

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9169



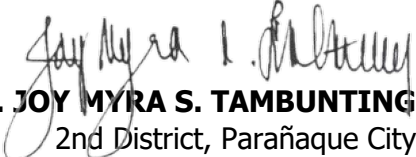
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

The COVID-19 pandemic has massively affected the lives of the people and the country's economy. At the onset of the pandemic, numerous individuals have lost access to their livelihood due to various travel restrictions and strict health protocols implemented in the country. While there are social protection measures implemented to address income loss for affected families, these are arguably limited, and a lot had to rely on their family and friends to endure the economic implications of this pandemic. The same however could not be said for children under foster care, particularly those who have aged out of their foster care arrangements, as they are commonly not equipped with sufficient filial and social networks and support systems from whom they can depend on or who can assist them in enduring this economic situation. Considering these realities, it is incumbent upon the State to ensure that their welfare is accounted for.

This measure shall establish a moratorium on the aging out of children in foster care, provided 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. This measure shall ensure that 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. This likewise provides that the foster child or the foster parent shall continue to receive the assistance and incentives set forth in Section 21 and 22 of RA No 10165.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9169

Introduced by **HON. JOY MYRA S. TAMBUNTING**

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

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

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

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

- (a) Return of the child to biological parents;
- (b) Placement for adoption of the child;
- (c) Death of the child;
- (d) Death of both foster parents;
- (e) Expiration of the FPA; and
- (f) In all cases where placement becomes prejudicial to the welfare of the child, such as, but not limited to, abandonment, maltreatment, sexual assault, violence or other forms of abuse.

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

PROVIDED, FURTHER, THAT THERE SHALL BE A MORATORIUM ON THE AGING OUT OF CHILDREN IN FOSTER CARE 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 REACH THE AGE OF MAJORITY WHILE IN FOSTER CARE SHALL NOT BE REMOVED FROM

FOSTER CARE AND SHALL HAVE THE OPTION TO REMAIN IN FOSTER CARE. PROVIDED, FURTHER, THAT 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.

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

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

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,