



Republic of the Philippines  
**Department of Education**  
REGION X - NORTHERN MINDANAO  
DIVISION OF MALAYBALAY CITY

2023 - 66693

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DEPED MALAYBALAY CITY DIVISION  
**RELEASED**  
JAN 24 2023 Time: 3:00  
By: \_\_\_\_\_

**DIVISION MEMORANDUM**

No. 022, s. 2023

**TO : Assistant Schools Division Superintendent  
Chief Education Supervisors, CID and SGOD  
Public Schools District Supervisors  
Elementary and Secondary School Heads  
All Others Concerned  
This Division**

**FROM : VICTORIA V. GAZO, PhD, CESO V**  
**Schools Division Superintendent**

**DATE : January 24, 2023**

**SUBJECT : REITERATION OF DEPED ORDER NO. 40, S. 2012, RE: CHILD PROTECTION POLICY AND DEPED ORDER NO. 18, S. 2015, RE: DEPED GUIDELINES AND PROCEDURES ON THE MANAGEMENT OF CHILDREN - AT RISK (CAR) AND CHILDREN IN CONFLICT WITH THE LAW (CICL)**

1. For information and guidance, this Office hereby reiterates **DepEd Order No. 40, s. 2012, re: Child Protection Policy and DepEd Order No. 18, s. 2015, re: DepEd Guidelines and Procedures on the Management of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL)** with the instruction that schools must ensure the safety of all its learners, teachers, and non-teaching personnel while in the performance of their duties, functions and obligations.

2. Pursuant to Article XV, Section 3(2) of the 1987 Constitution, the State shall defend the *"right of children to assistance, including proper care and nutrition, and special protection from all forms of neglects, abuse, cruelty, exploitation, and other conditions prejudicial to their development."* With the foregoing mandate, DepEd is tasked to ensure that schools are conducive to the education of children and their best interest is the paramount consideration in matters that affect them.



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3. In the case of incidence of violence in school involving children-at-risk (CAR) and/or children-in-conflict with the law (CICL) which includes physical and sexual violence, gang-related and fraternity violence, drug and alcohol abuse and other similar acts, the school has the following duties and responsibilities as mentioned in *DepEd Order No. 18, s. 2015, section 8, letters A to I*.

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

4. Should there be queries, contact **Rosalio P. Arangco**, Education Program Supervisor, SGOD at **0917 159 4825**.



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Republic of the Philippines  
**Department of Education**

ONE-21501

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DepEd ORDER  
No. **40**, s. 2012

**DEPED CHILD PROTECTION POLICY**

To: Undersecretaries  
Assistant Secretaries  
Bureau Directors  
Directors of Services, Centers and Heads of Unit  
Regional Secretary, ARMM  
Regional Directors  
Schools Division/City Superintendents  
Chiefs of Divisions  
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 Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse entitled "**DepEd Child Protection Policy.**"
2. Pursuant to Section 26 thereof, this DepEd Order shall take effect immediately upon issuance.
3. All Orders, Memoranda and other related issuances inconsistent with these policy and guidelines are deemed amended accordingly upon its effectivity.
4. Immediate dissemination of and strict compliance with this Order is directed.

  
**BR. ARMIN A. LUISTRO FSC**  
Secretary

Encl.: As stated  
Reference: DepEd Memorandum No. 297, s. 2006  
To be indicated in the Perpetual Index  
under the following subjects:

LEGISLATIONS  
POLICY  
PUPILS

RULES & REGULATIONS  
STUDENTS  
TEACHERS

**DEPARTMENT OF EDUCATION**

**Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse**

**I. GENERAL PROVISIONS**

**Section 1. Short Title**

This Department Order shall be known as the "DepEd Child Protection Policy."

**Section 2. – Statement of Policy**

Pursuant to the 1987 Constitution, the State 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 (Article XV, Section 3 [2]).

The Constitution further provides that all educational institutions shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency. (Article XIV, Section 3 [2]).

The Convention on the Rights of the Child (CRC) aims to protect children from all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment and exploitation, including sexual abuse. The same Convention establishes the right of the child to education, and with a view to achieving this right progressively, and on the basis of equal opportunity, it obliges the government to take measures to encourage regular attendance in school and reduce drop-out rates. Thus, it is mandated that all appropriate measures be undertaken to ensure that school discipline is administered in a manner consistent with the child's human dignity, and in conformity with the CRC.

Towards this end, the Department of Education (DepEd), in collaboration with its partners and stakeholders, shall ensure that all schools are conducive to the education of children. The best interest of the child shall be the paramount consideration in all decisions and actions involving children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children, as enunciated in the CRC. Teachers and learning facilitators especially in learning centers are their substitute parents, and are expected to discharge their functions and duties with this in mind. In this connection, the Family Code empowers the school, its administrators and teachers, or the individual, entity or institution engaged in child care to exercise the special parental authority and responsibility over the child, while under their supervision, instruction or custody.

The Department recognizes that cases of abuse may arise as a result of the difficult situations faced by teachers and other officials within and outside school.

DepEd has adopted the policy to provide special protection to children who are gravely threatened or endangered by circumstances which affect their normal development and over which they have no control, and to assist the concerned agencies in their rehabilitation.

Furthermore, this Department aims to ensure such special protection from all forms of abuse and exploitation and care as is necessary for the child's well-being, taking into account the primary rights and duties of parents, legal guardians, or other individuals who are legally responsible and exercise custody over the child. DepEd recognizes the participatory rights of the child in the formulation and implementation of policies, and in all proceedings affecting them, whether they be victims or aggressors, either directly, or through a representative.

Accordingly, this Department reiterates a zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse, and hereby promulgates this Department Order.

### **Section 3. – Definition of Terms**

- A. "Child"** – refers to any person below eighteen (18) years of age or those over but 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 7610). For purposes of this Department Order, the term also includes pupils or students who may be eighteen (18) years of age or older but are in school.

B. **"Children in School"** – refers to bona fide pupils, students or learners who are enrolled in the basic education system, whether regular, irregular, transferee or repeater, including those who have been temporarily out of school, who are in the school or learning centers premises or participating in school-sanctioned activities.

C. **"Pupil, Student or Learner"** – means a child who regularly attends classes in any level of the basic education system, under the supervision and tutelage of a teacher or facilitator.

D. **"School Personnel"** – means the persons, singly or collectively, working in a public or private school. They are classified as follows:

a. **"School Head"** refers to the chief executive officer or administrator of a public or private school or learning center.

b. **"Other School Officials"** include other school officers, including teachers, who are occupying supervisory positions or positions of responsibility, and are involved in policy formulation or implementation in a school.

c. **"Academic Personnel"** includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on a full-time or a part-time basis, as well as those who possess certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other similar persons. They may include school officials who are responsible for academic matters, and other school officials.

d. **"Other Personnel"** includes all other non-academic personnel in the school, whatever may be the nature of their appointment and status of employment.

E. **"Child Protection"** - refers to programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence.

- F. **"Parents"** – refers to biological parents, step-parents, adoptive parents and the common-law spouse or partner of the parent;
- G. **"Guardians or Custodians"** – refers to legal guardians, foster parents, and other persons, including relatives or even non-relatives, who have physical custody of the child.
- H. **"School Visitor or Guest"** – refers to any person who visits the school and has any official business with the school, and any person who does not have any official business but is found within the premises of the school. This may include those who are within the school premises for certain reasons, e.g. student teachers, catechists, service providers, suppliers, bidders, parents and guardians of other children.
- I. **"Child Abuse"** – refers to the maltreatment of a child, whether habitual or not, which includes any of the following:
- 1) psychological or physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - 2) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - 3) unreasonable deprivation of the child's basic needs for survival, such as food and shelter; or
  - 4) failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in the child's permanent incapacity or death (Sec. 3 [b], RA 7610).
- J. **"Discrimination against children"** – refers to an act of exclusion, distinction, restriction or preference which is based on any ground such as age, ethnicity, sex, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, being infected or affected by Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS), being pregnant, being a child in conflict with the law, being a child with disability or other status or condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

K. **"Child exploitation"** - refers to the use of children for someone else's advantage, gratification or profit often resulting in an unjust, cruel and harmful treatment of the child. These activities disrupt the child's normal physical or mental health, education, moral or social emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.

There are two (2) main forms of child exploitation that are recognized:

1. **Sexual exploitation** – refers to the abuse of a position of vulnerability, differential power, or trust, for sexual purposes. It includes, but it is not limited to forcing a child to participate in prostitution or the production of pornographic materials, as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.
2. **Economic exploitation** – refers to the use of the child in work or other activities for the benefit of others. Economic exploitation involves a certain gain or profit through the production, distribution and consumption of goods and services. This includes, but is not limited to, illegal child labor, as defined in RA 9231.

L. **"Violence against children committed in schools"** - refers to a single act or a series of acts committed by school administrators, academic and non-academic personnel against a child, which result in or is likely to result in physical, sexual, psychological harm or suffering, or other abuses including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

1. *Physical violence* refers to acts that inflict bodily or physical harm. It includes assigning children to perform tasks which are hazardous to their physical well-being.
2. *Sexual violence* refers to acts that are sexual in nature. It includes, but is not limited to:



- a) rape, sexual harassment, acts of lasciviousness, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body;
  - b) forcing the child to watch obscene publications and indecent shows or forcing the child to do indecent sexual acts and/or to engage or be involved in, the creation or distribution of such films, indecent publication or material; and
  - c) acts causing or attempting to cause the child to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion, or through inducements, gifts or favors.
3. *Psychological violence* refers to acts or omissions causing or likely to cause mental or emotional suffering of the child, such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, deduction or threat of deduction from grade or merit as a form of punishment, and repeated verbal abuse.
  4. *Other acts of violence* of a physical, sexual or psychological nature that are prejudicial to the best interest of the child.

**M. "Bullying or Peer Abuse"** – refers to willful aggressive behavior that is directed, towards a particular victim who may be out-numbered, younger, weak, with disability, less confident, or otherwise vulnerable. More particularly:

**1. Bullying** – is committed when a student commits an act or a series of acts directed towards another student, or a series of single acts directed towards several students in a school setting or a place of learning, which results in physical and mental abuse, harassment, intimidation, or humiliation. Such acts may consist of any one or more of the following:

a. Threats to inflict a wrong upon the person, honor or property of the person or on his or her family;

b. Stalking or constantly following or pursuing a person in his or her daily activities, with unwanted and obsessive attention;

c. Taking of property;

d. Public humiliation, or public and malicious imputation of a crime or of a vice or defect, whether real or imaginary, or any act, omission, condition, status, or circumstance tending to cause dishonor, discredit or expose a person to contempt;

e. Deliberate destruction or defacement of, or damage to the child's property;

f. Physical violence committed upon a student, which may or may not result to harm or injury, with or without the aid of a weapon. Such violence may be in the form of mauling, hitting, punching, kicking, throwing things at the student, pinching, spanking, or other similar acts;

g. Demanding or requiring sexual or monetary favors, or exacting money or property, from a pupil or student; and

h. Restraining the liberty and freedom of a pupil or student.

2. **Cyber-bullying** - is any conduct defined in the preceding paragraph, as resulting in harassment, intimidation, or humiliation, through electronic means or other technology, such as, but not limited to texting, email, instant messaging, chatting, internet, social networking websites or other platforms or formats.

**N. "Other acts of abuse by a pupil, student or learner"** - refers to other serious acts of abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, not falling under the definition of 'bullying' in the preceding provisions, including but not limited to acts of a physical, sexual or psychological nature.

**O. "Corporal Punishment"** - refers to a kind of punishment or penalty imposed for an alleged or actual offense, which is carried



out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult, or any other child who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical, humiliating or degrading punishment, including, but not limited to the following:

- 1) Blows such as, but not limited to, beating, kicking, hitting, slapping, or lashing, of any part of a child's body, with or without the use of an instrument such as, but not limited to a cane, broom, stick, whip or belt;
- 2) Striking of a child's face or head, such being declared as a "no contact zone";
- 3) Pulling hair, shaking, twisting joints, cutting or piercing skin, dragging, pushing or throwing of a child;
- 4) Forcing a child to perform physically painful or damaging acts such as, but not limited to, holding a weight or weights for an extended period and kneeling on stones, salt, pebbles or other objects;
- 5) Deprivation of a child's physical needs as a form of punishment;
- 6) Deliberate exposure to fire, ice, water, smoke, sunlight, rain, pepper, alcohol, or forcing the child to swallow substances, dangerous chemicals, and other materials that can cause discomfort or threaten the child's health, safety and sense of security such as, but not limited to bleach or insecticides, excrement or urine;
- 7) Tying up a child;
- 8) Confinement, imprisonment or depriving the liberty of a child;
- 9) Verbal abuse or assaults, including intimidation or threat of bodily harm, swearing or cursing, ridiculing or denigrating the child;
- 10) Forcing a child to wear a sign, to undress or disrobe, or to put on anything that will make a child look or feel foolish, which belittles or humiliates the child in front of others;

11) Permanent confiscation of personal property of pupils, students or learners, except when such pieces of property pose a danger to the child or to others; and

12) Other analogous acts.

**P. "Positive and Non-Violent Discipline of Children"** –is a way of thinking and a holistic, constructive and pro-active approach to teaching that helps children develop appropriate thinking and behavior in the short and long-term and fosters self-discipline. It is based on the fundamental principle that children are full human beings with basic human rights. Positive discipline begins with setting the long-term goals or impacts that teachers want to have on their students' adult lives, and using everyday situations and challenges as opportunities to teach life-long skills and values to students.

## **II. DUTIES AND RESPONSIBILITIES**

### **Section 4. Central Office**

**The DepEd Central Office shall have the following duties and responsibilities:**

A. Develop a policy and guidelines for the prevention of violence against children in schools and make these available to all schools;

B. Conduct a nationwide information dissemination and campaign on violence prevention programs for children and research-based best practices for teachers, which are intended to promote new techniques, methodologies and research related to teaching, classroom management, child development, positive and non-violent discipline;

C. Devise programs, campaigns and activities through the Offices of the Undersecretary for Programs and Projects and Regional Operations, to raise consciousness, mobilize and educate the students, parents, teachers, community, local government units and other stakeholders in addressing child abuse, exploitation, violence, discrimination and bullying; and

D. Formulate a system of standard reporting, prescribe standards and procedures for monitoring and evaluation, and maintain the central repository of Regional Reports (Annex "A") on incidents and cases of child abuse, exploitation, violence, discrimination, bullying and other acts of abuse, through the Office of the Undersecretary for Legal and Legislative Affairs.

The data on the number and types of reports made under these guidelines, the results of investigations undertaken to verify the details made in the complaints, the sanctions imposed, the action taken and the interventions adopted, are to be maintained on an annual aggregated basis.

E. The Secretary shall exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of Education in Administrative Cases and other existing laws, rules and regulations.

## **Section 5. Regional Offices**

The Regional Offices shall have the following duties and responsibilities:

A. Encourage and support advocacy campaigns and capability building activities on the prevention of child abuse, violence, exploitation, discrimination, bullying and other forms of abuse, promotion of positive and non-violent discipline, conflict resolution and peer mediation;

B. Consolidate reports on incidents and cases of the Division Offices within the Region and submit a Regional Report (Annex "A") to the Undersecretary for Legal and Legislative Affairs;

C. Monitor and evaluate the implementation and enforcement of this Department Order by the Schools Division Offices and such other related laws and regulations relative to abuse, exploitation, violence and discrimination of children;

D. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of Education in Administrative Cases and other existing laws, rules and regulations; and

E. Give recommendations to the Central Office on the policies, programs, and services, to address and prevent cases of child

abuse, exploitation, violence and discrimination, bullying and other acts of abuses, consistent with this Department Order.

## **Section 6. Division Offices**

The Division Offices shall have the following duties and responsibilities:

- A. Conduct the information-dissemination activities and in-service training for teachers on the protection of children in school from abuse, violence, exploitation, discrimination, bullying or peer abuse and other related cases;
- B. Undertake advocacy campaigns and capability building activities to enable the schools to do the following:
  - Apply positive and non-violent discipline,
  - Formulate and implement guidelines and procedures to emphasize the role of all stakeholders and other persons in the prevention and reporting of cases of bullying, and
  - Provide conflict resolution or peer mediation, including referral to appropriate service providers, if needed;
- C. Organize and conduct the capacity building activities for members of the Child Protection Committee and Guidance Counselors/Teachers; including, but not limited to the identification of students who may be suffering from significant harm based on any physical, emotional or behavioral signs;
- D. Develop strategies to address the risk factors that contribute to the commission of acts of abuse, violence, exploitation, discrimination, and bullying;
- E. Consolidate the reports on incidents and cases of all schools and submit a Division Report (Annex "A") to the Regional Office;
- F. Monitor and evaluate the implementation and enforcement by public and private schools of this Department Order and such other related laws and regulations relative to abuse, exploitation, violence and discrimination of children;
- G. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of

Education in Administrative Cases and other existing laws, rules and regulations;

H. Give recommendations to the Regional Office and devise measures to address and prohibit abuse, exploitation, violence and discrimination, and bullying or peer abuse of children, consistent with this Department Order;

I. Utilize resources, coordinate with appropriate offices and other agency or instrumentality for such assistance as it may require in the performance of its functions;

J. Encourage and support activities and campaigns initiated by stakeholders; and

K. Perform such other functions, as may be assigned by the Secretary or the Regional Director.

### **Section 7. – Schools**

The School Heads shall have the following duties and responsibilities:

A. Ensure the institution of effective child protection policies and procedures, and monitor compliance thereof;

B. Ensure that the school adopts a child protection policy;

C. Ensure that all pupils, students or learners, school personnel, parents, guardians or custodians, and visitors and guests are made aware of child protection policy (Annex "C").

D. Organize and convene the Child Protection Committee for the school;

E. Conduct the capacity building activities for the members of the Child Protection Committee and Guidance Counselors/Teachers;

F. Conduct disciplinary proceedings in cases of offenses committed by pupils, students or learners;

- G. Ensure that the participatory and other rights of children are respected and upheld in all matters and procedures affecting their welfare;
- H. Maintain a record of all proceedings related to bullying or peer abuse and submit after each school year to the Division Office the report and a copy of the intake form (Annexes "A" & "B", respectively);
- I. Conduct the appropriate training and capability-building activities on child protection measures and protocols;
- J. Ensure that the school adopts a student Code of Conduct to be followed by every pupil, student or learner while on school grounds, or when traveling to and from school, or during a school-sponsored activity, and during lunch period, whether on or off campus;
- K. Adopt such conflict resolution mechanisms that respect the rights of indigenous peoples, provided that they conform to this Department Order and they uphold the rights of the child;
- L. Coordinate with the appropriate offices and other agency or instrumentality for appropriate assistance and intervention, as may be required in the performance of its functions;
- M. Coordinate with the Department of Social Welfare and Development or, the appropriate government agencies or non-governmental organizations on a Child Protection Hotline for reporting abuse, violence, exploitation, discrimination, bullying and other similar acts and for counseling;
- N. Ensure that all incidents of abuse, violence, exploitation, discrimination, bullying and other similar acts are addressed in accordance with the provisions of this Department Order.



## **Section 8. Duties and Responsibilities of School Personnel**

Article 218 of the Family Code of the Philippines provides the following responsibilities of school administrators, teachers, academic and non-academic and other personnel:

A. Exercise special parental authority and responsibility over the child while under their supervision, instruction and custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

Articles 220 and 233 of the Family Code of the Philippines, Presidential Decree No. 603, and other related laws enumerated the following duties and responsibilities of the abovementioned persons and personnel over the children under their supervision, instruction and custody:

B. Keep them in their company and support, educate and instruct them by right precept and good example;

C. Give them love and affection, advice and counsel, companionship and understanding;

D. Enhance, protect, preserve and maintain their physical and mental health at all times;

E. Furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company and prevent them from acquiring habits detrimental to their health, studies and morals;

F. Represent them in all matters affecting their interests;

G. Inculcate the value of respect and obedience;

H. Practice positive and non-violent discipline, as may be required under the circumstances; provided, that in no case shall corporal punishment be inflicted upon them;

I. Perform such other duties as are imposed by law upon them, as substitute parents or guardians; and

J. School personnel shall also strictly comply with the school's child protection policy.



## **Section 9. Duties and Responsibilities of Pupils, Students and Learners**

Pupils, students and learners shall have the following duties and responsibilities:

- A. Comply with the school's regulations, as long as they are in harmony with their best interests. Pupils, students and learners shall refrain from:
  - i. Engaging in discrimination, or leading a group of pupils or students to discriminate another, with reference to one's physical appearance, weaknesses and status of any sort;
  - ii. Doing any act that is inappropriate or sexually provocative;
  - iii. Participating in behavior of other students that is illegal, unsafe or abusive;
  - iv. Marking or damaging school property, including books, in any way;
  - v. Engaging in fights or any aggressive behavior;
  - vi. Introducing into the school premises or otherwise possessing prohibited articles, such as deadly weapons, drugs, alcohol, toxic and noxious substances, cigarettes and pornographic material; and
  - vii. Performing other similar acts that cause damage or injury to another.

An allegation that any of these acts has been committed shall not be used to curtail the child's basic rights, or interpreted to defeat the objectives of this Department Order.

- B. Conduct themselves in accordance with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other persons;
- C. Respect another person's rights regardless of opinion, status, gender, ethnicity, religion, as well as everyone's moral and physical integrity; and
- D. Observe the Code of Conduct for pupils, students and learners.



## **Section 10. Establishment of Child Protection Committee**

All public and private elementary and secondary schools shall establish a Child Protection Committee (CPC).

### **A. The CPC 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 and learners as designated by the Supreme Student Council
6. Representative from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC).

### **B. The CPC shall perform the following functions:**

1. Draft a school child protection policy with a code of conduct and a plan to ensure child protection and safety, which shall be reviewed every three (3) years. The template for the school child protection policy is attached as Annex "C";
2. Initiate information dissemination programs and organize activities for the protection of children from abuse, exploitation, violence, discrimination and bullying or peer abuse;
3. Develop and implement a school-based referral and monitoring system. The template for the referral system is attached as Annex "D";
4. Establish a system for identifying students who may be suffering from significant harm based on any physical, emotional or behavioral signs;
5. Identify, refer and, if appropriate, report to the appropriate offices cases involving child abuse, exploitation, violence, discrimination and bullying;

6. Give assistance to parents or guardians, whenever necessary in securing expert guidance counseling from the appropriate offices or institutions;
7. Coordinate closely with the Women and Child Protection Desks of the Philippine National Police (PNP), the Local Social Welfare and Development Office (LSWDO), other government agencies, and non-governmental organizations (NGOs), as may be appropriate;
8. Monitor the implementation of positive measures and effective procedures in providing the necessary support for the child and for those who care for the child; and
9. Ensure that the children's right to be heard are respected and upheld in all matters and procedures affecting their welfare.

### **III. PREVENTIVE MEASURES TO ADDRESS CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION AND BULLYING AND OTHER ACTS OF ABUSE**

#### **Section 11. Capacity Building of School Officials, Personnel, Parents and Students**

All public and private elementary and secondary schools shall build the capacities of school personnel, pupils, students and learners, parents and guardians to understand and deal with child abuse, exploitation, violence and discrimination cases, bullying and peer violence by conducting sessions, trainings and seminars on positive peer relationships and enhancement of social and emotional competence.

They shall use training modules which include positive and non-violent discipline in classroom management, anger and stress management and gender sensitivity. They shall likewise employ means which enhance the skills and pedagogy in integrating and teaching children's rights in the classroom.

The programs that are intended to promote Positive and Non-Violent Discipline include, but are not limited to, the following:

1. Integration of education sessions on corporal punishment and positive discipline in the initiatives of the Parent-Teachers Associations (PTAs);
2. Capacity-building programs for school administrators, teachers and non-academic personnel focused on children's rights, child development and positive and nonviolent approaches in teaching and classroom management, to enable them to incorporate positive discipline messages in parent-teacher conferences and family counseling, and integrate messages on children's rights and corporal punishment in classroom discussions;
3. Encouraging and supporting the formation and initiatives of support groups among teaching and non-teaching staff, and parents and caregivers;
4. Implementing specific parenting orientation sessions with parents and caregivers and other activities;
5. Implementing school activities or events that raise awareness on children's rights, corporal punishment and positive discipline, fostering the active involvement of and providing venues for bringing together parents, families and children;
6. Encouraging and supporting student-led initiatives to raise awareness on children's rights, corporal punishment and positive discipline; and
7. Setting up child-friendly mechanisms for obtaining children's views and participation in the formulation, monitoring and assessment of school rules and policies related to student discipline.

#### **IV. PROTECTIVE AND REMEDIAL MEASURES TO ADDRESS CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION, BULLYING AND OTHER ACTS OF ABUSE**

**Section 12. Procedures in Handling Bullying Incidents in Schools.** A complaint for bullying or peer abuse shall be acted upon by the School Head following the procedures herein set forth:

- a. **Bullying** - Upon the filing of a complaint or upon notice by a school personnel or official of any bullying or peer abuse incident, the same shall be immediately reported to the School Head, who

shall inform the parents or guardian of the victim and the offending child, in a meeting called for the purpose. The victim and the offending child shall be referred to the Child Protection Committee for counseling and other interventions. The penalty of reprimand, if warranted, may be imposed by the School Head in the presence of the parents or guardians.

If bullying is committed for a second or subsequent time, after the offending child has received counseling or other interventions, the penalty of suspension for not more than one (1) week may be imposed by the School Head, if such is warranted. During the period of suspension, the offending child and the parents or guardians may be required to attend further seminars and counseling. The School Head shall likewise ensure that the appropriate interventions, counseling and other services, are provided for the victim or victims of bullying.

- b. **Bullying that results in serious physical injuries or death** - If the bullying or peer abuse resulted in serious physical injuries or death, whenever appropriate, the case shall be dealt with in accordance with the provisions of Republic Act 9344 and its Implementing Rules and Regulations.
- c. **Procedure** - In all cases where the imposable penalty on the offending child is suspension, exclusion or expulsion, the following minimum requirements of due process shall be complied with:
  - (1) The child and the parents or guardians must be informed of the complaint in writing;
  - (2) The child shall be given the opportunity to answer the complaint in writing, with the assistance of the parents or guardian;
  - (3) The decision of the school head must be in writing, stating the facts and the reasons for the decision;
  - (4) The decision of the school head may be appealed, as provided in existing rules of the Department.

**Section 13. Implementation of Non-punitive Measures.** Depending on the gravity of the bullying committed by any pupil, student or learner, the school may impose other non-punitive

measures, in lieu of punitive measures, in accordance with the principles of Positive and Non-Violent Discipline.

**Section 14. Other acts of violence or abuse.** Other serious acts of violence or abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, shall, and whenever appropriate, be dealt with in accordance with the provisions of Republic Act 9344 and its Implementing Rules and Regulations.

**V. RULES AND PROCEDURES IN HANDLING CHILD ABUSE, EXPLOITATION, VIOLENCE AND DISCRIMINATION CASES**

**Section 15. - Prohibited Acts**

The following acts, as defined in Section 3 of this Order, are hereby prohibited and shall be penalized in administrative proceedings as Grave or Simple Misconduct depending on the gravity of the act and its consequences, under existing laws, rules and regulations:

1. Child abuse;
2. Discrimination against children;
3. Child Exploitation ;
4. Violence Against Children in School;
5. Corporal Punishment;
6. Any analogous or similar acts.

**Section 16. Investigation and Reporting.** The conduct of investigation and reporting of cases of child abuse, exploitation, violence or discrimination, shall be done expeditiously, as herein provided.

**A. PUBLIC SCHOOLS**

- A. The School Head or the Schools Division Superintendent, upon receipt of the Complaint, shall forward the same, within forty-eight (48) hours, to the Disciplining Authority, who shall then issue an Order for the conduct of a fact-finding investigation, not later than seventy-two (72) hours from submission. These periods shall be strictly observed, except when justified by circumstances beyond their



control; *Provided*, that, if the person complained of is a non-teaching personnel, the Schools Division Superintendent shall cause the conduct of a fact-finding investigation within the same period.

- B. If a complaint is not sufficient in form, the concerned School Head, Schools Division Superintendent, or Disciplining Authority shall immediately inform the complainant of the requirements of a formal complaint. Upon the filing of the formal complaint, the same shall be acted upon pursuant to the preceding paragraphs.
- C. The conduct of a fact-finding investigation shall be in accordance with the Revised Rules of Procedure of the Department of Education in Administrative Cases. Pending investigation, upon referral of the School Principal or Guidance Counselor/Teacher, the Local Social Welfare and Development Officer (LSWDO) of the concerned local government unit shall assess the child and provide psychosocial intervention to help the child victim recover from whatever trauma he or she has experienced as a result of the abuse. The offender shall likewise undergo psychosocial intervention, if such is warranted.

If a prima facie case exists based on the Investigation Report and the records, a Formal Charge shall be issued by the Disciplining Authority, which may be the basis for the issuance of an Order of Preventive Suspension or as an alternative, reassignment of the offending party, as may be warranted. The respondent may be placed under preventive suspension pending investigation, for a period of ninety (90) days, if the injury or abuse committed against a child is so grave, as to render the child unable to attend his or her classes. The respondent may also be preventively suspended to preclude the possibility of influencing or intimidating witnesses.

The respondent may file a Motion for Reconsideration with the Disciplining Authority or may elevate the same to the Civil Service Commission by way of an Appeal within fifteen (15) days from receipt thereof.



D. The Revised Rules of Procedure of the Department of Education in Administrative Cases shall apply in all other aspects.

E. A complaint for education-related sexual harassment as defined under Resolution No. 01-0940 of the Civil Service Commission, must be in writing, signed and sworn to by the complainant. It shall contain the following:

1. the full name and address of the complainant;
2. the full name, address, and position of the respondent;
3. a brief statement of the relevant facts;
4. evidence, in support of the complainant, if any;
5. a certification of non-forum shopping.

E.1. The Complaint shall be referred to the Committee on Decorum and Investigation. Upon receipt of the complaint, the Committee shall require the person complained of to submit his or her Counter-Affidavit/Comment, which shall be under oath, not later than three (3) days from receipt of the notice, furnishing the complainant a copy thereof, otherwise the Counter-Affidavit or Comment shall be considered as not filed.

E.2. The procedure for the conduct of an investigation and all other related incidents, shall be in accordance with the rules under Resolution No. 01-0940 of the Civil Service Commission; Provided, that, if the respondent is a teacher, the composition of the Formal Investigating Committee shall be in accordance with Section 9 of R.A. 4670.

F. The Regional Directors shall periodically monitor and keep a record of all reported child abuse cases, and submit a final consolidated regional report (Annex "A") to the Office of the Undersecretary for Legal and Legislative Affairs and the Undersecretary for Regional Operations.

G. Failure to submit an incident report or to render a decision involving the case within the prescribed period, without justifiable cause, shall be a ground for administrative action for neglect of duty against the responsible official.

H. The Office of the Undersecretary for Legal and Legislative Affairs shall compile the regional reports and submit an annual report to the Secretary.

**Section 17. Jurisdiction.** Complaints of child abuse, violence, discrimination, exploitation, bullying and other acts of abuse under this Department Order shall be within the exclusive jurisdiction of the Department, and shall not be brought for amicable settlement before the Barangay, subject to existing laws, rules and regulations. Complaints for acts committed by persons not under the jurisdiction of the Disciplinary Authority of the Department shall be referred to the appropriate authorities.

**Section 18. Confidentiality.** In child abuse, violence, discrimination, exploitation, bullying or peer abuse and other acts of abuse by a pupil, student or learners, the identity or other information that may reasonably identify the pupil, student or learner, whether victim or offender, shall be withheld from the public to protect his or her privacy.

On the other hand, the Magna Carta for Public School Teachers protects the rights of teachers and no publicity shall be given to any disciplinary action against a teacher during the pendency of his or her case.

**Section 19. Criminal and Civil Liability.** Criminal and civil liability arising from child abuse, discrimination, exploitation, and other acts of abuse are separate and distinct, and shall not be a bar to the filing of an administrative case under these guidelines.

## **B. Private Schools**

**Section 20. Complaint against school personnel or official.** A complaint for child abuse, violence, exploitation or discrimination in a private school shall be filed with the School Head/Chief Executive Officer and shall be acted upon pursuant to the school's rules of procedures on administrative cases. The penalty shall be that which is provided by the rules of the school, subject to the requirements of due

process. The administrative case shall be without prejudice to any civil or criminal case that may be filed.

**Section 21.** The private school shall submit the report (Annex "A") to the Division Office after each school year.

## **VI. REFERRAL AND ASSESSMENT OF VICTIMS AND OFFENDERS AND OTHER CHILDREN**

**Section 22. Referral and Assessment.** In all cases involving child abuse, violence, exploitation, discrimination, bullying and other acts of abuse, the CPC shall accomplish the Intake Sheet (Annex "B"). The School Head may refer the victims and offenders in cases involving child abuse, exploitation, discrimination, bullying or peer abuse and other acts of abuse, to the LSWDO for assessment. The LSWDO shall determine the appropriate intervention.

The School Head, with the aid of the assigned Guidance Counselor/Teacher, and in coordination with the LSWDO, shall immediately remove the victim, or in appropriate cases the offender, from the place of the incident, if the victim is determined to be at risk. The child's family shall be informed of any action taken.

The School Head may also refer to the LSWDO other pupils, students or learners who are victims of abuse at home, children at risk, children in especially difficult circumstances, children with special needs or at risk, children facing difficult situations, or those who are exhibiting signs of aggressive behavior, with a view to obtaining professional assessment, appropriate interventions and assistance from competent service providers.

## **VII. MISCELLANEOUS PROVISIONS**

### **Section 23. Duties of Private Schools**

Private Schools shall be responsible for promulgating a school child protection policy, including a policy on bullying, a protocol for reporting and procedures for handling and management of cases, consistent with these policies and guidelines.

**Section 24. - Separability Clause**

Any part or provision of this Department Order which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

**Section 25. Repealing Clause**

All prior Department Orders or other issuances, or provisions thereof, which are inconsistent with this Department Order are hereby repealed, revised or modified accordingly.

**Section 26. - Effectivity**

This Department Order shall take effect immediately upon issuance.



**BR. ARMIN A. LUSTRO FSC**  
Secretary





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 CI/CL 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 CICL. 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 CICL 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 CICL to monitor the child's progress and development in line with the intervention or diversion plan prepared;
- G. Maintain case records of CAR and CICL (Appendices A, B, C and E) and submit annual consolidated data on cases of CAR and CICL 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 CICL (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 CICAL. 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 CICAL.

## **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. CICL Undergoing Diversion Program**

If a CICL 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 CICL 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 CICL in the process. Moreover, it is the duty of all concerned school personnel and all those who will come in contact with the CICL 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) <sup>1</sup>**

**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

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<sup>1</sup> 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



**Confidential**

**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



**REFERRAL FOR SERVICE**

<b>Instructions</b>	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:

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: \_\_\_\_\_  
 \_\_\_\_\_  
 Designation

Noted by: \_\_\_\_\_  
 \_\_\_\_\_  
 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)

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**For the parents of the student-offender:**

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

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

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

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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: \_\_\_\_\_

<b>A. Consolidated Report on Incidents of Children in Conflict with the Law (CICL)</b>						
<b>Learner's Reference Number (LRN)</b>	<b>Age</b>	<b>Sex (M/F)</b>	<b>Case / Violation</b>	<b>Action Taken</b>	<b>Intervention/Diversion Program</b>	<b>Remarks</b>

**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:

\_\_\_\_\_

Designation

Noted by:

\_\_\_\_\_

Principal/ Superintendent/ Regional Director