

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



Senate
Office of the Secretary

'13 OCT -3 P5:25

SENATE
S. No. 1788

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 15, Section 1 provides that:

The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Family violence does not necessarily cease when family victims are legally separated or otherwise not sharing a household. In fact, it even escalates following separation and the child custody and visitation arrangements become the new forum for the continuation of abuse or violence.

Some perpetrators of violence use the children as pawns to control the abused party and to commit more violence during separation. Fathers who batter mothers are twice as likely to seek sole custody of their children. In these circumstances, if the abusive father loses custody, he is more likely to continue the threats to the mother through other legal actions.

This bill aims to protect children from the trauma of witnessing or experiencing violence or abuse during parent-child visitation and visitation exchanges by providing safe havens for parents and children, during visitation and visitation exchanges shall promote continuity and stability.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

'13 OCT -3 P5:26

SENATE
S. No. 1788

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROVIDING GRANTS TO LOCAL GOVERNMENT UNITS
3 FOR SUPERVISED VISITATION CENTERS

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Safe Havens for Children
5 Act.”

6 SECTION 2. *Declaration of Policy.* – The State shall protect the rights and promote the
7 welfare of children in keeping with the mandate of the Constitution and the precepts of the
8 United Nations Convention on the Rights of the Child.

9 SECTION 3. *Definition of Terms.* – For the purposes of this Act the term:

10 (A) “Secretary” means the secretary of Social Welfare and Development;

11 (B) “Family violence” means any act or threatened act of violence, including any
12 forceful detention of an individual, which –

13 (1) Results or threatens to result in physical injury; and

14 (2) Is committed such person is or was related by blood or marriage or
15 otherwise legally related or with whom such person is or was lawfully
16 residing.

17 (C) “Shelter” means the provision of temporary refuge and related assistance in
18 compliance with applicable laws and regulations governing the provision, on a regular basis, of
19 shelter, safe homes, meals, and related assistance to the dependents of the victims of family
20 violence.

1 (D) "Related assistance" means direct assistance to victims of family violence and
2 then defendants for the purpose of preventing further violence, helping such victims to gain
3 access to civil and criminal courts and other community services, facilitating the efforts of such
4 victims to make decisions concerning their lives in the interest of safety, and assisting such
5 victims in healing from the effects of the violence, with such assistance to include prevention
6 services, peer counseling, and children's counseling and support services. Related assistance
7 shall include –

8 (1) Prevention services such as outreach and prevention services for victims
9 and their children, employment training, parenting and other education
10 services for victims and their children, preventive health services within
11 domestic violence programs (including nutrition, disease prevention,
12 exercise of substance abuse), domestic violence prevention programs for
13 school age children, family violence public awareness campaigns, and
14 violence prevention counseling services to abusers;

15 (2) Counseling with respect to family violence, counseling or other supportive
16 services by peers individually or in groups, and referral to community
17 social services;

18 (3) Transportation technical assistance with respect to obtaining financial
19 assistance under government programs, and referrals for appropriate
20 health care services (including alcohol and drug abuse treatment), but shall
21 not include reimbursement for any health care services;

22 (4) Legal advocacy to provide victims with information and assistance
23 through the civil and criminal courts, and legal assistance; or

24 (5) Children's counseling and support services, and child care services for
25 children who are victims of family violence or the dependents of such
26 victims.

27 SECTION 4. *Grants to Local Government Units to Provide for Supervised Visitation*
28 *Centers.* –

1 (A) *In General.* – The Secretary of Social Welfare and Development is authorized to
2 award grants to local government units to enable local government units to establish and operate
3 supervised visitation centers for the purposes of facilitating supervised visitation and visitation
4 exchange.

5 (B) *Considerations.* – In awarding such grants, under paragraph (A), the Secretary
6 shall take into account –

7 (1) The number of families to be served by the proposed visitation center to
8 be established under the grant;

9 (2) The extent to which the proposed supervised visitation centers served
10 underserved populations; and

11 (3) The extent to which the applicant demonstrates cooperation and
12 collaboration with advocates in the local community served.

13 (C) *Use of Funds.* –

14 (1) *In General.* – Amounts provided under a grant awarded under this Section
15 shall be used to establish supervised visitation centers and for the purposes
16 described in Section 3.

17 (2) *Applicant Requirements.* – The Secretary shall award grants, under this
18 Act in accordance with such regulations as the Secretary may promulgate.
19 The Secretary shall give priority in awarding grants under this Act to local
20 government units that consider domestic violence in making a custody
21 decision.

22 SECTION 5. *Reporting and Evaluation.* –

23 (A) Not later than sixty (60) days after the end of each fiscal year, the Secretary shall
24 submit to Congress a report that includes information concerning –

25 (1) The number of individuals served and the number of individuals turned
26 away from services categorized by local government units and the type of
27 presenting problems that underlie the need for supervised visitation or

1 visitation exchange, such as domestic violence, child abuse, sexual assault,
2 emotional or other physical abuse, or a combination of such factors;

3 (2) The numbers of supervised visitations or visitation exchanges ordered
4 during custody determinations under a separation or divorce decree or
5 protection order, through child protection services, or through other social
6 services agencies;

7 (3) The process by which children or abused partners are protected during
8 visitations, temporary custody transfers and other activities for which the
9 supervised visitation centers are created;

10 (4) Safety and security problems occurring during the reporting period during
11 supervised visitations or at visitation centers including the number of
12 parental abduction cases;

13 (5) The number of parental abduction cases in a judicial district using
14 supervised visitation services, both as identified in criminal prosecution
15 and custody violations; and

16 (6) Any other appropriate information designated in regulations promulgated
17 by the Secretary.

18 (B) *Evaluation.* – In addition to submitting the reports required under paragraph (1), a
19 local government unit receiving a grant under this Act shall have a collateral agreement with the
20 court, the child protection social services division of the government, and local domestic
21 violence agencies or national and local domestic violence coalitions to evaluate the supervised
22 visitation center operated under the grant. The entities conducting such evaluations shall submit a
23 narrative evaluation of the center to both the center and the grantee.

24 SECTION 6. *Appropriation.* – To carry out the provisions of this act, such sum as may be
25 necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the
26 sum necessary for the continuous operation of the programs shall be included in the annual
27 appropriation of the Department of Social Welfare and Development.

1 SECTION 7. *Separability Clause.* – If any provision or part thereof is held invalid or
2 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 8. *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 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,