



Republic of the Philippines
Department of Education

18 MAY 2015

DepEd ORDER
No. **18**, s. 2015

DEPED GUIDELINES AND PROCEDURES ON THE MANAGEMENT OF CHILDREN-AT-RISK (CAR) AND CHILDREN IN CONFLICT WITH THE LAW (CICL)

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Secretary, ARMM
Regional Directors
Schools Division Superintendents
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, the Department of Education (DepEd) issues the enclosed copy of the **Guidelines and Procedures on the Management of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL)**.
2. All other DepEd rules, regulations and issuances which are inconsistent with these guidelines and procedures are deemed amended accordingly upon its effectivity.
3. This Order shall take effect immediately upon its issuance.
4. Immediate dissemination of and strict compliance with this Order is directed.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.: As stated

References:

DepEd Order Nos.: 40, s. 2012 and 55, s. 2013

To be indicated in the Perpetual Index
under the following subjects:

LEGISLATIONS
POLICY
PUPILS

RULES AND REGULATIONS
SCHOOLS
STUDENTS

DepEd Guidelines and Procedures on the Management of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL)

I. General Provisions

Section 1. Rationale

Incidents of violence involving children in the school setting have been reported to the Department of Education (DepEd), which include physical and sexual violence, gang-related and fraternity violence, drug and alcohol abuse, and other similar acts. While there have been initiatives at the school level, there is no integrated system within the Department to respond to these concerns. Hence, there is a need for a policy for the management of Children in Conflict with the Law (CICL) and Children-at-Risk (CAR) of offending.

As a member agency of the Juvenile Justice and Welfare Council (JJWC), (Section 8, RA No. 9344, as amended) the DepEd is mandated to issue appropriate guidelines for the implementation of the Juvenile Justice and Welfare Act, RA No. 9344, as amended (Rule 18, RIRR of RA No. 9344, as amended), thus these guidelines and procedures on the management of CAR and CICL with the aim of assisting schools and Community Learning Centers (CLC), including all concerned authorities, in the management of CICL and CAR of offending.

Section 2. Statement of Policy

The Department has the vital role of ensuring that pupils, students, or learners are protected and their rights respected. When there are CAR, the responsibility is to prevent them from being in conflict with the law. For CICL, the goal is to facilitate reintegration to the school and community and prevent them from re-offending.

Pursuant to the 1987 Philippine Constitution, the State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all (Sec. 1, Art. XIV). Moreover, it shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development (Sec. 3 (b), Art. XV, 1987 Philippine Constitution).

The core principles of the United Nations Convention on the Rights of the Child (UNCRC) such as non-discrimination, best interest of the child, the right to life, survival and development, and respect for the

views of the child govern all States Parties in all actions concerning children. Consequently, the welfare of children is given the utmost priority, always ensuring the promotion of their sense of dignity and worth in every situation.

Republic Act No. 9344, as amended, otherwise known as Juvenile Justice and Welfare Act of 2006, mandates all educational institutions to provide adequate, necessary and individualized educational schemes for children who are manifesting difficult behavior, CAR, and CICL and to work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of CICL (Rule 16, RIRR of RA No. 9344, as amended).

The issuance of these guidelines and procedures supports the DepEd Child Protection Policy (DO No. 40, s. 2012), Implementing Rules and Regulations of RA No.10627 also known as Anti-Bullying Act of 2013 (DO No. 55, s. 2013), as well as the prohibition of the practice of hazing and the operation of fraternities and sororities in elementary and secondary schools (DO No.7, s. 2006).

II. Definition of Terms

Section 3. Definition of terms

As used in these guidelines and procedures:

A. *Bahay Pag-Asa* refers to a 24-hour child-caring institution established, funded and managed by Local Government Units (LGUs) and licensed and/or accredited Non-Government Organizations (NGOs) providing short-term residential care for children in conflict with the law who are above fifteen (15) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

Part of the features of a *Bahay Pag-asa* is an Intensive Juvenile Intervention and Support Center. This will cater to children in conflict with the law in accordance with Sections 20, 20-A and 20-B of RA No. 9344, as amended.

A Multi-Disciplinary Team (MDT) composed of a social worker, a psychologist/mental health professional, a medical doctor, an educational/guidance counselor and a member of the Barangay Council for the Protection of Children (BCPC), shall operate the *Bahay Pag-asa*. The MDT will work on the individualized intervention plan with the child and the child's family (Rule 2 (2), RIRR of RA No. 9344, as amended).

B. Child refers to a person under the age of eighteen (18) years (Sec. 4. (c), RA No. 9344, as amended).

C. Child in Conflict with the Law or **CICL** refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws (Section 4. (e), RA No. 9344, as amended).

D. Child-at-Risk or **CAR** refers to a child who is vulnerable to and at risk of behaving in a way that can harm himself, herself or others, or vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances such as, but not limited to, the following:

1. being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
2. being exploited including sexually or economically;
3. being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;
4. coming from a dysfunctional or broken family or being without a parent or guardian;
5. being out of school;
6. being a street child;
7. being a member of a gang;
8. living in a community with a high level of criminality or drug abuse; and
9. living in situations of armed conflict.

Moreover, it may also refer to a child who has violated ordinances enacted by local governments concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing.

Children-at-Risk also includes those who commit:

1. A status offense under Section 57 of RA No. 9344 as amended;
2. Prostitution under Section 202 of the Revised Penal Code, as amended;
3. Mendicancy under Presidential Decree No. 1563; and
4. Sniffing of rugby under Presidential Decree No. 1619.

The Juvenile Justice and Welfare Council (JJWC) shall, from time to time, issue resolutions identifying other offenses for which a child shall be considered as a CAR and not a CICL (Rule 2 (8), RIRR of RA No. 9344, as amended).

E. *Diversion* refers to an alternative, child-appropriate process of determining the responsibility and treatment of a CICL on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings. (Sec. 4 (i), RA No. 9344, as amended).

F. *Diversion Program* refers to the program that the CICL is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings. (Sec. 4 (j), RA No. 9344, as amended).

G. *Intervention* refers to programmatic approaches or systematic social protection programs for children that are designed and intended to:

1. Promote the physical and social well-being of the children;
2. Avert or prevent juvenile delinquency from occurring; and
3. Stop or prevent children from re-offending (Rule 2 (18), RIRR of RA No. 9344, as amended).

III. Rights of Children in Conflict with the Law (CICL)

Section 4. Rights of Children in Conflict with the Law (CICL)

Every CICL shall have the following rights, including but not limited to:

- A. the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- B. the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;

- C. the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- D. the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her case in a separate holding area. A CICL shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- E. the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- F. the right to bail and recognizance, in appropriate cases;
- G. the right to testify as a witness in his/her own behalf under the Rule on Examination of a Child Witness;
- H. the right to have his/her privacy respected fully at all stages of the proceedings;
- I. the right to diversion if he/she is qualified and voluntarily avails of the same;
- J. the right to be imposed a judgment in proportion to the gravity of the offense, and where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- K. the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose a fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- L. in general, the right to automatic suspension of sentence;
- M. the right to probation as an alternative to imprisonment, if qualified under the Probation Law;

- N. the right to be free from liability for perjury, concealment or misrepresentation; and
- O. other rights as provided for under existing laws, rules and regulations.

The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or the "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

These rights of CICL shall serve as guiding principles in the administration of the Juvenile Justice and Welfare System (Rule 8, RIRR of RA No. 9344, as amended).

IV. Duties and Responsibilities

Section 5. Central Office

The DepEd Central Office, in coordination with the JJWC, shall be responsible for planning, implementation, monitoring and evaluation of the juvenile justice and welfare program of the Department.

Section 6. Regional Offices

The Regional Director or the Assistant Regional Director shall be one of the permanent members of the Regional Juvenile Justice and Welfare Committee (RJJWC). He/She shall also be assisted by the Regional Education Program Supervisor for Guidance Counseling as alternate member of the RJJWC.

The Regional Offices shall have the following duties and responsibilities:

- A. Provide inputs and implement the work plan of the RJJWC;
- B. Ensure implementation of these guidelines and procedures within the Region;
- C. Maintain a database and consolidate data on incidents and cases of CAR and CICL of the Divisions within the Region and submit the required data to the RJJWC and the Undersecretary for Legal and Legislative Affairs of this Department;

- D. Monitor and evaluate the implementation and enforcement of these guidelines and procedures by the Divisions; and
- E. Establish linkages with service providers and stakeholders and support the referral system within the region.

Section 7. Division Offices

The Schools Division Offices (SDOs) shall have the following duties and responsibilities:

- A. Coordinate with the Local Government Units (LGUs), Local Social Welfare and Development Office (LSWDO), Non-Government Organizations (NGOs), faith-based organizations, Multi-Disciplinary Team (MDT) of the *Bahay Pag-asa*, and other service providers for the effective implementation of these guidelines and procedures to facilitate the management of CAR and CICAL. The Schools Division Supervisor of Guidance and Counseling shall serve as member of the MDT representing the Department. A guidance counselor designated by the Schools Division Superintendent (SDS) shall be the alternate.
- B. Ensure the integration of these guidelines in the following activities such as, but not limited to:
 - 1. Training programs such as the Summer Institute and other In-service Trainings;
 - 2. Teacher Induction Program;
 - 3. Capacity building initiatives such as professional meetings, conferences and symposia of teachers, parents and students;
 - 4. Community Outreach Program;
 - 5. *Abot-Alam* Program.
- C. Organize and conduct capacity-building activities for members of the Child Protection Committee and Guidance Counselors or Guidance Teachers in schools. This shall include, but are not limited to, the identification of students who may be at-risk of behaving in a way that can harm themselves or others, or are vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances;
- D. Maintain a database and consolidate reports on incidents and cases of CAR and CICAL from all schools, and submit the Schools Division data to the Regional Office (Annex A, DO 40, s. 2012 and Appendices D & F of these guidelines);

- E. Give recommendations to the Regional Office and implement measures addressing abuse, exploitation, violence and discrimination, and bullying or peer abuse of children, consistent with this Department Order, DepEd Child Protection Policy, and the Anti-Bullying Law;
- F. Ensure the implementation and enforcement by public and private schools of these guidelines and procedures along with the Child Protection Policy, the Anti-Bullying Law and other related policies;
- G. Support the activities and campaigns of stakeholders on the prevention and intervention programs for CAR and CICL;
- H. Assist the LGU, through the LCPC, in the development and implementation of the Comprehensive Local Juvenile Intervention Program (CLJIP); and
- I. Perform such other functions as may be assigned by the Secretary of Education or the Regional Director.

Section 8. Schools

The school heads shall have the following duties and responsibilities:

- A. Work together with families, community organizations and agencies to intensify campaign on crime prevention in the community thus prevent juvenile delinquency. This may be done through, but are not limited to:
 - Awareness-raising program or capability building activities;
 - Prevention programs or campaigns; and
 - Implementation of intervention plans.
- B. Provide adequate, necessary and individualized educational schemes and interventions for CAR and CICL;
- C. In cases where CICL are taken into custody or placed in a *Bahay Pag-asa* and youth rehabilitation centers, provide the opportunity to continue their learning under an Alternative Learning System (ALS) with basic literacy program or non-formal education accreditation and equivalency system;
- D. Develop and implement primary and secondary intervention programs for CAR;

- E. Train members of the Child Protection Committee and guidance counselors or guidance teachers and other school personnel with regard to restorative justice;
- F. Coordinate with the teachers of CAR or CICAL to monitor the child's progress and development in line with the intervention or diversion plan prepared;
- G. Maintain case records of CAR and CICAL (Appendices A, B, C and E) and submit annual consolidated data on cases of CAR and CICAL to the SDO (Annex A, DO No. 40, s. 2012, Appendices D and F of these guidelines). In doing so, the school personnel shall observe utmost confidentiality in the management of records/documents and all proceedings related to incidents involving CAR and CICAL (Sec. 43 of RA No. 9344, as amended);
- H. Coordinate with appropriate offices, agencies, organizations, and persons for appropriate assistance and intervention, as may be required in the performance of its functions; and
- I. Perform such other functions as may be assigned by the Secretary of Education, the Regional Director or the Schools Division Superintendent.

V. Child Protection Committee (CPC)

Section 9. Composition, Duties and Responsibilities

Under DepEd Order No. 40, s. 2012, all public and private elementary and secondary schools shall establish a Child Protection Committee (CPC). For the implementation of this Order, the CPC shall also be the committee responsible for juvenile justice and welfare in the school.

- A. The CPCs shall be composed of the following:
 1. School Head/Administrator – Chairperson
 2. Guidance Counselor/ Teacher – Vice Chairperson
 3. Representative of the teachers as designated by the Faculty Club
 4. Representative of the parents as designated by the Parents-Teachers Association
 5. Representative of pupils/students as designated by the Supreme Student/Pupil Government
 6. Representative from Barangay Council for the Protection of Children (BCPC) as designated by the Punong Barangay

- B. In addition to the duties and responsibilities of the CPC under DepEd Order No. 40, s. 2012, and DepEd Order No. 55, s. 2013, the CPC shall also constitute as a Restorative Justice Panel (RJP) when deemed appropriate, with the guidance counselor or guidance teacher as an ex-officio member. The panel along with the LSWDO shall conduct the family group conferencing as provided in Section 17 of these guidelines;

VI. Capacity Building for School Officials, Personnel, Parents and Students

Section 10. Capacity-building

- A. The Central Office, in coordination with JJWC, shall develop learning modules for CAR and CICL as well as, training modules for the service providers of the Department and the CPCs;
- B. The SDO shall conduct the appropriate capacity-building activities for CPCs within the Division and shall monitor the implementation thereof;
- C. The SDO shall ensure that guidance counselors and guidance teachers shall possess specialized skills in handling various issues and concerns affecting CAR and CICL. It shall also provide appropriate training to the guidance counselors, guidance teachers and other school personnel based on the requirements provided in these guidelines and procedures;
- D. All public and private primary and secondary schools shall conduct regular capacity-building activities for school officials, personnel, parents and students. In public schools, these activities shall be integrated in the School Improvement Plan (SIP) and the school's Annual Implementation Plan (AIP).

VII. Prevention and Intervention Programs for Children-at-Risk and Children in Conflict with the Law

Section 11. Basic Principles

- A. The DepEd operates within a child-centered framework consistent with the principles of the Comprehensive National Juvenile Intervention Program (CNJIP) under RA No. 9344, as amended. In this regard, the goals of interventions are the

fulfilment of the child's rights ensuring that he/she is not in circumstances of being at risk and in conflict with the law. Further, it is essential to consider that the child lives in the context of interrelated environmental systems, such as the family, school, and community, which might influence or affect his/her growth and development. Thus, the needs and problems of the family and the community are also addressed by the intervention programs to achieve full development, rehabilitation and reintegration of the child.

- B. In all matters and proceedings concerning the child, their rights shall be respected and upheld at all times.
- C. Consistent with the CNJIP, the intervention program of the Department runs in a continuum and is not linear. While interventions have three levels, namely: primary, secondary and tertiary, the levels are not hierarchical but are interlinked to address circumstances of CAR and CICL. Therefore, interventions may be administered individually, in combination, or simultaneously to address the various concerns of the child in relation to the underlying causes of his/her being a CAR or a CICL.

Section 12. Primary Level Interventions

Primary level interventions include general measures to promote social justice and equal opportunity, which tackle the perceived root causes of offending. These shall include programs on advocacy, and socio-economic, health and nutrition, training and education services which shall be provided in collaboration with the family and the community where the child lives.

Strategies and Programs in Schools

Intervention and program models are aimed at reducing delinquency among pupils/students, including learners and out-of-school youth under the Alternative Learning System and Alternative Delivery Mode of the Department. These include strategies which will not only save young lives, but also prevent the development of adult criminals at the onset and thus reduce crime. In this regard, the following activities are geared toward information and prevention campaigns against violence and risky behavior which also integrate the primary interventions provided in the Comprehensive National Juvenile Intervention Program (CNJIP):

- A. Positive Youth Development (PYD) Programs which engage young people in proactive and constructive activities geared

towards developing their strengths and character. This may be done through:

1. Creation of Youth Resource Center and implementation of after-school programs;
 2. Institutionalization of activities for children and youth such as congress, camp, summit, forum;
 3. Strengthening of child and youth organizations like Sangguniang Kabataan (SK), Pag-asa Youth Association of the Philippines (PYAP) and Church-Based Organizations, Barangay Children Associations, Children Federations like National Coalition of Children Association of the Philippines (NACCAP) and the National Anti-Poverty Commission – Children and Youth Sector.
- B. Parent-Child Integration Program which allows family encounter and bonding. Parents are led to be more involved in their children’s schooling in the process;
- C. School-wide behavior management program using positive discipline and non-violent approach to student discipline concerns;
- D. Value formation activities and life skills training for the children;
- E. Health services; and
- F. Seminars, workshops, and trainings that promote awareness on the ill-effects of risky behavior, that enhance parent effectiveness skills, that develop coping or adjustment skills among children/youth and that explore venues that provide for home-school-community collaboration to achieve the goal of the primary intervention.

Section 13. Secondary Level Interventions

- A. Secondary level interventions are preventive and protective in nature. These are strategies that assist the child identified as at risk to prevent him/her from committing an offense. Interventions are needs-specific and age-appropriate to the CAR, which will lead the child back to his/her expected development course. Active involvement of the family, including the community, is essential at this level to ensure better results.

- B. The initial identification of CAR shall be conducted by the guidance counselor or guidance teacher using the Identification and Risk Assessment Tool (Appendix A) to come up with the profile of the pupil/student. However, where appropriate, the child shall be referred to the proper government agency or non-government organization where a psychologist, psychiatrist, or social worker may conduct professional assessment.
- C. The recommended intervention plan developed by the guidance counselor or guidance teacher, in cooperation of the CPC and other stakeholders, should be responsive to the needs of the child and based on individual assessment. It includes, but shall not be limited to, the following:
1. Guidance counseling;
 2. Peer counseling;
 3. Behavior Management Program, such as anger management and conflict resolution;
 4. Parenting skills training or parent effectiveness seminar;
 5. Home visitation service;
 6. Mentoring program;
 7. After-school activities, such as remedial classes, and extra-curricular activities;
 8. Referral of children with special needs to other service-providers such as DSWD, Child Protection Unit, NGOs; and
 9. Other interventions which may be provided by the local government in cases of violation of the local ordinances.
- D. In addition, the CAR and his or her family may be referred to LGU and NGO service-providers to allow them to participate in and access the following CNJIP secondary interventions:
1. Youth organization such as *Pag-Asa* Youth Organization and Faith-based Organization, Children Association/Federation;
 2. Psychosocial intervention such as group/individual sessions by the social worker with CAR;
 3. Involvement of former CICL in self-help groups as advocates;
 4. Family therapy for the family of CAR;
 5. Programs involving foster families;
 6. Special Drug Education Centers (SDEC);
 7. Family Drug Abuse Prevention Program (FDAPP); and
 8. Birth Registration in barangays.

Section 14. Tertiary Level Interventions

- A. Tertiary level interventions are remedial in nature and are specifically focused on the CICL. These interventions aim to repair the damage created as a result of his or her offense, restore the child's wellbeing, and prevent re-offending.
- B. Interventions at the tertiary level are necessary to respond to circumstances where a child is at serious risk of or is being abused, exploited, neglected or harmed in any way. These include measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending, such as: diversion programs, rehabilitation, reintegration and aftercare services.
- C. The LSWDO will conduct an assessment to develop the specific intervention plan for the CICL. The school head and the guidance counselor or guidance teacher, in coordination with the MDT, shall ensure the strict implementation of the education component of the individualized intervention plan prepared for the CICL. Likewise, the school shall at all times guarantee that education is provided and available for CICL through various available learning schemes such as, but are not limited to:
 - 1. Alternative Learning System (ALS);
 - 2. Alternative Delivery Mode (ADM);
 - 3. Open High School Program (OHSP);
 - 4. Program EASE (Effective Alternative Secondary Education);
 - 5. Home Study Program;
 - 6. Internet-based Distance Education Program (iDEP);
 - 7. Accreditation and Equivalency Program (A&E);
 - 8. Flexible Learning Option (FLO); and
 - 9. Modified In-School Off-School Approach (MISOSA).

VIII. Procedures in the Management of Cases of Children-at-Risk and Children in Conflict with the Law

Section 15. Principle of Restorative Justice

Restorative justice refers to a principle that requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to achieve the following:

- A. Reparation for the victim;
- B. Reconciliation of the offender, the offended and the community;

- C. Reassurance to the offender that he/she can be reintegrated into society; and
- D. Enhancement of public safety by activating the offender, the victim and the community in prevention strategies (Rule 5, RIRR of RA No. 9344, as amended).

Section 16. Procedure in the Management of Children-at-Risk

A. Children at Risk of Committing Criminal Offense

1. Reporting and Gathering of Information

Reporting of children at risk of committing criminal offenses because of personal, family and social circumstances shall be the responsibility of any school personnel, teaching and non-teaching, or any member of the community who has the knowledge thereof. He or she shall immediately refer the information to the guidance counselor or guidance teacher. Upon receipt of such information, the guidance counselor or guidance teacher shall gather relevant information about the child, including his/her family background for validation purposes.

2. Profiling and Initial Risk Assessment

Based on the relevant information gathered, the guidance counselor or guidance teacher shall assess the child at risk using the Profiling and Initial Risk Assessment Tools for Children-at-Risk (Appendix A).

3. Development of Intervention Plan

Based on the data gathered and risk assessment conducted, the guidance counselor or guidance teacher shall:

- a. Inform the school head/principal about the CAR;
- b. Call the parent or guardian for a case conference;
- c. Draft an appropriate intervention plan consented to by the CAR, his/her parent/guardian, including the therein indicators of success or improvement;
- d. Report to the school head/principal the agreed intervention plan; and
- e. When necessary, the CPC shall provide support as provided in DO No. 40, s. 2012.

4. Implementation

The school head/principal shall ensure that the intervention plan made during the case conference shall be implemented.

5. Monitoring

The guidance counselor or guidance teacher shall monitor the implementation of the intervention plan and the progress of the CAR based on the agreed indicator of improvement or success as a result of the intervention plan. The guidance counselor or guidance teacher shall also submit a written report to the SDO, through the school head/principal.

6. Termination

The intervention for the CAR shall only be terminated by the school head/principal upon recommendation of the guidance counselor or guidance teacher.

In all stages of the process, the school head/principal shall be duly informed of the cases and actions taken involving the CAR.

B. Children-at-Risk with Status Offense Violation

When a CAR has violated local ordinances concerning juvenile status offenses under Section 57-A of RA No. 9344, as amended, such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws or has committed light offenses and misdemeanours against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, the child shall be subjected to the following:

1. Intervention programs, such as counseling, attendance in group activities for CAR, and for the parents, attendance in parenting education seminars; and
2. Restorative justice procedure shall be conducted by the CPC acting as Restorative Justice Panel (RJP) as follows:
 - a. Anybody who witnesses or has direct knowledge of the incident will report to the guidance counselor or guidance teacher or to a member of the CPC;

- b. **When appropriate** and after **consent** is given by the victim, the offender and their respective parents, a Restorative Justice Panel (RJP) shall be convened with the member of the BCPC or the LSWDO;
- c. Family Group Conferencing (FGC) shall be conducted by the RJP to come up with an agreement using Appendix E of these guidelines. This is to repair the harm done by the CAR to his/her victim and to the community and when appropriate, to include the intervention plan for the offender and the victim; and
- d. The RJP and a member of the BCPC or the LSWDO will monitor the implementation of the agreement and the intervention plan.

Section 17. Procedure in Managing Children in Conflict with the Law (CICL)

A. Offenses Committed in School

1. When a pupil/student commits a serious offense punishable under special laws such as Section 20-A of RA No. 9344, as amended, or under the Revised Penal Code, the school head/principal with the assistance of the guidance counselor or guidance teacher shall report the case immediately to the law enforcement officer and refer the case using Appendix B (CICL Intake Form) of these guidelines to the LSWDO for appropriate action.

However, before the referral, the following procedures shall be strictly observed:

- a. Properly identify oneself and present proper identification to the child;
- b. Immediately notify the child's parents or guardians, and the LSWDO about the incident;
- c. Explain to the child, in simple language and in a language or dialect the child can understand, the reason for the report, and the referral to the proper authorities;
- d. Accomplish CICL Intake Form (Appendix B of these guidelines) in triplicate copies; and
- e. The notification and transfer of the physical custody of the child to the parents and LSWDO shall be made immediately.

2. Children above 12 years of age up to 15 years of age who are exempt from criminal responsibility and who commit a serious crime provided under Sec. 20-A of RA No. 9344, as amended, shall be deemed a "neglected child" under Presidential Decree No. 603, as amended and shall be mandatorily placed in a special facility within the youth care facility or *Bahay Pag-asa* called the Intensive Juvenile Intervention and Support Center (IJISC).

Serious crimes under Section 20-A of RA No. 9344, as amended, are limited to the following:

- a. Parricide;
- b. Murder;
- c. Infanticide;
- d. Kidnapping and serious illegal detention where the victim is killed or raped;
- e. Robbery with homicide or rape;
- f. Destructive arson;
- g. Rape;
- h. Carnapping where the driver or occupant is killed or raped; and
- i. Offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment.

Immediate referral to the LSWDO of the LGU where the offense was committed or to a DSWD social worker, in the absence of the LSWDO, shall be made by the school head/principal for cases of children above 12 years up to 15 years of age who have committed: 1) serious crimes under Section 20-A; 2) reported for repetition of offenses under Section 20-B; and 3) found to be abandoned, neglected or abused by his/her parents under Section 20 (RA No. 9344, as amended).

3. When the pupil/student who are 15 years of age and below and the offense committed does not fall under Sec. 20, Sec. 20-A and Sec. 20-B of RA No. 9344, as amended; the Restorative Justice Procedure under Section 16 of these guidelines shall be applied.
4. When the pupil/student who commits an offense not covered under Section 20-A of RA No. 9344, as amended, is above 15 years but below 18 years of age and there is **no complainant** or victim and the parents or guardians

do not want to go through the standard procedures provided under RA No. 9344, as amended, the restorative justice procedure shall likewise be applied as discussed in Section 16 of these guidelines. Provided, further, that a **written consent** of the victim and the parents or guardians is submitted to the school head/principal.

5. When an incident involves an offense under the Comprehensive Dangerous Act of 2002 (RA No. 9165), teachers or school employee or anybody who discovers or finds that any person in the school or within its immediate vicinity has violated any provisions under RA No. 9165, shall report the incident to the school head/principal or immediate superior, who shall in turn, report the matter to the proper authorities.

These guidelines and procedures however, shall not cover students who are 18 years of age and above and are still in school unless documents are submitted showing that they are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition (RA No. 7610).

B. CIKL Undergoing Diversion Program

If a CIKL has been placed under a diversion program pursuant to RA No. 9344, as amended, and the diversion plan includes an education component, the BCPC or LCPC with the LSWDO and/or the Division Guidance Supervisor shall endorse the child and the diversion plan to the school. Upon receipt of the diversion plan, the school head/principal, guidance counselor or guidance teacher and teacher-adviser shall hold a meeting with the parents of the CIKL to discuss how the diversion plan shall be implemented. The principal shall ensure that the responsibilities of the school under the plan are complied with.

A report on the implementation of the diversion plan shall be submitted by the school head/principal to the BCPC or LCPC, LSWDO and the SDO through the Division Supervisor for guidance and counseling. Confidentiality shall be observed in handling reports to avoid labelling and discrimination of the CIKL in the process. Moreover, it is the duty of all concerned school personnel and all those who will come in contact with the CIKL in the school to ensure that his/her rights are always upheld during the implementation of the intervention plan.

C. CICL in Bahay Pag-asa, Detention and Other Rehabilitation Center

CICL have the right to education even while in detention. Agencies operating detention facilities, youth homes or rehabilitation centers shall coordinate through its MDT, with the SDO within its locality, for the provision of education for CICL. Education-related interventions shall be provided to the CICL as mentioned in Section 14 of these guidelines and procedures, whichever is best suited to the CICL's need and situation.

The MDT shall supervise the education of CICL in *Bahay Pag-asa* and other youth homes and rehabilitation centers. The institutional arrangement between the *Bahay Pag-asa* and the school shall be agreed upon by the MDT and the school.

D. Former CICL Who Are Out of School

Children in conflict with the law have a continued right to education and may return to school through regular enrolment or through ALS after periods of confinement. The Schools Division Supervisor for guidance and counseling, as a member of MDT, shall facilitate the return of the former CICL to formal school or enrolment in ALS or other alternative learning schemes if he or she so wishes.

This will form part of the process of reintegration of the former CICL to the community.

Section 18. Child-Victim

In the conduct of all the proceedings, the victim who is a pupil/student of the school shall be provided with the appropriate intervention in accordance with the provisions of DO No. 40, s. 2012 and DO No. 55, s. 2013.

IX. Reporting

Section 19. Reporting

All proceedings in handling cases of CAR or CICL shall be documented by the guidance counselor or guidance teacher using the necessary annexed forms (Appendices A, B, C, D, and E of these guidelines and Annex A of DO No. 40, s. 2012).

All elementary and secondary schools shall submit to the SDO the annual report of all cases involving CAR and CICL in schools (Appendices D and F of these guidelines & Annex A, DO No. 40, s. 2012).

The SDO shall consolidate the reports of all the schools within the Division using the report forms (Appendices D and F) and submit the same to the Regional Office (RO).

The RO shall submit a consolidated report of the cases of CAR and CICL within the region to the RJJWC, and to the Central Office through the Office of the Undersecretary for Legal and Legislative Affairs.

X. Recording

Section 20. Recording

The data on the number of cases of CAR and CICL, and the action taken shall be recorded using the attached forms in these guidelines, Appendices A, B, C, and consolidated for reporting to the SDO using Appendices D and F.

Consistent with Section 19 of these guidelines, detailed information of all the procedures done to the CAR or CICL such as intervention programs shall be faithfully and accurately recorded for the purpose of ensuring the correct application of the provisions of RA No. 9344, as amended.

XI. Private Schools

Section 21. Private Schools

Private schools are encouraged to promulgate their own juvenile justice and welfare policies consistent with these guidelines.

XII. Confidentiality of Records

Section 22. Confidentiality

The status and records of the cases of the CAR and CICL in all agencies involved shall be kept confidential. Records in school shall be solely under the custody of the guidance counselor or guidance teacher and shall only be released upon the expressed written consent of the child and his or her parents or through a court order.

Unauthorized disclosure of the confidential records of the CAR or CICL shall constitute an administrative offense and shall be dealt with accordingly.

XIII. Effectivity

Section 23. Effectivity

This Department Order shall take effect immediately upon issuance.

Annexes:

Appendix A (Identification and Risk Assessment Tool)

Appendix B (CICL Intake form)

Appendix C (Referral Form for Service)

Appendix D (CAR Consolidated Report)

Appendix E (Restorative Justice Agreement Form)

Appendix F (CICL Consolidated Report)



Profiling and Initial Risk Assessment Tools for Children-at-Risk

PART I:

This form will help the guidance teacher or guidance counselor quickly note down risk factors that make the child vulnerable to coming into conflict with the law. A check mark on those items in red/bold font require immediate referral of the child to the LSWDO, DSWD or licensed child-caring agencies and NGOs for further assessment and treatment or intervention planning.

A mark on the other items or factors, other than those in red, require further investigation or data gathering on the part of the school CPC before referral is made to the LSWDO or DSWD.

Initial assessment made using this form will not substitute for the professional assessment and judgment of a licensed counselor, licensed child psychologist and licensed social worker.

I. Child's Identifying Information

Name: _____

Age: _____ Date of Birth: _____

Sex: _____

Address: _____

In school? Yes; Grade/ year level: _____
 No; Highest grade/year level finished: _____

Caregivers: Father only Mother only Father & mother
 Others (indicate relationship to child) : _____

Caregiver's source of income/employment and monthly income: _____

No. of siblings: _____ No. of siblings below 18 years old: _____

Ordinal position: _____

II. Individual factors:

- _____ History of substance/alcohol abuse
- _____ Involvement in gangs
- _____ Involvement in any positive youth development activity, identify: _____
- _____ Reported incidents of sudden outbursts of anger/irritability exhibited in school
- _____ Report or allegations of traumatic experiences of the child
- _____ Reported recent suicide attempts or suicidal ideation
- _____ Child observed in class to be depressed, anxious and out of focus most of the time
- _____ Constant somatic complaints
- _____ Reported/Noted Thought disturbances

Types of offenses committed (Mark with X and indicate how many times reported for every type of offense committed)

- _____ Theft
- _____ Robbery
- _____ Physical injuries
- _____ Sexual harassment
- _____ Rape
- _____ Homicide
- _____ Murder
- _____ Drug-related offense
- _____ Other offenses punished under penal laws (please indicate)

Family/community factors:

- _____ Child is a victim of abuse, identify _____ (sexual, physical, emotional, verbal)
- _____ Child is a victim of neglect
- _____ Child has no parents or no adult guardian in the household
- _____ History of parental criminal behavior
- _____ History of sibling's criminal behavior

- _____ Witness to family/domestic violence
- _____ Parent substance abuse
- _____ Homeless
- _____ Abandoned
- _____ Witness to community violence
- _____ Presence of support system (family, community, church, school)

School behavior

- _____ Child is behaving well in school
- _____ Child is a victim of bullying in school
- _____ Child has been observed to have moderate behavior problems in school
- _____ Child had severe problems with behavior in school. Child has been reported for bullying in school.

Juvenile Justice (JJ) ¹

History of criminal behavior

- _____ Current criminal behavior is the first known occurrence
- _____ Youth has engaged in multiple delinquent acts in the past year

Seriousness

- _____ Youth has engaged only in status violations or violations of local ordinances
- _____ Youth has engaged in criminal behavior
- _____ Youth has engaged in criminal behavior that places other citizens at risk of significant physical harm

Peer influences

- _____ Youth's primary peer social network does not engage in delinquent behavior
- _____ Youth predominantly has peers who engage in delinquent behavior
- _____ Youth's primary peer social network are known to engage in criminal behavior

¹ Indicators were based on the Juvenile Justice Module of the Child and Adolescent Needs and Strengths Manual. Preda Foundation (1999)

PART II:

The table below further provides a non-exhaustive list of examples of evidence which would suggest that a student has met the threshold for an immediate referral to the proper authorities (LSWDO, Licensed SW of accredited and duly-licensed child caring agency, or to the DSWD CIU) or whether there is still a need for further investigation or data gathering on the allegations before referrals are made.

Initial assessment made using this form will not substitute for the professional assessment and judgment of a licensed counselor, licensed child psychologist and licensed social worker.

Referral to LSWDO for immediate intervention within 8 hours

Initial Assessment: For further investigation before referral to LSWDO or DSWD within 24 hours

<input type="checkbox"/> Any allegation of abuse or neglect or any suspicious injury in a non-mobile child	<input type="checkbox"/> Allegation of physical assault with <u>no visible injury</u> (child is mobile and verbal)
<input type="checkbox"/> Two or more minor injuries in non verbal young children (including disabled children)	
<hr/>	
<input type="checkbox"/> Allegations or suspicions about a serious Injury	<input type="checkbox"/> Any incident / injury triggering concern e.g. a series of apparently accidental Injuries or a minor non-accidental injury
<input type="checkbox"/> Allegations or suspicions about a sexual abuse perpetrated against a child	
<hr/>	
<input type="checkbox"/> Repeated allegations or reasonable suspicions of non-accidental injury or injuries	<input type="checkbox"/> Repeated expressed minor concerns from one or more sources on suspicions of non-accidental injury
<hr/>	
<input type="checkbox"/> The child has been traumatised, injured or neglected as a result of domestic violence	<input type="checkbox"/> Allegation concerning verbal threats
<input type="checkbox"/> Repeated allegations involving serious verbal threats and/or emotional abuse	<input type="checkbox"/> Allegations of emotional abuse including that caused by minor domestic violence
<hr/>	
<input type="checkbox"/> Allegations / reasonable suspicions of serious neglect	<input type="checkbox"/> Allegations of periodic neglect including insufficient supervision; poor hygiene; clothing or nutrition; failure to

seek/attend treatments or appointments; young carers undertaking intimate personal care

Direct allegation of sexual abuse made by child or abuser's confession to such abuse

Suspicions of sexual abuse (e.g. medical concerns, sexualized behaviour, or referral by concerned relative, neighbour and caregiver)

Any allegation suggesting connections between sexually abused children in different families or more than one abuser

An individual inside the child's home posing a risk to the child (alleged perpetrator living with the child or who has daily access to the child/ adult alleged of threatening child to commit crime, etc.)

Any suspicious injury or allegation involving a child already subject to a child protection plan or looked after by a local authority

No available parent / carer and child is left abandoned child

No available parent, child in need of temporary accommodation and no specific risk if this need is met

Suspicion that a child has suffered or is at risk of significant harm due to fabricated / induced illness.

A child reported to be at- risk of sexual exploitation or trafficking

Pregnancy in a child

A child at risk of forced marriage

Initial assessment made by:

Name and Signature

Designation

Noted by:

Name and Signature

Designation



Children in Conflict with the Law (CICL) Intake Form

Division: _____ Region: _____
Name of School: _____
Address: _____
Case No.: _____
Date: _____

I. Identifying Information

Name: _____
Nickname: _____
Age: _____ Sex: _____
Date of Birth: _____
Place of Birth: _____
Address: _____
Grade/Year Level & Section: _____
Class Adviser: _____

Parents/Guardian Information:

Parents/Guardian: _____
Address: _____
Contact No.s: _____

II. Problem Presented (Information on the Reported Offense)

Alleged offense committed by the student (describe incident as reported):

Place and Date of Alleged Commission of Offense: _____

Name of referring party/relation to the child: _____

Name of victim/s (if any): _____ Grade/Level: _____

Previous Offense reported in school, *if any* (please indicate date):

III. Actions taken, *if any*

IV. Disposition:

Referred and/or Released to:

LSWDO Name: _____ Contact No. _____

PNP Name: _____ Contact No. _____

NGO/FBO Name of Organization _____

Contact No. _____

Released to:

Parents

Guardian

Relative/s Name: _____ Contact No. _____

Name and Signature of Receiving Party

Address: _____

Prepared by:

Name and Signature

Designation

Noted by:

Name and Signature

Designation

Confidential



REFERRAL FOR SERVICE

Instructions	This form should be completed by fully trained and designated staff of the school. Original copy shall be maintained in the school and shall form part of the client's confidential records. Any information contained herein and the rest of the records of the client shall be held in strict confidence. No information from this card shall be shared to anyone except to service provider and as may be authorized. Attach additional pages with continued narrative, if needed.
---------------------	---

Case No. _____

To: _____

Address: _____

Contact Person: _____

Name of Student: _____

Age: _____ Sex: _____ Address: _____

Reason/s for Referral:

Specific Service/s Requested:

Please refer to attached report/ intake form/case summary for more information.

Feedback is requested. Please send to:

Confidential

Referring Party/ School: _____

Address: _____

Cell phone No: _____ Landline No: _____

Email address: _____ Fax No: _____

Contact Person: _____

Referred by:

Signature over Printed Name

Designation

Date Accomplished

CONSOLIDATED REPORT ON CASES OF CHILDREN-AT-RISK (CAR)

School/ Division/ Region: _____

Period Covered: _____

I. CHILDREN- AT-RISK (CAR)

Classification	No. of Students		Action Taken	Remarks
	Male	Female		
1. Victim of abuse (sexual, physical, psychological, mental, economic and other mean)				
2. Victim of Neglect				
3. Coming from a dysfunctional family or without parent or guardian				
4. Being member of a gang				
5. Living in a community with a higher level of criminality				
6. Living in a situation of armed conflict				
7. Committed a status Offense under Section 57 of RA 9344, as amended				
8. Prostituted Children				
9. Mendicant under PD 1563				
10. Solvent/ Rugby User				
11. Others				

II. Description of action taken by the school or division to alleviate the risk factors of the CAR:

Prepared by:

Noted by:

Designation

Principal /Superintendent /Regional Director



RESTORATIVE JUSTICE AGREEMENT FORM

I. Background of the Incident

II. Statement of Agreement

For the best interest of (name of offender) and the school/community, the following shall be undertaken:

For the student-offender:

(Example: make a research work on the ill-effects of smoking)

For the parents of the student-offender:

For the teacher-adviser/Guidance Counselor or Guidance Teacher:

For the social worker or Local Social Welfare and Development Officer (LSWDO):

For the victim and his/her parent/s (when appropriate):

This agreement will be implemented starting _____ until _____.

Prepared by:

Guidance Counselor / RJP Secretary

Conforme:

(Student-offender)

(Parent)

LSWDO/Social Worker

Noted by:

Principal/RJP Chairperson

School/ Division/ Region: _____

Period Covered: _____

A. Consolidated Report on Incidents of Children in Conflict with the Law (CICL)

Learner's Reference Number (LRN)	Age	Sex (M/F)	Case / Violation	Action Taken	Intervention/Diversion Program	Remarks

B. Description of any intervention program or diversion program that the school or division initiated or adopted which facilitated the reintegration of the CICL in the school and community

Prepared by:

Noted by:

Designation

Principal/ Superintendent/ Regional Director