

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



Senate
Office of the Secretary

'14 DEC -9 P2 :46

SENATE
S. No. **2496**

RECEIVED BY: *Jr.*

Introduced by Senator Miriam Defensor Santiago

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

EXPLANATORY NOTE

The Constitution provides:

Article 2, Section 13. 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.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
PP

* This bill was originally filed in the Fourteenth Congress.

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SENATE
S. No. **2496**

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

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

4 SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 recognize the vital role of the youth in nation-building, and to promote and protect their physical,
6 moral, spiritual, intellectual, and social well-being. Toward this end, a child with, or at risk of, a
7 serious emotional disturbance shall be provided access to a comprehensive system of care
8 tailored to meet the child's unique needs. The system of care shall be child-centered and
9 family-focused, culturally competent, and non-discriminatory. The system also shall provide
10 services in the child's own community to the maximum degree possible with available and
11 appropriate resources. These services shall be provided in the least restrictive setting.

12 SECTION 2. *Definitions.* – In this Act, the term –

13 (a) “Access to services” refers to the right to and ease in securing desired and needed
14 services;

15 (b) “Child with serious emotional disturbance” refers to a person who is under the
16 age of eighteen (18) years old, or is under the age of twenty-two (22) years old and has been
17 receiving services prior to the age of eighteen (18) years old that must be continued for
18 maximum therapeutic benefits, and who exhibits severe behavioral, emotional or social
19 disabilities that cannot be attributed solely to intellectual, physical or sensory deficits, such as,
20 but not limited to:

- 1 (1) behaviors that are sufficiently intense or severe enough to be considered
2 seriously detrimental to the child's growth, development, or
3 welfare, or to the safety or welfare of others;
- 4 (2) behaviors that, although possibly provoked, are judged to be extreme or
5 out of proportion to the provocation, or an inappropriate age
6 reaction;
- 7 (3) behaviors that have been judged sufficiently disruptive to lead to
8 exclusion from school, home, therapeutic or recreational settings; or
- 9 (4) behaviors that require interdisciplinary services and intensive, well-
10 coordinated care to be successfully managed.

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

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

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

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

26 (g) "Culturally competent" refers to a set of behaviors, attitudes, and policies of a
27 system, agency, or among service providers that enables them to work effectively in cross-
28 cultural situations;

29 (h) "Family" is defined by its members and each family defines itself. Families

1 can include biological and adoptive parents and their partners, siblings, extended family
2 members and friends who provide a significant level of support to the child or primary
3 caregiver.

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

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

16 (k) "Individualized services" refer to services that are designed specifically to
17 address the unique needs and strengths of each child and family;

18 (l) "Integrated services" refer to services that are provided in a community
19 through multiple agencies with decreased overlap and decreased gaps in services.

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

26 (n) "Parent" refers to the biological and adoptive mother or father, or the legal
27 guardian of the child, or a responsible relative or primary caregiver, including foster
28 parents, with whom the child regularly resides; and

29 (o) "System of care" refers to a comprehensive spectrum of mental health and

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

6 SECTION 3. *Creation of the National System of Care Council.* – There is hereby
7 created the National System of Care Council. The Council shall be composed of the
8 following:

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

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

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

17 SECTION 4. *Powers, Responsibilities, and Duties.* – The Council shall:

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

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

24 (c) Ensure collaboration and coordination between all stakeholders serving
25 children with a serious emotional disturbance and their families, and establish positive
26 working relationships with elected officials, courts, directors, and community
27 organizations;

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

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

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

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

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

20 SECTION 5. *Authorization of Appropriations.* – To carry out the provisions of this Act,
21 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

22 SECTION 6. *Reportorial requirement.* – The Council shall submit a biannual report to
23 the President and to both Houses of Congress on its accomplishments, specific findings, and
24 recommendations to improve national compliance with this policy.

1 SECTION 7. *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 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,

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