refers to a comprehensive spectrum of mental health and  
3 other necessary services which are organized into a coordinated network to meet the  
4 multiple and changing needs of children and adolescents with severe emotional  
5 disturbances and their families. A system of care not only includes the program and  
6 service components, but also encompasses mechanisms, arrangements, structures or  
7 processes to ensure that the services are provided in a coordinated, cohesive manner.

8 SECTION 4. *Creation of the National System of Care Council.* – There is hereby  
9 created the National System of Care Council. The Council shall be composed of the  
10 following:

11 (a) Eleven (11) family representatives appointed by the President, to include nine (9)  
12 parents of children with serious emotional disturbance, and two (2) young persons who shall be  
13 non-voting members who are college students; and

14 (b) One (1) representative from each of the following entities, designated by their  
15 respective appointing authorities: (1) Department of Education; (2) Department of Social Work  
16 and Development; and (3) Department of Health.

17 (c) The Council members shall select a Chairperson, always from the family  
18 representatives, and a Vice-Chairperson from the Council membership.

19 SECTION 5. *Powers, Responsibilities, and Duties.* – The Council shall:

20 (a) Formulate a System of Care Plan for children with serious emotional  
21 disturbance, and monitor its development and implementation to ensure its sustainability;

22 (b) Act as a coordinating body for all system of care resources for children with  
23 serious emotional disturbance, and act as the repository for the collection and distribution of  
24 research, findings, and best practice models of treatment for children with serious emotional  
25 disturbance;

26 (c) Ensure collaboration and coordination between all stakeholders serving  
27 children with a serious emotional disturbance and their families, and establish positive

1 working relationships with elected officials, courts, directors, and community  
2 organizations;

3 (d) Establish and enforce uniform standards of care for the treatment of children  
4 with a serious emotional disturbance, set the policy and objective purposes for monitoring  
5 and assessing the provision of services to children with a serious emotional disturbance, and  
6 ensure that this monitoring takes place;

7 (e) Serve as the primary advocate for the system of care for children with serious  
8 emotional disturbance, serve as the primary family/consumer interface for feedback and  
9 conflict resolution, and coordinate outreach to and the education of the entire community  
10 regarding the system of care and serious emotional disturbance;

11 (f) Contribute to the interpretation of generated data on the system of care and on  
12 children with serious emotional disturbance, interpret generated reports on the system of care  
13 and on children with serious emotional disturbance, based on this interpretation  
14 make recommendations and reports to the proper agencies on service provision, and play a  
15 lead role in legislation and policy concerning children with serious emotional disturbance and  
16 the services they receive;

17 (g) Establish contact and relationships with appropriate regional, national, and  
18 international agencies and organizations which could support and benefit the country's  
19 system of care;

20 (h) Work to expand the system of care model to serve all children in the  
21 community, not just children with a serious emotional disturbance.

22 SECTION 6. *Authorization of Appropriations.* – To carry out the provisions of this Act,  
23 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

24 SECTION 7. *Reportorial requirement.* – The Council shall submit a biannual report to  
25 the President and to both Houses of Congress on its accomplishments, specific findings and  
26 recommendations to improve national compliance with this policy.

1           SECTION 8. *Separability Clause.* – If any provision, or part hereof is held invalid or  
2   unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
3   valid and subsisting.

4           SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
5   order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
6   with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

7           SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
8   publication in at least two (2) newspapers of general circulation.

Approved,