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**PROFIL D’ÉTAT POUR L’ADOPTION INTERNATIONALE**

**ÉTAT D’ORIGINE**

*établi par le Bureau Permanent*

\* \* \*

**COUNTRY PROFILE FOR INTERCOUNTRY ADOPTION**

**STATE OF ORIGIN**

*drawn up by the Permanent Bureau*

*Document préliminaire No 3 A de mars 2010 à l’intention de la*

*Commission spéciale de juin 2010 sur le fonctionnement pratique de la*

# Convention de La Haye du 29 mai 1993 sur la protection des enfants et

*la coopération en matière d'adoption internationale*

*Preliminary Document No 3 A of March 2010 for the attention of the*

*Special Commission of June 2010 on the practical operation of the*

*Hague Convention of 29 May 1993 on Protection of Children and*

*Co-operation in Respect of Intercountry Adoption*

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**COUNTRY PROFILE FOR INTERCOUNTRY ADOPTION**

**STATE OF ORIGIN**

*drawn up by the Permanent Bureau*

Republic of the Philippines

**STATE OF ORIGIN**

COUNTRY PROFILE

FOR INTERCOUNTRY ADOPTION

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| LAST UPDATED: | April 30. 2010 |

The***Hague Convention of 29 May 1993 on Protection of Children and Co‑operation in Respect of Intercountry Adoption****:*

Date of ratification or accession:January 8, 1996

Objections to accession made by:NA

Date of entry into force:July 2, 1996

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| --- | --- |
| Contact information of Central Authority: |  |
| Name of office:  | INTERCOUNTRY ADOPTION BOARD |
| Address: | 2 CHICAGO CORNER ERMIN GARCIA STS., CUBAO QUEZON CITY 1109 |
| Telephone: | 63 2 7219781; 63 2 7264568; 63 2 7219782; 63 2 7264551  |
| Fax: | 63 2 7256664  |
| E-mail: | adoption@icab.gov.ph |
| Website: | www.icab.gov.ph |
| Contact Person(s):  | Bernadette Bargas-Abejo |

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| If your State has appointed more than one Central Authority, please provide contact information for each of these Central Authorities:  |
| NA |

1. Role of authorities and bodies in adoption
	1. Central Authority

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| Describe briefly the functions of the Central Authority(ies) (*e.g.,* see Arts 6-9; and Arts 14-21 if accredited bodies are not used). |
| Policy making body and competent authority for carrying out the provisions of Republic Act 8043 or the Inter-country Adoption Law and the provisions of the Hague Convention of 1993 on the Protection of Children and Cooperation in respect of Intercountry Adoption |

* 1. Public authorities and competent authorities

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| Describe briefly the role of any public authorities and competent authorities including courts (*e.g.,* see Arts 4, 5, 9 and 22). |
| 1. The Department of Social Welfare and Development -- is the public authority tasked to match children for local adoptions, determine and certify that a child has undergone the process of exhaustion of local solutions and issue a certification that the child is available for international adoption. 2. The Regional Trial Courts -- local laws allow the adoption of Filipino children by former Filipino citizens and foreigners after compliance with a three (3) year continuous residency requirement (waived in cases of relative adoptions within the 4th civil degree). With proof of legal capacity to adopt in his/her home country. Courts have recently been appraised of the Hague requirement of PAP's pre-approval to adopt from their own country. |

* 1. Bodies / Persons involved in the adoption process

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| a) Under Article 13 (national accredited bodies): If your State has accredited its own adoption bodies, please indicate the number and describe their role. |
|  Only child caring and placing agencies CCAs/CPAs accredited by the Department of Social welfare and Development with personnel and facilities to undertake comprehensive child welfare program can participate in the inter-country adoption. CCAs/CPAs are required to apply for accreditation with the DSWD within one year from the date of the issuance of a license to operate. Only non-profit licensed and accredited child caring or child placing agencies are accredited and authorized by the ICAB to serve as liaison of a foreign adoption agencies. Liaison Service Agencies assist the ICAB in facilitating, delivering and executing services necessary for pre-adoption placements and rendering post legal adoption services. To date, ICAB has accredited six (6) Child Caring/Child Placing Agencies as Liaison Service Agencies to 17 ICAB accredited foreign adoption agencies (FAAs). The accreditation of CCAs/CPAs as Liaison Service Agency is valid for three (3) years unless revoked by the Board.  |
| b) Under Article 12 (authorised foreign accredited bodies): 1. If your State has authorised any foreign accredited bodies to work with, or work in, your State please indicate the number and describe their role.
 |
|  The ICAB authorizes accredited foreign adoption agencies in the receiving country which should be able to provide screening, training and preparation of PAP's and other social services to ensure a smooth transition of the child into the new family.  Accreditation may be granted by the Board to a foreign adoption agencies coming from a non-Hague State.   To date, the ICAB has the following accredited/authorized adoption agencies: Geographical Location FAA CA TOTAL Europe 22 26 48 Asia Pacific 2 11 13 USA 28 1 29 Canada 3 14 17 TOTAL 55 52 107 |
| 1. Is the Permanent Bureau informed of the names and contact details of the foreign accredited bodies authorised to work with, or work in, your State?
 |
|  Through the icab webpage. The ICAB constantly updates its webpage which lists all authorized Foreign Adoption Agencies.  |
| 1. Under Article 22(2) (approved (non-accredited) persons):

Please indicate if your State permits the activity of approved (non-accredited) persons or whether your State has made a declaration against the involvement in your intercountry adoptions of such persons (as mentioned in Art. 22(4)). |
|  NA |

* 1. Accreditation and authorisation

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| Did your State complete the Questionnaire of 2009 on accredited bodies? If so, the Permanent Bureau will provide the link to your response on its website.  |
| Yes. |

**1.4.1 Accreditation (Arts 10-11)[[1]](#footnote-1)**

If your State has accredited its own adoption bodies:

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| a) Are they involved with national adoptions or intercountry adoptions or both? |
|  Only national adoptions. |
| b) What is the name of the authority / body responsible for accreditation of national adoption bodies? |
|  Department of Social Welfare and Development. |
| c) Describe briefly the process of granting accreditation to national bodies and the most important accreditation criteria. Provide a link to more detailed information. |
|  www.dswd.gov .ph |

**1.4.2 Authorisation (Art. 12)[[2]](#footnote-2)**

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| a) Provide details of the authority / body responsible for authorisation of foreign accredited bodies to work with, or work in, your State. |
|  ICAB is the sole authority responsible to authorize foreign accredited bodies to work with it in the receiving country.  |
| b) Does your State use any special criteria or conditions to decide on a request for authorisation? Please provide a copy of the criteria or a link to more detailed information |
|  Please see attached Annex "A" Minimum Standards for Accreditation of Foreign Adoption Agencies  ICAB apply two important criteria: (1) that these agencies have demonstrated professionalism, competence and have consistently pursued non-profit objective to engage in the placement of Filipino children in their own country; and (2) that such foreign adotpion agencies are duly authorized and accredited by their own government to conduct inter-country adoption. |
| c) If your State does not use special criteria to make a decision, on what basis are decisions of authorisation made? |
|  NA |
| d) Describe briefly the process of authorisation of foreign accredited bodies.  |
|  Submission of documentary requirements; table review; authorization visit |
| e) Describe the tasks entrusted to the foreign accredited bodies. |
|  Transmittal of state approved dossier's of families; assessment, evaluation and preparation of prospective adoptive families; special home recruitment  |
| f) Is it mandatory for the foreign accredited bodies to have a “representative”? What functions does that person perform? |
|  NA |

1. Children proposed for adoption

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| a) In your State, what is the average profile of the child in need of intercountry adoption (*e.g.,* age, sex, state of health)? |
|  infants until 15 years of age; boys and girls; regular children and special needs children |
| b) If your State places any limits on the number of Prospective Adoptive Parents files accepted from receiving States, on what basis are those limits decided? |
|  Limits based on volume of applications for a specific age group of children or "selective moratorium" and "conditional moratorium". |

* 1. Adoptability of a child (Art. 4 *a)*)

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| --- |
| a) Which authority is responsible for establishing that a child is adoptable? |
|  Department of Social Wefare and Development (DSWD) |
| b) What are the conditions or criteria to establish that a child is adoptable? |
|  1. Documentary proof of being an (a) orphan; (b) foundling; (c) surrendered; (d) neglected child 2. Subject of a Certificate of Availability for Adoption (new law) administrative determination by the DSWD  3. Clearance as having passed through regional and inter-regional matching without success of a match and no other local remedies are available except institutionalization.  There are two (2) types of eligibility that should be met by the child namely, social and legal. The DSWD has to establish that the child has  1. social eligibility - refers to the inability of the child’s birth parents/family to provide the parenting needs required for full growth and development.  2. legal eligibility - refers to the status of the child who is free for adoption, that is the child is voluntarily committed (birth parents knowingly and willingly relinquished parental authority to the Department of Social Welfare and Development) or involuntarily committed (one whose birthparents, known or unknown, has been permanently, administratively or judicially deprived of parental authority due to abandonment, substantial, continuous or repeated neglect, abuse or incompetence to discharge parental responsibilities). Voluntarily committed childrens physical transfer must not be made earlier than three (3) months from the execution of the Deed of Voluntary Commitment by the child's bioloical parent/s or guardian. However, this prohibition against physical transfer does not apply to children being adopted by a relative or to children with special medical conditions. |
| c) Describe any procedures directed at establishing whether or not a child is adoptable, such as the search for the birth family and use of a central register of adoptable children. |
|  1. Declaration of Abandonment in the local courts - adversarial process requiring tri-media publication among others 2. Republic Act 9523 - requirement for the issuance of a certification that a child is legally available for adoption law allows DSWD to processes administrative declaration of abandonment; same documentary and publication requirements as required by the courts.The biological parents are always encouraged to maintain the custody of their own children with available psychosocial welfare services made available to them to offset any psycho-socio-economic impediments which are predisposing such parents to abuse/exploit and surrender their child/ren. Hence, before any child can be placed for adoption, the law requires the following steps to be taken:1) Counseling sessions with the biological parents or guardians to ensure that no hurried decisions are made and all alternatives/options for the child’s future and the implications of each alternative have been provided;2) Counseling sessions with the child to ensure he understands the nature and effects of adoption and is able to express his views on adoption in accordance to his age and level of maturity.If after being properly counseled and informed of the implications of adoption, the biological parents or guardians remains steadfast in their decision to give up or surrender the child for adoption, the written consent is required indicating that the biological parents or guardians voluntarily, irrevocably and unconditionally committed the child/ren for adoption (Deed of Voluntary Commitment or DVC). Existing laws in the Philippines e.g. P.D. 603, Family Code, RA 7610, Domestic Adoption Act of 1998 and the Inter-Country Adoption Law of 1995 have provisions that will ensure that no undue financial gain or material reward will be employed to effect relinquishment of (a) Filipino child/ren for the adoption. Any adoption emanating from a flawed consent is considered as an illegal adoption. In cases where the biological parents have abandoned the child/ren, the law requires that the child’s parents be located. Hence, all reasonable means must be exhausted to locate them i.e. announcement on radio and television, publication in a newspaper with the photo of the child and notices in the locality or residence of the child to inform the public. If such efforts fail, the Child Caring Agency who has custody of the abandoned child shall file a petition for the child to be declared legally avaialble for adoption by the DSWD. If the child has no known facts of birth, such child shall be issued a Foundling Certificate by the Local Civil Registrar.  |

* 1. Best interests and subsidiarity principles (Art. 4 *b)*)

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| Which authority determines, after considering the subsidiarity principle, that an intercountry adoption is in the child’s best interests? How is that decision reached (*e.g.,* by using certain legal criteria) and at what stage of the procedure?  |
| DSWD issues the "Clearance for Inter-Country Adoption" - timeline for the issuance of a certificate is 20 days from submission of complete requirements and documentation); only issued after process stated in 2.1 B  |

* 1. Counselling and consent (Art. 4 *c)* and *d)*)

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| a) Describe the procedure for counselling and informing the birth mother / family about the consequences of the adoption and obtaining their consent. |
|  Biological parent/s are counseled regarding (1) their options to keep the child and avail of services and assistance; (2) avail of temporary child care arrangements such as foster care; or (3) relinquish the child for adoption. Counseling is provided in the language and manner understandable to the biological parent/s or legal guardian on the implicationsof relinquishing his/her parental authority over the child focusing on (1) the loss of parental rights over the child and as a rule, not having further contact with the child; (2) the improtance of providing relevant information on the child, their own medical history and family background; (3) the possibility that the child may be placed for adoption within the Philippines or in a foreign country; (4) the possibility that in the future, there may be communication with the child at their or the child's initiative and (5) the right to reconsider his/her decision to relinquish his/her child within six (6) months from signign the Deed of Voluntary COmmitment (DVC) sbject to the assessment by the DSWD. |
| b) Describe the circumstances in which the child’s consent to the adoption is required. |
|  Philippine law provides that where the child is ten years old or older, his or her consent is required for the adoption. |

* 1. Children with special needs

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| --- |
| a) Describe what is meant by “children with special needs” in your State. |
|  Special needs may mean: Children who are difficult to place in view of some physical, psychological and/or social limitations including but not limited to being an older child, belonging to a sibling group or those who may be under analogous circumstance (Definition of Terms RA 8043 Amended IRR) |
| b) What, if any, procedures do you have to expedite the adoption of children with special needs? |
|  Special home recruitment -- partner foreign adoption agencies actively recruit families to adopt the specific child.Another strategy used by the ICAB since 2004 is the Hosting Program where children with special needs:  \* children between 7-15 years old;  \*legally free for adoption,  \*cleared for inter-country adoption (ICA),  \*part of the roster of children designated as Special Needs Children for Special Home Finding (SNC-SHF);  \*physically and psychologically fit and healthy;  \*residents of RSCC, in licensed foster home/s or licensed/accredited Child Caring Agency/Child Placing Agency;  \*able to express/communicate his/her basic needs using basic English language and  \*consents to participate in the program)  experience living and being cared for by a foreign foster family by spending a month's "vacation" in the United States. This program has proved sucessful in finding homes for older institutionalized Filipino children. The Prospective Adoptee and PAPs meet and experience living together without any expectation of adoption. It offers an opportunity for institutionalized older children to feel and perceive life in a family setting and heightens the awareness of the US community on the need for permanent homes for these older children.  |

* 1. Preparation of the child

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| a) If there is a procedure for the preparation of the child for the adoption, please provide details. |
|  Prior to adoption placement and once the child is certified to be available for adoption by the DSWD, CCA social workers and caregivers begin the preparation of the child/ren for adoption. The preparation is consistent with the child's age, understanding and emotional maturity. Older children are helped to process and resolve their feelings/issues of guilt, grief, loss, rejection, abandonment and fear so that they can be free to develop a new relationship and facilitate the bonding and attachment with the adoptive family. The child is shown photographs of the family he or she is to join and the child is prepared for the possible changes in environment and lifestyle, an introduction into the country or area where the child will live is presented. The level of preparation is dependent on the age of the child. |
| b) At what stage(s) is the preparation done? Who does it? |
|  Preparation is a continuous process: 1) done by the CCA social worker and caregivers once the child is legally made available for adoption (prior to matching); 2) upon approval of the match and 3) acceptance by PAP's of the match. Usually done by the social worker and the care giver of the child caring agency |

1. Prospective Adoptive Parents (PAPs)
	1. Eligibility criteria for foreign PAPs
2. Profile of PAPs

|  |  |  |
| --- | --- | --- |
| Married couples | Yes  | at least 3 years married; 1 year of marriage is considered where there is proof of continuous cohabitation for at least 3 years. |
| Unmarried couples or registered partnership | No | If yes, are any conditions imposed (*e.g.*, length of the relationship)? |
| Single person | Woman | Yes | none |
|  | Man | Yes | none |
| Same sex couples | No | If yes, are any conditions imposed? |

b) Age requirements

|  |  |  |
| --- | --- | --- |
| Minimum age | Yes | 27 years |
| Maximum age | Yes | 45 years |
| Difference (in years) required between the PAPs and the child: | Yes  | minimum of 16 years and maximum of 45 years |

c) Other criteria

|  |  |  |
| --- | --- | --- |
| Couples with children (biological or adopted) | Yes | age and sex of biological children taken into consideration in matching process |
| Infertility certificate | No |
| Other | Yes  |
| - membership in a community based religion |

* 1. Preparation and counselling of PAPs

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| --- |
| Does your State require that PAPs in the receiving State have preparation and / or counselling about intercountry adoption? |
| Yes |

1. Documents required to submit an application to adopt

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| --- |
| a) To which authority / body is the PAPs adoption file submitted? |
|  To the ICAB through a duly authorized and accredited foreign adoption agency or central authority of the receiving country who shall directly endorse the dossier to ICAB |

1. Please indicate whether the following documents are required:

[x]  An application form for adoption completed by the PAPs

[x]  A statement of “approval to adopt” issued by a competent authority

[x]  Report on the PAPs including the “Home study” and other personal evaluations (Art. 15)

[x]  Copies of passports of PAPs or other personal identification documents

[x]  Copies of birth certificates of PAPs and of other children residing with them

[x]  A copy of the marriage certificate (if married couple), divorce certificate (if either or both of the PAPs is divorced) or death certificate of the spouse (if one of the PAPs is widowed)

[x]  Health certificates

[x]  Evidence of the financial circumstances of the family

[x]  Employment certificate

[x]  Proof of no criminal record

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| Please specify any other documents that are required: |
| PAPs are required to submit1. Physical and medical evaluation by a duly licensed physician and not merely a Health Certificate2. Psychological Evaluation by a psychologist with required tests3. Written Consent to adoption in the form of a sworn statement by the biological and/or adopted child/ren of the applicants who are ten (10) years of age or over4. Character Reference from (a) local church/minister; (b) applicants employer and (c) a member of the immediate community who have known the applicant/s for at least five (5) years5. Guardianship Acceptance Letter6. Recent postcard-sized pictures of the applicants and his immediate family and their home. |

c) If applicants apply through an accredited body, are the following documents required?

[ ]  Power of attorney issued by the family to the accredited body (*e.g.*, a contract signed by an accredited body and the PAPs)

[x]  A document issued by a competent authority of the receiving State and certifying that the accredited body may engage in intercountry adoption

* 1. Language(s) in which the documents must be submitted

|  |
| --- |
| Please specify.  |
| English |

* 1. Legalisation / Authentication

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| --- |
| a) Which documents need to be legalised? |
|  Documents translated into English must be authenticated and apostilled. |
| b) Is your State a party to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Hague Apostille Convention)? |
|  No |

1. The adoption procedure

**5.1 Report on the child (Art. 16(1) *a)*)**

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| a) Who prepares it? |
|  Licensed social workers from the Philippine Department of Social Welfare Development Field Offices or Reception and Study Center for Children or any registered/licensed and accredited non-governmental Child Caring/Child Placing Agencies. |
| b) What information is or should be included? |
|  The child's legal status, placement history, psychological, social, spiritual, medical, ethno-cultural background and that of his/her biological family and other information which will be necessary to determine the most appropriate placement. Such Child Study Report (CSR) shall include the assessment and recommendations of the social worker as to the alternative child custody and care appropriate for the child.   A progress/updated report is required if the CSR had been prepared more than six (6) months prior to matching.  |
| c) What documents does it contain? |
|  1. Child Study Report2. Certified True Copy or Security Paper Birth/Foundling Certificate from the National Statistics Office3. Notarized Deed of Voluntary Commitment4. DSWD Certificate of Child Legally Free for Adoption5. Health and Medical Evaluation Report6. Psychological Evaluation Report of children 5 years old and over7. Marriage or Certificate of Non-Marriage or Death Certificate of parent/s as appropriate8. Child's own written consent to adoption if he/she is 10 years old and above witnessed by the social worker9. Most recent whole body size picture taken within six (6) months upon submission of documents.10. DSWD Clearance for Inter-Regional Matching11. DSWD Clearance for Inter-country Adoption |
| 1. Is there a standard form used by your State for the report?
 |
|  Yes |
| 1. Does your State use the “Model Form – Medical Report on the Child” and the “[Supplement to the general medical report on the child”](http://www.hcch.net/../upload/ado_suppl_med_rpt.pdf) (see Guide to Good Practice No 1 – Annex 7, available on Hague Conference website)?
 |
|  No |
| 1. After the matching is accepted, do the PAPs receive regular information about the child and his / her development during the adoption procedure? If yes, who is responsible for providing the information?
 |
|  The DSWD or the NGO Child Caring Agency who has custody of the child is required to provide the ICAB with updated/progress reports on the child while awaiting the issuance of the entry visa of the child and the official entrustment of the child to the Prospective Adoptive Parents. |

**5.2 PAPs report (Art. 15(2))**

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| a) For how long is the report valid in your State? |
|  One year. |
| b) Who receives the PAPs request (including “home study”, report and other documents)? |
|  ICAB. |

**5.3 Matching of the child and the PAPs (Art. 16(1) *d)* and (2))**

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| a) Who is responsible for the matching of the child and the PAPs? |
|  3 tier matching process-- 1. ICAB Social workers present to the social workers of the child caring agency five to ten families from which to choose from (chosen based on the child specific needs and the PAP's checklist of what is acceptable and not acceptable)2. ICAB Inter country placement committee (multidiciplinary body composed of doctors, lawyers, psychologists, social workers and ngo representatives) vets through 2 presented families for a child and endorses 1st and 2nd priority to ICA Board3. ICA Board (also a multidiplinary group) makes final match.  |
| b) Is preference given to PAPs who have a close connection with your State (*e.g.*, citizens who have migrated to a receiving State)? |
|  Yes. To ensure the preservation of cultural ties former Filipino applicants or those with Filipino heritage have a six (6) month advantage over regular foreign applicants. |
| c) Who notifies the receiving State of the matching? |
|  The ICAB Secretariat officially endorses to the concerned Central Authority or accredited Foreign Adoption Agency which submitted the family’s application the following along with the documents of the child/ren (CSR, medical/health records and recent photograph of the child/ren): a) Placement Proposal – the document which cites excerpts from the provisions of the Philippine Inter-country Adoption Law of 1995 and The Hague Convention on the Protection of Children and Co-operation with Respect to Intercountry Adoption entrusting the minor child identified in the matching proposal to the approved priority PAPs for the purposes of adoption. This form is signed by the Executive Director in behalf of the Board.b) Placement Proposal Letter - a letter proposing the placement of a child/ren to the Board approved family coursed through the concerned Central Authority or accredited Foreign Adoption Agency which endorsed the family’s application.  |

**5.4 Acceptance of the match (Arts 17 *a)* and *b)*)**

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| a) How much time is allowed for the PAPs to decide to accept the match? |
|  PAP's are given 15 days to accept, non-acceptance will allow ICAB to endorse the child's file to the second priority family. |
| b) Does your State require the matching to be approved by the Central Authority of the receiving State and on what conditions? |
|  No. Prior to acceptance of an application, it is necessary that the Central Authority of the receiving state should specify limitations of the PAP's as to the kind of child that may be matched with them (ie age, medical condition, number of children) |

**5.5 Agreement under Article 17 *c)***

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| a) Which is the competent authority / body that agrees whether the adoption may proceed? |
|  The ICAB and the Central Authority of the Receiving Country must agree that the adoption can/may proceed. |
| b) When is this agreement given? For example, when the referral is sent? When the PAPs notify their acceptance? |
|  A preliminary document entitled "Placement Authority" is issued to the PAP's upon acceptance of a match. "Consent to Adoption" is given after satisfaction of the requirements of positive 3 post placement reports given over a period of six (6) months while the child is in the temporary custody of the PAP's.  |

**5.6 Travel of the PAPs**

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| a) What, if any, requirements are imposed on the travel of PAPs to your State? If there are no restrictions, how does your State ensure that the prohibition on contact in Article 29 is respected? |
|  PAP's are sent a draft itinerary of travel when documents of the child are ready for visa issuance. Only then are PAP's allowed to come to have contact with the child. No contact shall l take place before the matching proposal of the ICPC has been approved by the Board. The prohibition does not apply to adoption of a relative child or among the children participants of the Hosting Program. |
| b) Is it mandatory for one or both the PAPs to travel in person to your State to complete the adoption? |
|  Yes. The PAPs must personally secure their child from the Philippines not later than twenty (20) working days after notice of issuance of the entry visa of the child to travel to the country of residence of the PAPs. The applicant shall stay in the country of the child for at least five (5) days to allow bonding to occur between and among them. The failure of the applicant/s to secure the child within said period may result in the cancellation of the Placement Authority. Exceptions are allowed for extraordinary situations. |
| c) In what circumstances does your State permit an escort to be used to take the child to the adoptive parents in the receiving State? |
|  None. |
| d) When PAPs have to travel to your State, please specify: |
| * + - 1. Number of trips required to complete the adoption procedure:
 |
|  One. |
| * + - 1. How long they should stay for each trip?
 |
|  Minimum of five (5) days, extendible at the pleasure of the PAP's. |
| * + - 1. At what stage(s) in the adoption process?
 |
|  To secure their child into their custody. |
| * + - 1. Other conditions:
 |
|  NA |

**5.7 Entrustment of child to PAPs (Art. 17) and adoption** **decree / order**

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| --- |
| 1. Please describe the procedure, if any, to prepare the child for the first meeting with the adoptive parents?
 |
|  Social workers and caretakers/officials of the Child Caring Agency are provided, upon acceptance by PAPs of the child proposal, with the "Welcome Album" which is a light weight album with labeled snapshots of the PAPs, their children, their home, pets, extended family, neighborhood, etc. and used to orient and familiarize the child of his/her adoptive parents/family. This is to help the child become part of the PAPs and family. The familiarization process which takes place prior to the arrival of the PAPs facilitates in the first meeting of the PAPs and the child.  Some Child Caring Agencies prefer that the PAPs plan to spend several days in the center to "get to know" the child in a familiar environment as well as relate with the social workers/caretakers which will be a big help in the time of transition. |
| 1. After the procedures in Article 17 are completed, what are the arrangements for the physical entrustment of the child to the PAPs?
 |
|  After the issuance of the Placement Authority and the passport of the child/ren, the ICAB Social Worker facilitates the visa application and issuance procedures depending on the country of entry. |
| 1. Is the adoption order / decree made in your State or in the receiving State?
 |
|  In the receiving state after submission of three (3) positive postplacement reports.  |
| 1. If made in your State, for how long is the child placed in the care of the PAPs before the final adoption order / decree is made? Is it permanent or temporary care, full-time or part time care?
 |
|  NA |
| 1. If made in the receiving State, what procedures does your State require for the entrustment of the child and the completion of the adoption?
 |
|  Trial custody begins upon the physical transfer of the child to the care and custody of the PAPs who is to exercise substitute parental authority.   The legal custody of the children remain with the Department of Social Welfare and Development until the completion of the legal adoption, thus the Central Authority or the ICAB accredited foreign adoption agency is tasked to monitor and supervise the placement of the child.  During the six months trial custody which starts upon physical transfer of the child/ren to the country of residence of the adoptive parents, the Central Authority or the ICAB accredited foreign adoption agency is responsible for furnishing the Board with three bi-monthly post placement reports which should focus on the positive and negative elements of the adjustment process of both the child in his new environment and the adoptive family in their new role as adoptive parents. During the trial custody period, the Central Authority and/or the FAA shall immediately notify the Philippine Adoption Authority / Adoption Bureau (Board) if any serious ailment, injury or abuse is suffered by the child/ren or adoptive parent(s) as the case may be.  |

**5.8 Transfer of child to receiving State (Arts 5 *c)* and 18)**

|  |
| --- |
| Are there any procedures in your State concerning the transfer of the child? |
| All required requirements/procedures of the receiving state should be met prior to the beginning of the trial custody. |

**5.9 Certificate under Article 23**

|  |
| --- |
| a) What is the competent authority for issuing the certificate under Article 23 in cases where the adoption order / decree is issued in your State? |
|  ICAB |
| b) Have the details of the competent authority been sent to the Convention’s depositary[[3]](#footnote-3) (as required by Art. 23(2)) or to the Permanent Bureau? |
|  Yes |
| c) Does your State use the “Recommended model form – Certificate of conformity of intercountry adoption” (see Guide to Good Practice No 1 – Annex 7, available on the Hague Conference website)? |
|  Yes. |
| d) Describe the procedure for issuing the certificate. For example, is a copy given automatically to the PAPs? Is a copy sent to the Central Authority of the receiving State? How long does it take to issue the certificate? |
|  Certification given to the PAP's through the authorized foreign adoption agency or the Central Authority and the Embassy of the receiving state. Upon tender of processing fees.  |

**5.10 Duration of adoption procedure**

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| Indicate the average time taken for the different stages of the procedure, beginning with the decision that the child is adoptable. |
| Time will depend on the receiving countries process of visa issuance. This varies from 2 weeks to six months or more. |

1. Adoption of a relative child (intra-family adoption)

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| --- |
| a) Explain what is meant by “relative child” in your State. |
|  Within the fourth degree of consanguinity or affinity. |
| b) In what circumstances does your State allow the adoption of a child by relatives of the child who are habitually resident in another State? |
|  When the child/ren are orphaned or abused or neglected or in a situation harmful to the child/ren. |
| c) Does your State apply procedures of the Convention to such adoptions? |
|  Yes. Same procedures apply. |

1. Post-adoption matters
	1. Post-adoption reports

|  |
| --- |
| a) Describe the requirements of your State for post-adoption reports: |
| * 1. Frequency (how many per year?):
 |
|  three over a six month period. |
| * 1. Period (until what age of child?):
 |
|  varies according to childs age |
| * 1. Language:
 |
|  English |
| * 1. Who should write it?
 |
|  Social Worker of the authorized foreign adoption agency or the Central Authority |
| * 1. Other requirements:
 |
|  NA |
| b) Is your State satisfied with the response of receiving States to your requirements for post-adoption reports? Please provide comments. |
|  Yes. An outline of data required is given on the format of the post placement reports. |

* 1. Preservation and availability of information (Art. 30)

|  |
| --- |
| a) Which authority is responsible for preserving the information concerning the child’s origins (Art. 30(1))? |
|  ICAB and the Child Caring Agency. |
| b) Where are the records kept and for how long? |
|  ICAB offices and extension office (purely for records). The Philippine National Archives Office is presently assessing the period of disposal, however present rules do not allow disposal. |
| c) In your State, does the law permit the adopted person to have access to this information? If yes, is there any age or other restriction? |
|  Not automatic. A request must be made and the reasons for the access must be made. Approval is on a case to case basis. ICAB's current policy on search and reunion meetings provide that emotional maturity and age of the adoptee is a major consideration in approving the reunion request. The appropriate age for search for roots and reunion meeting is the age of majority aaplicable under the laws of the receiving state (18 or 21 years old). |
| d) Are the biological parents or the adoptive parents permitted to have access to information about the adoption (see Art. 9 *a)* and *c)*)? |
|  No. |
| e) What, if any, assistance does the Central Authority or another body give to the adopted person or the biological or adoptive parents to obtain access to that information? Is there a special procedure for accessing this information? |
|  ICAB assists the adult child when information is required depending on the kind of information. Biological parents cannot access the information (parental rights are totally severed) |
| f) What, if any, assistance is given to adopted persons to search for their origins? |
|  ICAB assists in search and reunions.  |

1. costs of intercountry adoption in your state

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| --- |
| a) Are adoption costs or fees controlled by law and / or regulated by a public authority in your State? If yes, please provide a link to this information. |
|  Yes. www.icab.gov.ph |
| b) Is there a standard or fixed fee charged by the Central Authority or accredited body for the adoption? What services are covered by this fee? |
|  Yes. a fixed processing fee covers all services except pre-travel fees such as passports and visa fees. |
| c) Is there a fixed amount required for a mandatory contribution? What is this contribution used for? Who receives it? |
|  Yes. A US$1000 Child Care Support fund is given to the Child caring agency as a donation for the children left behind. |
| d) Is it mandatory for the receiving State (Central Authority or accredited bodies) to undertake humanitarian projects in your State as a condition of engaging in intercountry adoption? Do you supervise these projects? |
|  No. |
| e) Does your State impose any other type of fee or cost on the foreign accredited bodies to work with, or work in, your State? Please provide details. |
|  An authorization fee of US$3000 for a period of three (3) years is imposed. |
| f) What is the normal range of costs for an adoption (*i.e.*, the minimum to the maximum cost)? |
|  US$2,500 to US$3,000 exclusive of child care support fund. |
| g) Does your State permit PAPs to make donations to an orphanage or institution? If yes, at what stage of the adoption procedure? |
|  Yes. After the match is made/approved and accepted. |
| h) Other costs: Please complete the Table of Costs at Annex 1.[[4]](#footnote-4)  |

1. improper financial gain (Arts 8 and 32)

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| --- |
| a) Which authority is responsible for preventing improper financial gain as required by the Convention? |
|  ICAB |
| b) What measures are taken to prevent improper financial gain? |
|  Monitoring and advocacy. |
| c) Have there been any prosecutions for improper financial gain related to adoption? If so, were the prosecutions successful? |
|  None to date. |

1. national legislation

|  |
| --- |
| Identify the legislation in your State on international adoption and provide (if available) a link to the text of the legislation. |
| Republic Act 8043 www.icab.gov.ph |

1. Other Hague Conventions

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| --- |
| If your State is involved in international foster care placements or placements by *kafala*, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* may be used. Is your State a party to this Convention? |
| NA |

1. Selection of partners in intercountry adoption

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| --- |
| a) On what basis does your State select a receiving State as a partner in intercountry adoption? |
|  Request from the receiving state. |
| b) Are there any formalities required to confirm a partnership? |
|  Memorandum of Understanding/Agreement and exchange of local and international adoption laws. |

1. Other questions

|  |
| --- |
| a) What measures does your State provide to protect children without parental protection (*e.g.*, institutional care, kinship care or care by the extended family, foster home, *kafala*, national and international adoption)? |
|  All of the above.  |
| b) Statistics: |
| * Does your State collect statistical data relating to adoption (national or international)?
 |
|  Yes. |
| * Are your statistics on a publicly available website? If yes, please provide the link. If not, how can you provide access to your statistics?
 |
|  No. data is given upon request. |
| * Please complete the “Annual adoption statistics for States of origin” form (Prel. Doc. No 5) for the last five years. In the future, States will be asked to complete this form on an annual basis.
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|        |

**14. Useful electronic links**

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| Provide electronic links to important and useful information about adoption and intercountry adoption in your State. |
| www.icab.gov.ph |

**Annex 1**

States of origin costs in the field of intercountry adoption

Please provide details of following:

1. Expenses incurred in the State of origin

This category includes all the expenses incurred in the State of origin except the PAPs’ accommodation and transport costs. These are:

[x]  Administration and co-ordination costs;

[x]  Legal costs (notary, lawyer, court and motion costs);

[ ]  Doctor’s fees for the child’s medical record;

[ ]  Translation costs;

[ ]  Costs of the child’s maintenance;

[ ]  Costs for updating of records;

[x]  Other costs:

|  |
| --- |
|  Request for issuance of the amended Birth certificate with the Philippine civil registry |

2. Contributions to humanitarian aid projects or donations

[x] Contribution may be made for humanitarian-aid projects and / or donations to orphanages or other public or private institutions connected with child protection. They may also be imposed by the accredited bodies themselves;

[ ]  Mandatory contribution to government / Central Authority;

[x]  Mandatory contribution to child welfare home / public or private institution;

[ ]  Other contribution:

|  |
| --- |
|  please specify; |

[ ]  Donation.

1. “Accreditation” is the procedure to license adoption agencies according to the standards in the Convention so they may assist in arranging Convention adoptions. Adoption agencies with accreditation are “accredited bodies”. [↑](#footnote-ref-1)
2. “Authorisation” is the procedure required by the Convention when an accredited body (usually in a receiving State) wishes to work in or with another country (the State of origin). Both States must give their authorisation. [↑](#footnote-ref-2)
3. The depositary of the Convention is the Ministry of Foreign Affairs of the Kingdom of the Netherlands (Art. 43(2)). [↑](#footnote-ref-3)
4. The Table of Costs is taken from the Guide to Good Practice No 2: Accreditation and Accredited Bodies, Chapter 8. [↑](#footnote-ref-4)