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Department of Social Welfare and Development

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Administrative Order No. 15
Series of 2009

Subject: **OMNIBUS GUIDELINES ON THE TRANSFER OF RESIDENTS IN DSWD/LGU/ PRIVATE SOCIAL WELFARE AGENCIES TO OTHER RESIDENTIAL CARE FACILITIES**

I. RATIONALE

The Philippine Government has mandated the Department of Social Welfare and Development (DSWD) to formulate and implement appropriate standards for the registration, licensing, and accreditation of individuals, and Social Welfare and Development Agencies (SWDAs) engaged in Social Welfare and Development (SWD) programs and services, and to ensure compliance with standards-specific to Social Welfare Agencies (SWAs) implementing twenty-four (24) hour residential care facilities. The license and accreditation certificates issued by the Department is an assurance that the SWAs have complied with the required standards and have the capacity to provide quality service to its target beneficiaries. However, in some cases there are residents of a particular residential care facility whose problems could be better served in other residential care facility thus, the need for the transfer of concerned residents from one residential care facility to another residential care facility.”

In a study on DSWD residential care facilities, Mr. Joseph Hoffman, a DSWD Consultant, recommended that, “Non-Government Organizations (NGOs) be considered as exclusive providers of residential care in selected areas of service and/or selected regions.”

To concretize such recommendation, the Department strengthened its partnership and collaboration with SWAs through the: 1) development of standards, 2) program interventions appropriate to the type of residents being served, and provision of technical assistance as well as 3) capability building, among others. Hence, transfer of DSWD residents to other SWAs was eventually realized.

On February 26, 2008, DSWD Secretary Esperanza I. Cabral signed Administrative Order No. 2, (AO 2) series of 2008 or the “Guidelines on the Transfer of DSWD Residents to other Social Welfare Agencies (SWAs).” Said Administrative Order clearly recognizes the potentials of SWAs in the delivery of quality residential care services. However, it is limited to the transfer the of DSWD residents to other SWAs, only.

During the 2nd Area-Based Standards Network (ABSNET) Consultation Dialogue on February 10-13, 2009, held at the Century Resort Hotel, Balibago, Angeles City, the participants in a discussion on AO 2, recommended the inclusion of “transfer of residents of a particular NGO to a DSWD-run residential facility,” into the said AO. Significantly, during the Orientation on AO 2 at DSWD Field Offices nationwide, held in May 2009, the participants in the said forum

recommended the inclusion into the guidelines the “transfer of residents of a NGO to another NGO.” In the said forum, the participants representing private-run residential care facilities shared that they experienced the practice of DSWD/LGU-run residential care facilities effecting transfer of their residents to said private SWA-run residential care facilities without appropriate documents. Hence, this guidelines affirms the value and relevance of incorporating the mechanisms on the transfer of residents of private residential care facilities to a DSWD/LGU-residential care facility or to a private residential care facility into the existing guidelines thereby, necessitating the revision of AO 2 into an Omnibus guidelines to operationalize the system of transfer of residents in DSWD/LGU/Private SWA to other residential care facilities.

These are the context upon which these guidelines are formulated which eventually redounds to the best interest and welfare of the residents, thereby, ensure protection of their rights and quality services.

II. LEGAL BASES AND MANDATE

- A. **Presidential Decree (PD) 603 otherwise known as, The Child and Youth Welfare Code** - recognizes that, in the event where the parents or guardian fail or are unable to provide the fundamental rights of children, such as, the children’s right to a wholesome family life that provides love, care and understanding, the said Code clearly stipulates that the child has the right to the care, assistance and protection of the State.
- B. **Local Government Code or Republic Act 7160** - transfers the responsibility for the delivery of basic services and related facilities to Local Governments; Mandating the LGUs to promote the establishment and operation of people’s organizations, NGOs, and the private sector to make them active partners in the pursuit of local autonomy.
- C. **Administrative Order No. 17, Series of 2008** - sets guidelines that aim to regulate the practice of Social Welfare and Development (SWDAs) both public and private in the country that engage in social welfare and development activities through registration, licensing and accreditation.
- D. **Memorandum Circular No. 22 Series of 2004 “Policy Paper on De-Institutionalization of Children”** - emphasizes alternative family care as one of the significant interventions through adoption, foster care, legal guardianship or residential care although the latter is considered as the last resort, when no other options are available. The policy also stressed on the detrimental effects of institutionalization to the emotional, psychosocial, mental and physical development of children.
- E. **A.O 11, series of 2007 “Revised Standards on Residential Care Service”** – states that “the Department set standards and provides consultative services to enable institutions, organizations and persons engaged in social welfare activities in both public and private settings to comply with said standards and monitor compliance”.

III. COVERAGE

These guidelines shall apply to all residential care facilities providing 24-hour residential care services by DSWD, LGU or licensed and/or accredited private SWAs.

IV. OBJECTIVES

These guidelines intend to:

1. Protect the welfare and best interest of the residents in DSWD, LGU or private residential care facilities.
2. Establish an efficient system in effecting the transfer of a resident from a DSWD, LGU or private SWA to another residential care facility.
3. Delineate the roles and responsibilities of involved agencies, bureaus, units and offices specifically on the financial and legal aspects to ensure the delivery of quality service to the residents from one residential care facility to another.

V. DEFINITION OF TERMS

1. Residential Care Facility - refers to a center or institution that provides residential care service to the poor, vulnerable and disadvantaged individuals or families in crisis providing appropriate intervention geared towards the healing, recovery and reintegration of residents to the family/community.
2. Residential Care Service - refers to the set of activities where group care is provided by private or governmental operated agencies registered, licensed, or accredited by the Department under the guidance of a trained staff and within a structured therapeutic environment with the objective of reintegrating him/her with the family or community or in the cases of children by direct or indirect solicitation and/or fund drives and/or endowment.
3. Private Social Welfare Agency - refers to a registered, licensed and/or accredited residential care facility run by a Non-Government Organization (NGO).
4. Public Social Welfare Agency - refers to an accredited residential care facility run by the DSWD and LGU.
5. Social Work Agency (SWA) - refers to a type of SWDA which employs social worker/s and/or community development workers/s and other paraprofessionals who directly provide remedial, rehabilitative, preventive and developmental programs and services to individuals, families, groups and/or communities. This includes DSWD/LGU and private SWA residential care facilities.

6. Social Welfare and Development Agency (SWDA) - refers to a person, corporation or organization, engaged in providing directly or indirectly social welfare services and obtains its finances either totally or in part, from any agency or instrumentality of the government and/or from the community by direct or indirect solicitations and/or fund drives and/or endowment.
7. Transfer of Resident - refers to the physical turn-over of custody, care and case management of resident/s from licensed and/or accredited SWAs for the purpose of providing continuing social work interventions. Such transfer could either be free of charge or through purchase of service.
8. Receiving SWA - refers to a licensed and accredited SWA, private and government operated who shall take over the physical custody and care of residents transferred by DSWD, LGU and/or SWA for continued case management.
9. Referring SWA - refers to a licensed and/or accredited SWA, private or government operated who shall refer a resident to another SWA either private or government operated.

VI. GENERAL POLICIES

1. All efforts for the reconciliation/reintegration of the resident/s to his/her/their family must be exhausted by the DSWD/LGU/private SWA residential care facilities before the transfer of a resident to any similar SWA is considered. The best interest and welfare of the resident should always be the primary consideration in any action and/or decision.
2. Residents shall only be transferred by DSWD/LGU/private SWA to an equally licensed and/or accredited DSWD/LGU/SWA residential care facility.
3. Priority criteria in the selection of a DSWD/LGU/private SWA residential care facility where resident shall be transferred is the willingness and the capacity of the receiving SWA to admit the resident/s.
4. Location of the DSWD/LGU/private SWA residential care facility should also be considered in the selection. It should be near the place of the resident's family or community for easy access and reintegration purposes.
5. The Field Office (FO) shall maintain an updated roster of DSWD/LGU/private SWA residential care facilities duly licensed and accredited to facilitate the immediate identification of the most appropriate DSWD/LGU/private SWA residential care facilities where residents shall be transferred.
6. Parent/s and child/ren and sibling groups should not be separated.
7. For transfer of clients needing purchase of service, there should be a Memorandum of Agreement (MOA) particularly between the referring

party (DSWD/LGU/private SWA residential care facility) and the receiving party (DSWD/LGU/private SWA residential care facility), stipulating the agreements on the roles and responsibilities of both the referring party and the receiving party relative to case management and other concerns related to the transfer. This may include agreement/s on financial aspects or other forms of subsidies in compliance with existing relevant laws/policies.

VII. CIRCUMSTANCES THAT WARRANT THE TRANSFER OF A RESIDENT TO ANOTHER FACILITY

1. Abuse and Exploitation and/or neglect of residents;
2. Closure/Termination of agency operation due to insolvency; and
3. Agency License to Operate is under suspension or revoked.

VIII. PROCEDURES

The following procedures shall govern the transfer of DSWD/LGU/Private SWA residents to other SWAs:

1. DSWD-run residential care facility to a private Social Welfare Agency (SWA); or to a LGU residential care facility;
2. LGU residential care facility to a private SWA residential care facility, or to a DSWD residential care facility; or
3. Private SWA residential care facility to either a DSWD residential care facility, LGU residential care facility, or to another private SWA residential care facility.

1. PRE-TRANSFER

- a. Identify the most appropriate SWA residential care facility from the roster of DSWD/LGU/private SWA residential care facilities duly licensed and accredited that shall respond to the needs/problems of the resident;
- b. Send referral letter and summary of the case to the identified SWA residential care facility;
- c. Conduct pre-admission conference with the identified SWA residential care facility to discuss, but not limited to, the following:
 - c.1 Case of the resident/s (nature of the case, family background, physical, medical and psychological needs and problems);
 - c.2 Diagnosis and Intervention plan;
 - c.3 Programs and services of the receiving SWA residential care facility. If after the pre-admission conference, the receiving party does not respond to the needs of the resident, the social worker

shall explore another agency that could appropriately address the needs of the resident;

- c.4 Documentary requirements;
 - c.5 Subsidy and monetary or human resource;
 - c.6 Memorandum of Agreement (MOA) Signing.
- d. Prepare the resident emotionally, socially, spiritually and physically in his/her/their eventual transfer to another registered, licensed and accredited residential facility at least one month before the actual transfer;
 - e. Review and prepare individual folder of residents to ensure that all documents are present and updated for proper turn over, properly receipted and ensure file is kept in secured cabinets;

2. ACTUAL TRANSFER

- a. Actual transfer of resident/s and turn-over of documents to include the following:
 - 1. Duly accomplished General Intake Form
 - 2. Medical certificate/clearance
 - 3. Updated Social Case Study Report
 - 4. Transfer summary report with recommended psychosocial intervention/ treatment plan
 - 5. Legal documents depending on the case of the resident, such as, foundling/birth certificate, certification that the child is legally available for adoption, barangay/police clearance, medical reports and other pertinent documents, to include: Court Order or Resolutions as part of legal documents related to the case
 - 6. For transfer needing purchase of service the following should be considered:
 - a. Approved project proposal as basis for the purchase of service. The funds needed shall be taken from the approved work and financial plan of the concerned SWA residential care facility. Agreements on financial matters or other forms of subsidies shall be in compliance with the existing relevant laws/policies
 - b. Computation on the cost of care to be purchased shall be based on Administrative Order No. 22 series of 2005
 - c. The end user/concerned center staff or its representative shall be invited to attend the pre-procurement conference to further clarify the requirements/specifications in the purchase of such service.

3. Monitoring and Provision of Technical Assistance

A regular monitoring of residents transferred to other SWAs shall be conducted by the concerned DSWD-FO as basis for provision of technical assistance.

IX. INSTITUTIONAL ARRANGEMENTS

1. Standards Bureau (SB)

- a. Provide technical assistance to the concerned DSWD – FO in the implementation of the Administrative Order on the transfer of resident/s to SWAs.
- b. Ensure dissemination of the guidelines in the transfer of residents.

2. Program Management Bureau (PMB)

- a. Provide technical assistance to the Field Office on case management;
- b. Extend resource augmentation in case the resident/s is/are still in the custody of the FO until such time that an appropriate SWA shall have been identified.

3. DSWD Field Office

- a. Conduct regular monitoring every quarter on the case of transferred residents until the case or contract has been accomplished or terminated, afterwhich, a closing summary report must be prepared;
- b. Provide technical assistance to referring SWA: DSWD/LGU/private SWA residential staff and the receiving SWA, by the centers/institutions unit at the FO;
- c. Monitor the process of transfer and follow-up of residents transferred to a receiving SWA; and
- d. Submit feedback report to Program and Management Bureau (PMB) and Standards Bureau (SB) on resident/s transferred to other SWAs;

4. Referring DSWD/LGU/private SWA Residential Care Facility

- a. Conduct regular case conference to determine status, progress and interventions that redound to the best welfare and interest of concerned resident;
- b. Conduct of quarterly case inventory/case review on all remaining cases;

- c. Coordinate the transfer of residents to other SWAs with similar programs and services and ensure completion of required documents prior to said transfer;
- d. Coordinate with concerned Local Social Welfare and Development Office and other SWAs for other services that may be needed by the resident/s and his/her family;
- e. Facilitate actual transfer of the resident to other SWA or return of resident to his/her family or relatives

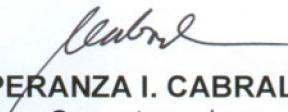
5. Receiving Social Work Agency

- a. Submit a documentation/accomplishment report on a quarterly basis to the referring DSWD Center/Institution on the healing and recovery and re-integration of the residents with his/her family/relatives or foster care family copy furnished concerned FO for monitoring purpose; (See Annex A for the template)
- b. Exhaust all possible means/resources for the healing and recovery and reintegration to family/community of the transferred resident/s
- c. Maintain compliance to standards set by the DSWD in the management of residents and residential care facility.

I. EFFECTIVITY

This Administrative Order shall take effect immediately and supersedes other DSWD guidelines and issuance inconsistent thereto. Let copies of this Administrative Order be given to all DSWD Field Offices, Local Government Units, Social Work Agencies and other concerned government agencies.

Issued this 8th of Dec, 2009 at Quezon City, Philippines.


ESPERANZA I. CABRAL
Secretary 