

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION  
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

<b>Name of State:</b>	Philippines
<b>Information for follow-up purposes</b>	
Name and title of contact person:	BERNADETTE B. ABEJO, Executive Director
Name of Authority / Office	Inter-Country Adoption Board (ICAB)
Telephone number:	Please insert text here
E-mail address:	adoption@icab.gov.ph

**1. POST-ADOPTION MATTERS**

**1.1. Preservation of, and access to, information**

Both States of origin and receiving States

**1.1.1. Preservation of information and use of data**

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: ICAB has digitized adoption files of children. This preserves and ensures that the information is accessible to proper parties upon request. The process of storage and release of data is in accordance with National law and specific ICAB guidelines on data privacy.</p> <p><input type="checkbox"/> No. Please specify where the information is stored:</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:</p> <p><input checked="" type="checkbox"/> No.</p>

**1.1.2. Search for origins**

3.	<p>Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: ICAB has institutionalized the Post Legal Adoption Services (PLAS) with a dedicated social worker to address inquiries and requests for search and/or reunification and motherland visits of an adoptee.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p>
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4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21</b><sup>1</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:          Adoptees seeking to search for origins are required to submit a psychological report prepared by a licensed psychologist to determine the preparedness of the adoptee to receive information pertaining to his/her background</p> <p><input type="checkbox"/> No. Please specify any reasons:</p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (e.g., government, private companies, NGOs);          A DNA testing may be undertaken following national guidelines/policies in coordination with a government institution who offers the service such as the Philippine National Police Regional Crime Laboratory.</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity;          The results of the DNA testing is stored by the government institution that processes the DNA testing</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available;          Php 15,000 - 30,000.00 per test. It is shouldered by the requesting parties.</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general.          DNA testing in the Philippines is expensive.</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?</p> <p>The state provides foundling certificate issued by the Office of the Civil Registrar. Children who are "foundlings" or abandoned with incomplete or no known information are assisted based on the information on the child study report. At least the "finder" of the child and the foster or institution that care for him/her is visited.</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>No illicit practices have been encountered by ICAB. However, should this happen it will be reported to proper authorities such as the Department of Social Welfare and Development (DSWD) and the National Bureau of Investigations (NBI).</p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b> (e.g., the adoptee found his birth family);          There are 90 successful searches where adoptee's birthfamilies were found.</p> <p>(b) how many were <b>not successful</b> and what were the reasons.</p>

<sup>1</sup> [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>There are 200 total unsuccessful searches recorded due to: 1.) lack of information to begin a search, 2.) adoptees who were advised to seek counselling did not pursue their request, 3.) search failed due to the limited manpower of the local government unit to do the search, 4.) adoptees who were below 18 years old at the time of search and were informed of the age requirement and would not come back.</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <p>A child caring agencies executes contracts with birth mothers to keep their identity a secret. Upon search a request is made to the child caring agency who will be responsible to contact the birthmother and such information if she is willing to meet the child.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>The Philippine provides to the most extent possible non-identifying information. The nature of adoption is closed. Any information regarding parentage is however subject to restrictions.</p> <p><input type="checkbox"/> No. Please explain your response:</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>Yes, ICAB provides has Post Legal Adoption Service with a devoted social worker assigned to assess and handle requests of birthfamily/ies, adoptees, and adoptive parents. Birthparents/families requesting for information concerning the adoption of their child/ren have to execute written requests.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>You may access the information at <a href="https://www.icab.gov.ph/download/Citizen-Charter-of-ICAB-2.pdf">https://www.icab.gov.ph/download/Citizen-Charter-of-ICAB-2.pdf</a>.</p> <p><input type="checkbox"/> No.</p>
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### 1.2. Post-adoption services<sup>2</sup>

Both States of origin and receiving States

<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18</b><sup>3</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:          ICAB has published guidelines incorporated in the Citizens Charter found in the ICAB website. It endeavors to develop specialized post-adoption services to cater to the increasing number of requests from adoptees.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families);          The following are the Post Legal Adoption Services:          1. Request for the retrieval of adoption information and/or documents by adoptees, adoptive parents, birth family, Central Authorities and Foreign Adoption Agencies.          2. Request for Amendment of Birth Certificates for adoptees          3. Reconnect with peers or friends from the same Child Caring Agencies.          4. Birth Country Travel/Homeland Visit/Heritage Tour for Adoptees, Adoptive Families          5. Search for Birthparents or Relatives for adoptees, adoptive families, birth families</p> <p>(b) <b>who</b> provides the services (<i>e.g.</i>, social welfare administration, school, health personnel);          Post Adoption Legal Services is a collaboration between the ICAB, Department of Social Welfare and Development (DSWD), Child Caring Agencies (CCA), Philippine Statistics Authority, Hospitals, Schools and Local Government Units</p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);          NA</p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;          The various services are coordinated by ICAB with other government agencies such as the Philippine Statistical Authority (PSA), Local/City Registrars Office, Department of Social Welfare and Development (DSWD) and local government units according to their mandate.</p> <p>(e) how the post-adoption services are <b>financed</b> (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);          The Post Legal Adoption Services provided to adoptees as part of the program of the ICAB is funded by the government. Hence, adoptees can request the service from ICAB for free. However, for the Request for Amendment of Birth Certificate of the adoptees, a minimal fee of more or less than US\$100.00 to cover the administrative fees of services charged by the other government agencies is collected.</p> <p>(f) the <b>length of time</b> this support is available.          Processing time depends on the circumstances surrounding the adoptees' adoption case. It may take minimum of 6 months or longer.</p>

<sup>3</sup> C&R No 18 of the 2015 SC:

"The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place" [emphasis added].

15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.</p> <p>All services and guidelines provided by ICAB, including Post Legal Adoption Services, are published in the ICAB website. Foreign and Local partner agencies receive emails on important issuances.</p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered:</p> <p>The voices of the adoptees are fundamental in the crafting of the operating guidelines of the Post Legal Adoption Service of ICAB. Moreover, the adoptees and adoptive parents' feedback have been very helpful in improving the programs and services of ICAB. The adoptees who have shared personal experiences dealing with their adoption have brought tremendous reforms on how social workers depict a child in the child study report. Social workers are more conscious and sensitive to the child's needs. In the Philippines, ICAB hosts the Philippine Global Consultation on Child Welfare Services every other year as an avenue to discuss trends, issues and policies in adoption.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with <b>special needs</b>. Please also share any <b>good practices</b> your State has developed to overcome such challenges.<sup>4</sup></p> <p>Challenges:</p> <p>The tracing of birthparent/s is based on the last known address on case files. Adoption records of some cases prior to ICAB's establishment are lacking or not properly preserved.</p> <ul style="list-style-type: none"> <li>•The Philippines does not have a central registry for adopted persons and birth parents where they can sign-up if they are interested to reconnect.</li> <li>•Some adult adoptees are not yet mentally and emotionally prepared, lack support from adoptive family to undergo search and reunion.</li> </ul> <p>The accessibility of social media as a platform to search for origin by adoptees on their own unsupported by professionals poses risks such as abuse.</p> <p>Other than the above mentioned challenges, ICAB have not encountered challenges specific to special needs adoptees.</p> <p>Good Practices:</p> <p>Request to partners to ensure that those seeking for origin are undertaking psychological preparations during the search period</p>
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<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

Briefing and psychological preparation of the birthfamily.

### 1.3. Post-adoption reports

#### Receiving States only

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response: NA</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: NA</p>
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#### Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to</b> the obligation to comply with the post-adoption report requirements?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation: Non-compliance to the requirements will stop the process</p> <p><input type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>Philippine Laws do not require post adoption reports other than the required bi-monthly reports for the first 6 to 8 months from the placement.</p>

### 1.4. Adoption breakdowns

#### Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup></p> <p>Unrealistic expectations of adoptive parents on the adoptee's health, medical, psychological and developmental milestones. Adoptee may have undiagnosed medical health and/or psychological needs that adoptive parents are unable to provide.</p> <p>(b) how your State <b>has addressed</b> these situations and whether your State has any good practices to share in this regard;<sup>7</sup></p> <p>In the event of serious damage in the relationship between the child and the prospective adoptive parents where the continued placement of the child is not in his/her best interests, the Central Authority (CA) and/or the Foreign Adoption Agency (FAA) takes the</p>
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<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

<sup>6</sup> If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

<sup>7</sup> If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

necessary measures to protect the child, withdraws him/her from the applicant/s and arranges for his/her temporary care. ICAB requires that CA and/or FAA exhaust all means to remove the cause of the unsatisfactory relationship which impedes or prevents the creation of a mutually satisfactory adoptive relationship. ICAB requests that FAA and CA provide therapy to adoptee and the adoptive family. A complete report should be immediately forwarded to the ICA board with actions as well as recommendations and appropriate plans. Based on the report, the Board may terminate the pre-adoptive relationship.

- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;

ICAB requires a close monitoring by the FAA or CA upon the child's placement with their prospective adoptive parents and a report on the 1<sup>st</sup>, 4<sup>th</sup>, 6<sup>th</sup> and for special needs children until the 8<sup>th</sup> month is required. The FAA and CA are expected to assist the child/ren and their family to help and prevent the breakdown of intercountry adoptions and search for another family.

- (d) whether your State has developed any good practices to ensure that **Recommendation No 19<sup>8</sup>** of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

ICAB ensures that the child placement is deliberated based on the best interest of the child, ICAB has developed a specialized matching process where the applicant submits a checklist of conditions of the child that they are able to address. A matching conference by the multi-disciplinary Committee composed of specialists from different professions (Doctor, psychologist, social worker, lawyer, NGO representative and the ICAB secretariat) deliberate on possible PAPs.

No. Please specify any reasons:

- (e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

Yes, If despite efforts of the Central Authority or the Foreign Adoption Agency (FAA), to find a suitable replacement family for the child and, as a last resort, ICAB will request for the child's repatriation. The child's placement to one of the child caring agency but not in his/her previous child caring agency to prevent negative impact to the child. ICAB, in coordination with Department of Social Welfare and Development (DSWD), found either suitable agencies or licensed foster families.

- (f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

From 2015 to present (as of March 17, 2020) there are 37 cases of intercountry breakdown or disruptions in children's placement have been reported.

- (g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

From 37 cases of children's disruption placements, only 2 are new cases.

<sup>8</sup> C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

	<p>(h) how many cases of breakdowns were intercountry adoptions done (a) under the <b>1993 Adoption Convention</b> ; and (b) outside of the Convention (<i>i.e.</i>, prior to the entry into force of the Convention in your State or with non-State Party);</p> <p style="color: blue;">All the 35 cases of reported disruption are under the 1993 Adoption Convention.</p> <p>(i) in line with <b>Recommendation No 20<sup>9</sup></b> of the 2015 Special Commission, whether your State has applied the <b>1996 Child Protection Convention</b> to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.</p> <p style="color: blue;">No.</p>
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Receiving States only

23.	<p>Is your State's <b>Central Authority</b> informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: NA</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: NA</p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: NA</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: NA</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: It is the duty of the Foreign Adoption Agency (FAA) or Central Authority to inform ICAB if an adoption placement breaks down or is being disrupted. ICAB is provided with updates of the child's situation and the ICA Board decides on the next course of action based on the information provided by the competent authorities.</p> <p><input type="checkbox"/> No.</p>
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<sup>9</sup> C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."



	<p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p style="padding-left: 20px;">New placements, it must be approved/concurred in by the ICA Board. Hence, the identified replacement family must comply with the requirements as set forth by the Philippine intercountry adoption law. Unless the ICA Board determines that the submission of the required documents will not be in the best interest of the child, such requirements may be waived.</p> <p><input type="checkbox"/> No.</p>
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### 1.5. Other post-adoption matters

#### States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality:</p> <p style="padding-left: 20px;">The adoptees may request to regain their nationality upon reaching the age of majority or the age allowed by the law. The process to regain their citizenship starts by obtaining an amended birth certificate of the adoptee. The amendment of birth certificate of the adoptee has very minimal fee to cover the administrative payments with other government agencies.</p> <p><input type="checkbox"/> No. Please explain your response:</p>
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#### Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:</p> <p style="padding-left: 20px;">The Philippines allows dual citizenship. Adoptees do not lose their citizenship and merely request to process.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p style="padding-left: 20px;">ICAB would support the development of a Guide on Practices on Post-Adoption. Such guide would help both countries of origin and receiving states identify what part of the process adoption should be strengthening to prevent future breakdowns and disruption.</p>

## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

#### Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) the <b>type</b> of illicit practices which were discovered;</p> <p style="padding-left: 40px;">Abduction on Sale of Children</p> <p style="padding-left: 20px;">(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</p>
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	<p>Before</p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention;</p> <p>Yes</p> <p>(d) how your State <b>handled</b> these situations;</p> <p>Arrest and Trial</p> <p><input type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p>Close coordination with Department Social Welfare and Development (DSWD) and other government agencies to work hand in hand in eliminating illicit practices.</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so;</p> <p>ICAB</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>ICAB</p> <p>(c) the <b>grounds</b> upon which this may be done;</p> <p>Non-compliance/submission of Post Placement Report, unsatisfactory post placement reports.</p> <p>(d) whether there is an <b>age limit</b> for the annulment of an adoption;</p> <p>NA</p> <p>(e) the <b>procedure</b> involved;</p> <p>It can be done only within the post placement supervision period. Before the grant by ICAB of the Affidavit of Consent to Adoption which is issued upon receipt of 3,4, 6 and 8 positive post placement supervisory report.</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year.</p> <p><input checked="" type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so;</p> <p>See answers in number 31</p> <p>(b) <b>who</b> can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>(c) the <b>grounds</b> upon which this is done;</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption;</p> <p>(e) the <b>procedure</b> involved;</p>

(f) the **number of** intercountry adoptions which are on average revoked per year.

No.

### 3. INTRAFAMILY ADOPTIONS

*In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.<sup>10</sup>*

#### 3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

##### Both States of origin and receiving States

33.	<p>In your State, which <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority:</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>ICAB has a well-established Intra family or relative adoption program. A thorough assessment on the child and PAPs are undertaken to ensure that no child is unnecessarily removed from his/her birthfamily. Moreover, no child adoption placement is done for purposes of immigration. Hence, multi-level assessment done by the Department of Social and Development (DSWD) social workers validated by the ICAB social workers and the ICA Board ensure that a placement of relative cases will best serve the interest and welfare of the child.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p>
35.	<p>Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p>

<sup>10</sup> See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

<sup>11</sup> C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

	<p><a href="https://www.icab.gov.ph/download/Citizen-Charter-of-ICAB-2.pdf">https://www.icab.gov.ph/download/Citizen-Charter-of-ICAB-2.pdf</a></p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:<sup>12</sup></p> <p>The difficulties with the establishment of adoptability of children in the context of relative adoption includes the following reasons: unrealistic motivation of the PAPs/child/birthfamilies, inability to obtain consent of birthparent/s because he/she works abroad, strained relationship of birthparent/s and refusal to cooperate in the assessment process, fraudulent documents such as simulated birth certificates and non-disclosure of truthful information, and when both parents live with the child, establishing that the birthparents to gave up the child for adoption to a relative living abroad was reached without undue pressure or financial consideration.</p> <p>In each adoption case when one or two issues surface anytime within the assessment process or after, collaboration with the Department of Social Welfare and Development is of importance. Case conferences and validation of ICAB social workers of the information provided are very important in the process of establishing the adoptability of a child/ren.</p> <p><input type="checkbox"/> No.</p>
37.	<p>In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response:</p>
38.	<p>Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them:</p> <p>(A) From year 1995-2019, ICAB recorded 54 disrupted placement of children which is 30% of the total placement of ICAB.</p> <p>(B.) The causes of the breakdown in in-family adoption are the following: unrealistic expectations of the child by the PAPs; older children who have establish their life in the Philippines miss their friends and family and are unable to adjust and attach to the adoptive family, children and PAPs who have history or emotional and behavioral problems have a higher risk of disruption.</p> <p><input type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard:</p>

<sup>12</sup> If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

	<p>ICAB enters in Administrative Agreement with States with which it normally does not cooperate to facilitate the adoption of a child/ren.</p> <p><input checked="" type="checkbox"/> No.</p>
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States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p>The Subsidiarity Principle is applied only to the extent that no other family members are able and willing to care for the the relative child.</p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input checked="" type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p>In most of ICAB's intrafamily adoption cases, relatives (prospective adoptive parents) are habitually residing abroad who are financially capable are sought first by the child's family to adopt the child/ren with a pre-conceived understanding that the children will be better abroad. The prospective adoptive parents then request for an eligibility</p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:</p> <p>Philippine Laws such as Republic Act 8552 or Domestic Adoption Act, Republic Act or the Foster Care Act of 2012 and Republic Act 7610 or Special Protection of Children Against Abuse, Exploitation and Discrimination Act.</p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p>Philippines is not a party to the 1996 Child Protection Convention</p>

### 3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>It is not a practical policy to intervene in revelations/decisions made between spouses.</p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>ICAB does not process step-parent adoptions.</p>

<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions: NA</p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges: NA</p>
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### 3.3. Intrafamily adoptions and circumvention of immigration laws

#### Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: During the validation of the application it was found that the children have been previously applied to join family member in foreign countries.</p> <p><input type="checkbox"/> No.</p>
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## 4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

*Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).*

#### Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State? Yes. State of Habitual Residence of mother is State A State of birth of child is State B</p> <p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered? Information received of actual recruitment while pregnant.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>? Treated by receiving country as a domestic adoption.</p> <p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)? Refusal of birthmother and authorities to fully cooperate.</p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States? NA</p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response: The child's habitual residence should not be taken into consideration since the original act of trafficking is what brought the child to the current "habitual residence".</p>

	<input checked="" type="checkbox"/> No. Please explain your response:
48.	Which <b>actions</b> would your State take to address the case where both your State and the other State: (a) would determine the child's habitual residence to be in <b>their</b> State? No (b) would determine the child's habitual residence <b>not to be</b> in their State? Yes. Request repatriation or placement and bring process within the 1993 Convention.

## 5. SIMPLE AND OPEN ADOPTIONS

### Both States of origin and receiving States

#### 5.1. Simple adoptions

*A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.<sup>14</sup>*

49.	Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption? <input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: NA <input type="checkbox"/> No.
50.	What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? NA
51.	If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b> ? <input type="checkbox"/> Yes. Please explain your response: <input type="checkbox"/> No. Please explain your response:
52.	Has your State faced any problems regarding seeking the birth mother / family's <b>consent to convert</b> a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)? <input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: NA <input checked="" type="checkbox"/> No.
53.	(a) Please specify any <b>challenges</b> your State encounters with simple adoptions: NA

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

(b) Please specify any **good practices** of your State for simple adoptions, including those for overcoming any challenges:

NA

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State:</p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts:</p> <p>Open adoption is when the adoptee and his/her adoptive families can directly communicate with the birthfamily.</p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:</p> <p><input checked="" type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>The Philippines has not explored open adoption.</p>
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>NA.</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches:</p> <p><input type="checkbox"/> No.</p>

<sup>15</sup> If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

<sup>16</sup> C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].



58.	<p>Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard:</p> <p><input checked="" type="checkbox"/> No. Please explain your response:  <a href="#">The Philippines has not explored open adoption.</a></p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response:  <a href="#">NA</a></p> <p><input type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions:  <a href="#">NA</a></p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges:  <a href="#">Please insert text here</a></p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

### States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p><a href="#">Birthparents lose their parental authority/responsibility over their children upon death of the parents, death of the child, emancipation of the child, involuntary termination of a parental rights n when the parents are convicted of the child has been abused conviction of the parent or the involuntary termination of parental rights such as when parents have been convicted of child abuse or neglect.</a></p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">Unless guilty of a crime with a penalty of civil interdiction.</a></p> <p><input checked="" type="checkbox"/> No. Please explain your response:  <a href="#">Consent of the birthparents is no longer required if the court ruled that the birthparents have lost their parental responsibility over the children.</a></p>

	<p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>Republic Act 9523 requires that before any child will be subject to domestic or intercountry adoption he or she should be declared suitable for adoption. All adoption cases, all measures/means are exhausted to reunify the child to his/her birthfamily or look for extended families who can care for the child prior to any decision to place the child/ren for adoption.</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>The Department of Social Welfare and Development (DSWD) petitions the court for the Involuntary Commitment. The birthparent/s are given notice of the procedure and can contest. Only when the court rules that the birthparents have lost their parental responsibility over the child can alternative care can be decided upon.</p> <p><input type="checkbox"/> No. Please explain your response:</p>
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Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin <b>contested</b> a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: NA</p> <p><input type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>Children who are victims of abuse, trafficking and/or sale by their own parents/family.</p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions: Non-consensual adoptions usually are lengthier and more time consuming due to the court process.</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges: The ICAB, Department of Social Welfare and Development (DSWD) and Child Caring Agencies collaborates to fast track cases of non-consensual adoption so to prevent children age out and be given the opportunity to have his/her family.</p>

**7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING**

Both States of origin and receiving States

**7.1. General questions**

66.	Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?
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	<p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Unless related by blood, ICAB prohibits prospective adoptive parents to travel and visit orphanages/child caring agencies to choose a child. Directly negotiating with birthmothers is also not allowed. This practice poses risks and violates Article 29 of the Hague Convention.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;              In family adoption</p> <p>(b) the <b>experience</b> of your State with regard to such contact.</p>
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## 7.2. Summer camps / hosting programmes

*In this Questionnaire, the “summer camps” practice is when adoptable children and PAPs attend an event (usually a camp) in the PAPs’ State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.*

*“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.*

67.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>The Hosting Program is a strategy to identify possible permanent families for older Filipino children who have long been cleared for inter-country adoption but have not been placed due to unavailability of approved families in the ICAB's Roster of Approved Applicants (RAA). The Hosting Program is open to the different Child Caring Agencies (CCAs). The program is for a minimum of 5 to a maximum of 20 children who have been assessed by the ICAB as prepared to participate in the program. The children travel to a foreign country to spend a month with identified host families. The host families must have strong commitment to adopt. Activities for the Summer Hosting Program shall, as much as possible, be those which approximate the activities undertaken in a normal family setting e.g. house chores, time with the family, family outings, church/community activities and interactions with other host families/children (weekly potlucks, week-end outings, etc.) interspersed with occasional group activities with their co-participants.</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input checked="" type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p>
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<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

From 2007-2019, a total of 103 children participated in the hosting program. Out of this 103, 61 or 59% were adopted. Four out of five (5) children participants of the 2019 Hosting Program will be adopted by their host families.

No.

- (c) where a child is adopted following such a programme, how is it ensured that the **safeguards** of the **1993 Adoption Convention** have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?

An ICAB social worker/s act as the children's escort and supervised them while at the the receiving country. The ICAB social worker monitors the activities of the Hosting Program and reports to ICAB the issues and challenges encountered while in the receiving country.

No.

68. If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:
- (a) whether the children benefiting from these programmes must have been **declared adoptable before** they can be part of such programmes;  
 Yes. The program is for older Filipino children ages 7-14 years old who have been declared adoptable/ or cleared for inter-country adoption.
- (b) whether the PAPs participating in such programmes must have been **declared eligible and suitable** to adopt to be allowed to take part in such programmes;  
 Yes, The PAPs do not necessarily have to be declared suitable and eligible. ICAB requires that PAPs submit profiles in order to assess and evaluate the eligibility of the PAPs to host children.
- (c) how the PAPs and children are **selected** to participate in such programmes, and whether a selection is made in cooperation with the other State;  
 The FAA is required to submit profiles of the host families. Said profiles are assessed by the ICAB secretariat for approval of the ICA Board. Host family must meet the same requirements of a PAPs.
- (d) how the children are **prepared** for such programmes;  
 ICAB holds a pre-orientation program that aims to prepare the children and their escort/s participating the Hosting Program.
- (e) what are the **effects on** and the **feedback from** the **children** who participated in such programmes but were not adopted;  
 Children and their escorts have post evaluation of the hosting program days after their arrival. Based on the evaluation, the children enjoy the new experience of travelling and living with families.
- (f) whether there have been situations where the adoption **broke down** after the child was adopted following participation in such programmes;  
 Yes, we have 1 reported case of breakdown. However, the child's adoption was already finalized by the PAPs.
- (g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must **return** to the State of origin before the adoption procedure can be initiated;

	<p>Should the PAPs decide to pursue the adoption of their host child, the child must return to the sending country to process the necessary application of the PAPs and complete immigration requirements of the child.</p> <p>(h) who <b>finances</b> such programmes; The Foreign Adoption Agency (FAA) who requested the hosting program finances all related costs of the program .</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>). Data shows that the Hosting Program has been an effective means to recruit families for children who are considered difficult to place.</p>
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### 7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused: Pre-identification of child/ren is prohibited under Republic Act 8043. ICAB collaborates with the Department of Social Welfare and Development (DSWD) and Child Caring Agencies to prevent this from happening.</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: There are existing laws that prohibit pre-identification of child/ren.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>

### 7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p> <p>(a) whether the child had already <b>been declared adoptable</b> before the PAPs' adoption application was submitted;</p>
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<sup>18</sup> "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

Yes. there are cases where PAPs who reside in the Philippines were entrusted with a child/ren as foster parents and eventually pursue the adoption of the child/ren under their care thru the domestic adoption process .

(b) at what stage in the process the PAPs were **declared eligible and suitable** to adopt;

(c) what the **profile** of these children was;

Younger children, less than two (2) years old

(d) what was done to ensure that the **safeguards and procedures** of the 1993 Adoption Convention had been respected;

Continuous advocacy work with the implementors of domestic adoption law including the court judges, lawyers, social workers and child caring agencies to improve alternative child care law and to ensure that safeguards and procedures of the convention and Republic Act 8043 or the Intercountry Adoption Law is respected.

(e) your State's **experience** with such adoptions.

These cases are eventually treated as intercountry adoption due to PAPs inability to comply with the requirements of domestic law. However, it becomes complicated when the PAPs country of citizenship cannot assess while the PAPs live overseas, or in some cases , PAPs country does not work with the Philippines. Hence, the processing cannot progress and the placement on the children are put on hold.

## 8. USE OF NEW TECHNOLOGIES

### Both States of origin and receiving States

72. Has your State changed its practices recently to **integrate new technologies** into work processes (e.g., blockchain to facilitate transmission and access to data)?
- Yes. Please specify (a) what the **experiences** of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account **data protection** in this context:
- Use of social media platforms to advocate legal adoption process; virtual meetings of the child and PAPs to initiate familiarization while awaiting the eventual placement of the child with the PAPs; allowing submission of electronic copies of reports.
- No.

## 9. STATISTICS

### Both States of origin and receiving States

73. Please specify the **number** of intercountry adoptions per year (between 2015 and the present date) involving your State that are:
- (a) **relative** adoptions (i.e., excluding stepparent adoptions);<sup>20</sup>
- From 2015 to 2019, ICAB has placed 153 children. This is 11.06% of the total number of placements.
- (b) **stepparent** adoptions;
- NA
- (c) **simple** adoptions;

<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

	NA
	(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b> ; and
	NA
	(e) <b>non-consensual</b> adoptions.
	NA

#### 10. OTHER MATTERS

74.	Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention. ICAB has employed the use of social media platforms to advocate the legal adoption process and allowed virtual meetings of the child and PAPs to initiate familiarity and bonding while awaiting eventual placement.
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