

STATE OF ORIGIN

COUNTRY NAME: PHILIPPINES

PROFILE UPDATED ON: MAY 2021

PART I: CENTRAL AUTHORITY

1. Contact details ¹	
Name of office:	INTER-COUNTRY ADOPTION BOARD
Acronyms used:	ICAB
Address:	4th Floor A.N.Y. Building, #38 Timog Avenue Laging Handa, Quezon City
Telephone:	632) 87219782
Fax:	None
E-mail:	adoption@icab.gov.ph
Website:	www.icab.gov.ph
Contact person(s) and direct contact details (please indicate language(s) of communication):	BERNADETTE B. ABEJO same as above English
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State? <i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i>	I-Xi-1996

¹ Please verify whether the contact details on the “Adoption Section” of the HCCH website < www.hcch.net > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>1. Republic Act 8043 The Intercountry Adoption Act of 1995(1995) 2. RA 9523 (2009) www.icab.gov.ph</p>
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3. Other international agreements on intercountry adoption ²	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify): Australia, New Zealand, Canada, Ireland, Germany, Austria, Denmark, United Kingdom, Belgium, Greece, Portugal, Andorra, Malta, Iceland, The Netherlands, Cyprus, France, Czech Republic, Spain, San Marino, Switzerland, Finland, Norway, Sweden, Italy, San Marino,</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>Policy-making body for purposes of carrying out the provisions of Republic Act 8043:</p> <p>1. Prescribe rules and regulations to carry out the provisions of the Act;</p> <p>2. Set guidelines for Inter-country Adoption Placement Committee;</p> <p>3. Set guidelines for selection and matching of prospective adoptive parents and adoptive child;</p>

² See Art. 39(2) which states: “Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention” (emphasis added).

	<p>4. Determine a reasonable schedule of fees and charges;</p> <p>5. Determine the form and content of the application;</p> <p>6. Formulate and develop policies, programs and services that will protect the Filipino child from abuse, exploitation, trafficking and adoption practices that are harmful, detrimental and prejudicial to the best interests of the child;</p> <p>7. Institute systems and procedures to prevent improper financial gain;</p> <p>8. Promote the development of adoption services, including post-legal adoption services;</p> <p>9. To accredit and authorize foreign private adoption agencies; provided, that such foreign adoption agencies are duly authorized and accredited by their own government;</p> <p>10. Ensure confidentiality of the records of the child, the natural parents and the adoptive parents at all times;</p> <p>12. Assist other concerned agencies and the courts in the implementation of this Act.</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Department of Social Welfare and Development-</p> <p>establish the child's adoptability or legal eligibility including psychological, medical and social suitability for adoption; The Secretary is administratively responsible to issue a "Certificate Declaring a Child Legally Available for Adoption" after due process and publication.</p>

6. National accredited bodies³	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 7</p>

³ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

<p><i>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).⁴</i></p>	
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁵</p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	
<p>c) For how long is accreditation granted in your State?</p>	
<p>d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i>.</p>	
6.2 Monitoring of national accredited bodies⁶	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11(c).</i></p>	
<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i>, if inspections are undertaken, how frequently).</p>	
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	
<p>d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?</p>	<p><input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of accreditation):</p> <p><input type="checkbox"/> No</p>

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

⁶ *Ibid.*, Chapter 7.4.

7. Authorised foreign accredited bodies⁷ (Art. 12)	
<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?</p> <p><i>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 8</p>
<p>b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number.⁸</p>	<p>ICAB has accredited agencies in the following geographical locations:</p> <p>Europe - 19</p> <p>USA - 10</p> <p>Asia Pacific - 1</p> <p>Canada - 3</p> <p>TOTAL 35</p> <p>ICAB also works with the different Central Authorities in Europe (29); USA (1); Asia Pacific: Australia (4), New Zealand (1) and Canada (17)</p>
<p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>	<p>Transmit pre cleared and Central Authority approved PAP applications together with requirements.</p> <p>Provide pre-adoption services for PAP's to understand and gain knowledge on adoption:</p> <ol style="list-style-type: none"> 1. Orientation on adoption; 2. Assess suitability for adoptive parent; 3. assist in the accomplishment of documents required for home study and immigration; 4. Assist family during the waiting period; 5. Post-placement services, 6. To assist in the adjustment period and ensure submission of post placement reports; 6. Ensure the finalization of the adoption before the courts/body of the receiving country; 7. Provision of support services to adoptive family and child e.g. edical/psychological care in cases of disruption, etc; 8. Maintain complete and updated case records of adoptive families and children.

⁷ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Adoption Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *ibid.*, Chapter 4.2.

⁸ See GGP No 2, *ibid.*, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): OR</p> <p><input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR</p> <p><input checked="" type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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7.1 The authorisation procedure	
<p>a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?</p>	<p>Intercountry Adoption Board (ICAB)</p>
<p>b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>Important criteria: (1) agency has demonstrated professionalism, competence and have consistently pursued non-profit objective to engage in the placement of Filipino children in their own country; and (2) agency is duly authorized and accredited by their own government to conduct inter-country adoption.</p> <p>The authorization or accreditation by the Board may be issued upon the application of the foreign adoption agency interested to participate in the Philippine inter-country adoption program and the submission of the following documentary requirements:</p> <ol style="list-style-type: none"> 1. license and/or accreditation or authorization from its government to operate as an adoption agency to carry out inter-country adoptions; 2. name and qualifications of the members of the Board of Directors, senior officers and other staff involved in inter-country adoption; 3. detailed description of its programs and services, research studies and publications;

⁹ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

	<p>4. audited financial report of the last two (2) years including sources of funds, adoption fees and charges;</p> <p>5. undertaking under oath that it shall assume responsibility for the selection of qualified applicants; that it shall comply with the Philippine laws on inter-country adoption; that it shall inform the Board of any change in the foregoing information; and shall comply with post adoption requirements as specified by the Board; and</p> <p>6. such other requirements which the Board may deem necessary in the best interests of the child.</p> <p>Documents, written and in the proper case officially translated to English and whenever practicable, authenticated by the Philippine Consular authorities, shall be submitted to the Board.</p>
c) For how long is authorisation granted?	The validity period of three (3) years for Contracting States and two (2) years for non-Contracting States.
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	Good record of placement and care of children. The authorized adoption agency must notify the Board of its interest in renewing its authorization/accreditation at least 60 days before the expiration of its authorization. The board will conduct a due diligence visit and acts on the application for renewal within 30 days from visit.
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹⁰	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – go to Question 8
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	ICAB
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	The designated Board Member/s or duly-authorized representative/s of the Board may conduct an authorization or accreditation visit to foreign adoption agencies from Contracting States and Non-Contracting States. The Board shall determine if the authorization or accreditation can be done through desk review of submitted documents or through ocular visit.

¹⁰ *Ibid.*, Chapter 7.4 and, in particular, para. 290.

<p>d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>The Board shall suspend or revoke the authorization or accreditation of a foreign adoption agency if shown to have engaged in any of the following acts:</p> <ul style="list-style-type: none"> a) Giving or accepting directly or indirectly, any consideration, money, goods or services in exchange for an allocation of a child in violation of the Rules; b) Misrepresenting or concealing any vital information required under the Rules; c) Offering money, goods or services to any member, official or employee, or representative of the Board, to give preference in the adoption process to any applicant; d) Advertising or publishing the name or photograph of a child for adoption to influence any person to apply for adoption. However, in cases of hard to place children where Special Home Finding efforts may have to be undertaken, guidelines shall be promulgated by the Board. e) Failure to perform any act required under the Rules which results in prejudice to the child or applicant; f) Appointing or designating any liaison or agent without the prior approval of the Board; and g) Any other act in violation of the provisions of the Act, the implementing rules and regulations and other related laws or issuances of the Board.
<p>e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?</p>	<p><input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of authorisation): The Board, motu proprio, or upon receipt of a written complaint, or information regarding any violation or irregularity by a foreign adoption agency, may order the initial inquiry on the agency. If the report, complaint or request for investigation has legal and factual basis, the Board shall furnish the agency concerned with the copy of the report, complaint or request and shall require the same to answer within fifteen (15) working days from receipt of notice. Failure to answer within the required period shall be considered as ground for summary suspension or revocation of the accreditation/authorization of the foreign adoption agency.</p>

	<input type="checkbox"/> No
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8. Approved (non-accredited) persons (Art. 22(2))¹¹	
<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</i></p>	<p><input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (<i>e.g.</i>, age, sex, state of health).</p>	<p>The average profile of Filipino children in need of inter-country adoption are from 1 year old to 15 years old, both male and female, healthy or with minor medical or psychological conditions. However through the years, ICAB noted that Filipino children belonging to the age range of 1-4 years old and male have been increasing.</p>

10. The adoptability of a child (Art. 4(a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>Department of Social Welfare and Development</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>For domestic adoptions, any Filipino child who has been voluntarily or involuntarily committed to the DSWD as dependent, abandoned or neglected are adoptable.</p>

¹¹ *Ibid.*, Chapter 13.

¹² *Ibid.*, Chapter 13.2.2.5.

	<p>In order to be eligible for adoption, 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 social eligibility, which refers to the inability of the child's birth parents/family to provide the parenting needs he requires for his full growth and development. On the otherhand, legal eligibility refers to the status of the child who is free for adoption, that is the child has been 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) to the Department of Social Welfare and Development or any duly licensed child caring/child placing agencies.</p> <p>For voluntarily committed children, the physical transfer of said child must not be made earlier than 3 months from the execution of the Deed fo Voluntary Commitment by the child's biological 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.</p> <p>With the enactment of Republic Act 9523, all children must first be certified legally available for adoption by the DSWD. The DSWD certification is the primary evidence that the child is legally available in a domestic adoption proceeding and in an inter-country adoption proceeding.</p>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (<i>e.g.</i>, search for the child's birth family).</p> <p><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p>	<p>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:</p> <ol style="list-style-type: none"> 1) Counseling sessions with the biological parents or guardians to ensure that no hurried decisions are made and all alternatives/options

	<p>for the child's future and the implications of each alternative have been provided;</p> <p>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.</p> <p>After being properly counseled and informed of the implications of adoption, and the biological parents or guardians remain steadfast on 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 commit 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 rewards will be employed to effect relinquishment of (a) Filipino child/ren for the adoption. Otherwise, any subsequent adoption emanating from such a consent is considered as illegal adoption.</p> <p>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 look for them i.e. announcement on radio and television, publication in a newspaper of general circulation with a photo of the child and posting of notices in the locality or residence of the child to inform the public. If such efforts fail, the provisions of RA 9523 will be undertaken to declare the child legally available for adoption. If the child is a foundling and has no known facts of birth, such child shall be issued a Foundling Certificate by the Local Civil Registrar.</p>
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11. The best interests of the child and subsidiarity (Art. 4(b))	
<p>a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).</p>	<p>The following is the hierarchy of options adhered to, to safeguard the child:</p> <p>1)family solutions (reunification to the birth family, foster care and adoption)is preferred over institutional placement;</p>

	<p>2) permanent solutions (reunification to the birth family, adoption) should be preferred to provisional ones(institutional placement, foster care);</p> <p>3) national solutions (reunification to birth family, national adoption) should be preferred to international ones (inter-country adoption).</p> <p>It is a consensus in the Philippines that the continuum of child care services must be availed of and fully exhausted before inter- country adoption is chosen. Preference for domestic or local adoption over inter-country adoption is encouraged to preserve the child’s social and cultural identity.</p>
<p>b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child’s best interests?</p>	<p>The Department of Social Welfare and Development determines that the child is eligible for inter-country adoption. ICAB can however requests additional information/documentation or request further assessment of the case.</p>
<p>c) Please briefly explain how that decision is reached (<i>e.g.</i>, whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.</p>	<p>Filipino children certified legally available for adoption are presented before the DSWD’s National Children’s Welfare Specialist Group (NCWSG) where these available children are matched with local adoptive parents. When no regional approved adoptive parents are found, the child/ren are matched with Prospective Adoptive Parents from the other regions of the Philippines (Inter-Regional matching). Children are presented for matching to the NCSWG twice before they can be cleared for intercountry adoption placement. However, for children with special needs (with medical or psychological problems or member of sibling group or older children) matching presentation in the regional/inter-regional level is done once and when no suitable adoptive parents are available, are immediately cleared for intercountry adoption.</p>

12. Counselling and consents (Art. 4(c) and (d))

<p>a) According to your State’s domestic legislation, please explain which person, institution or authority has to consent to</p>	<p>(i) Both parents especially for legitimate children; minors must likewise execute the consent but</p>
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<p>the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> (i) Both parents are known; (ii) One parent is unknown or deceased; (iii) Both parents are unknown or deceased; (iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent). <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<p>must be duly assisted by the mother or the maternal grandmother; if unmarried, the birthfather must sign the consent if he acknowledges the child as his by his having signed or caused the registration of the birth.</p> <ul style="list-style-type: none"> (ii) Sole-surviving parent (iii) The surviving grandparent or next of kin if known (Art 214 of The Family Code); the state through the Department of Social Services and Development as <i>parens patriae</i> (RA9523) (v) Both except in cases where parental authority was involuntarily taken away by a lawful order of the court after proof of child abuse and exploitation. (vi) (vii)
<p>b) Please describe the procedure for:</p> <ul style="list-style-type: none"> (i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and (ii) obtaining their consent(s) to an adoption.¹³ 	<ul style="list-style-type: none"> (i) 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 implications of 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 importance 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

¹³ See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.

	<p>within 3 months from signing the Deed of Voluntary Commitment (DVC) subject to the assessment by the DSWD.</p> <p>(ii) Execution of a Deed of Voluntary Commitment which terminates parental authority and passes the authority to the State.</p> <p>(iii)</p>
<p>c) Does your State use the model form “Statement of consent to the adoption” developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the Adoption section of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose:</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child’s wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4(d)(2).</i></p>	<p>A prospective adoptee is provided with counseling and other support services appropriate to his/her age and maturity and in manner and language that the child comprehends, especially to enable him/her to understand why he/she has been relinquished for adoption. In the case of a prospective adoptee whose consent to his/her adoption is necessary, the social worker/counselor considers the child's wishes and opinions and ensures that his/her consent is voluntary and is duly informed of the effects of such a consent.</p>
<p>e) Please briefly describe the circumstances in which a child’s <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child’s consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4(d)(1).</i></p>	<p>After counseling as stated in the previous question, a prospective adoptee, ten (10) years old and above is required to execute a written consent to his or her adoption.</p>

13. Children with special needs	
<p>a) In the context of intercountry adoption, please describe what is meant in your State by “children with special needs”.</p>	<p>Children with special needs refers to any child who is "difficult to place" in view of 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)</p>

<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>"Special Home Finding" - The process of recruiting and/or identifying suitable adoptive parents for children with special needs by sending the list of "special home finding" or "waiting children" to the Central Authority or Foreign Adoption Agency of the State for identification of interested PAP's after verification that no families in the Roster of Approved Families are willing and able to take in the child.</p> <p>Hosting Program</p> <ul style="list-style-type: none"> -children with special needs (children between 7-15 years old; -declared legally free for adoption, - cleared for inter-country adoption (ICA), categorized as Special Needs Children for Special Home Finding (SNC-SHF) with complete legal documents duly submitted to the ICAB; - physically and psychologically fit and healthy, without any contagious illnesses nor behavioral impairment/disturbance particularly conduct disorders; 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 while spending their summer vacation in the United States. The program provides Prospective Adoptive families and the PAPs to meet and experience each other for a period of time, offers an opportunity for "institutionalized "older children: to feel and perceive life within a family setting and heightens the awareness of the US community on the need for permanent homes for these older Filipino children.
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<p>14. The preparation of children for intercountry adoption</p>	
<p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): Preparation for placement is consistent with the child's age, understanding and emotional maturity. An older child is helped to understand why he/she is being placed,</p>

	<p>where he/she will be going and what adoption means. The social worker and the houseparent or foster family (in case the child is in the foster care home) work together in the preparation of the child for adoption. In case a child is in a foster home, the child is helped to understand that he/she cannot stay permanently with his/her foster family.</p> <p>The child is given the opportunities to express his/her feelings about the separation. The foster parents are oriented on the preparation process.</p> <p>After approval of a match, the child is provided information on the adoptive family, their customs, their homelife and neighborhood. Communication is encouraged between the child and the adoptive parents (once the PAPs have accepted the child proposal) through video conferencing, letters, phone calls, exchange of photos when appropriate and is under the supervision of the ICAB or the DSWD/CCA social worker.</p> <p>Older children are helped to process and resolve their feelings of guilt, grief, rejection or fear so that they can be free to develop a new relationship with their adoptive parents. Preparation is began once the child is declared legally free for adoption and intensive efforts when the child is accepted by the Prospective Adoptive parents.</p> <p><input type="checkbox"/> No</p>
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15. The nationality of children who are adopted intercountry¹⁴	
<p>Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?</p>	<p><input checked="" type="checkbox"/> Yes, always</p> <p><input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State):</p> <p><input type="checkbox"/> No, the child will never retain this nationality</p>

¹⁴ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](#) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

16. Limits on the acceptance of files	
Does your State place any limit on the number of PAPs’ files which are accepted from receiving States? ¹⁵	<input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input type="checkbox"/> No
17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁶	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Married, heterosexual couples: <input type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: <input checked="" type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPs.
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<input type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> <input type="checkbox"/> Minimum age requirements: <input type="checkbox"/> Maximum age requirements: <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: minimum 16 years age gap and maximum 45 years age gap between PAPs and child the time of filing of the application unless the applicant is the parent by nature of the child to be adopted or is the spouse of such parent. <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an</p>	<input type="checkbox"/> Yes:

¹⁵ See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

¹⁶ *I.e.*, this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Adoption Convention.

<p>intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): There must be a two (2) years nurturance period between the biological or adopted child in the family and the Prospective Adoptee.</p> <p><input checked="" type="checkbox"/> Other (please specify): Psychological Evaluation Tests</p> <p><input type="checkbox"/> No</p>
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18. Preparation and counselling of PAPs (Art. 5(b))	
<p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: Counseling session to resolve issues of loss and grief due to childlessness or infertility; preparation for the demands transracial and transcultural adoption placement; parenting training; child care plans upon arrival of child; resolution of feelings of extended family members on adoption plans; knowledge of child caring as well as their expressed disposition and attitude towards discipline patterns, ability to provide nurturing care and supervision in an atmosphere of affection, moral and material security; knowledge and/or experience of Philippine culture, attitude and plans towards maintaining child's cultural heritage</p> <p><input type="checkbox"/> No</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
<p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>	<p>The adoption application and the Home Study dossier is filed with the Inter-country Adoption Board through the Central Authority or accredited/authorized Foreign Adoption Agency in the country where the applicant resides.</p>

b) Please indicate which documents must be submitted with an application:

Please tick all which apply.

- An application form for adoption completed by the PAPs
- A statement of "approval to adopt" issued by a competent authority in the receiving State
- A report on the PAPs including the "home study" and other personal assessments (see Art. 15)
- Copies of the PAPs' passports or other personal identification documents
- Copies of the PAPs' birth certificates
- Copies of the birth certificates of any children living with the PAPs
- Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):
- Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Submit medical evaluation report by a duly licensed medical doctor. Indicate any serious illness, physical disabilities or history of mental illness. A medical report on the family's health status and health history should be discussed. THE MODIFIED MEDICAL AND PSYCHOLOGICAL REQUIREMENTS FOR PAPs (as per ICAB Board Resolution No. 13-001)
- Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Employment History/Financial Resources latest income tax return or other documents showing the financial capability of the applicant.
- Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Character reference from employer who has known the applicants for at least five (5) years.
- Proof of no criminal record
- Other(s): please explain MMPI II RF and Neo-PI-R- 16 PF. ICAB may accept other personality tests in the PAPs country given that they have to provide additional information deemed necessary by the ICA Board.

PAPs are required to submit:

	<ol style="list-style-type: none"> 1. Physical and medical evaluation by a duly licensed physician 2. Psychological Evaluation by a licensed psychologist 3. 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 over 4. 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) years 5. Guardianship Acceptance Letter 6. Recent postcard-sized pictures of the applicants and his immediate family and their home.
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.¹⁸ Please also specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): Foreign Authorized Accredited Adoption Agency- to undertake homestudy, post placement supervision reports and facilitate finalization of adoption in receiving country.</p> <p><input type="checkbox"/> No</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p>

¹⁷ See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

¹⁸ See the definitions provided at notes 3 and 7 above.

	<input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
e) Please specify the language(s) in which any documents must be submitted:	
f) Do any of the required documents need to be legalised or apostilled?	<input checked="" type="checkbox"/> Yes, please specify which documents: <input type="checkbox"/> No – go to Question 20
g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Apostille Convention)? <i>This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).</i>	<input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: <input type="checkbox"/> No

20. The report on the child (Art. 16(1)(a))	
a) Who is responsible for preparing the report on the child?	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) Is a “standard form” used for the report on the child?	<input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: The Child Study Report (CSR) is prepared only by licensed and accredited social workers of the DSWD or CCA involved in child placement. This is a study of a child's legal status, placement history, psychological, social, spiritual, medical, ethno-cultural background and that of his/her biological family as basis in determining the most appropriate placement. Such CSR shall include the assessment and recommendations of the social worker as to the alternative child custody and care appropriate for the child. https://www.dswd.gov.ph/issuances/MCs/MC_2020-013.pdf A progress/updated report should be submitted if the CSR had been prepared more than 6 months ago. The CSR should be for the purpose of inter-country adoption placement whereby the basic information required/needed by the Receiving Country and the PAPs are responded to (e.g. medical history, immunizations, etc.). <input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and

	/ or the documentation which should be attached to it: The following must be included in the report of the child: Identifying Information of Child; Sources of Information and Circumstances of referral; Background Information- the child, developmental history of the child, description of the child's present environment; termination of parental rights/facts of abandonment;
<p>c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"?</p> <p>See GGP No 1 – Annex 7, available here.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	One year
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i>	ICAB Secretariat writes/ notifies the accredited adoption agency to submit an updated home study report and updated supporting documents (if applicable).

22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))	
22.1 The authorities and the matching procedure	
a) Who is responsible for the matching of the child and the PAPs in your State?	ICAB
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	<p>Depending on the profile of the child and other ICAB set policies on allocation, 5 to 10 family dossiers will be given to the child's social worker who will choose two (2) priority families for presentation and deliberation by the Intercountry placement committee (ICPC). 1st and 2nd priority families/PAPs are designated.</p> <p>During the ICPC Matching Conference, the CCA/CPA social worker will present/s the case history of the child focusing on the child's background, medical history, current level of functioning, needs and characteristics of the child to determine which family is best suited for the child/ren.</p>

	<p>The two (2) prioritized families are presented focusing on why the family can best meet the needs of the child.</p> <p>The Placement Committee may or may not agree with the choice of the child/ren's social worker. The basis for selection of a 1st priority family is recommended to the Board.</p> <p>The Board reviews the proceedings of the ICPC Matching Conference and deliberates on the recommendations of the Placement Committee as basis for its approval or disapproval of the matching proposals. If the Board approves the matching proposal, all the present Board members sign the Certification of Approval of Placement.</p>
c) What methodology is used for the matching in your State?	Participatory
d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)?	<input checked="" type="checkbox"/> Yes, please specify: Yes. as an extension of the principle of subsidiarity, former Filipino's or foreign nationals of Filipino descent (Filipino couples with both parents being Filipino in origin and couples whose one parent is of Filipino origin) are given preference. <input type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	The ICAB Secretariat officially endorses "placement proposal" together with documents of the child/ren (CSR, medical/health records and recent photograph of the child/ren)
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	There is total termination of the parental authority. Biological parents are not allowed to see the child nor are they made aware of the status of the child's documents, whether for local or interantional matching.
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: The ICAB and the Central Authority of the Receiving Country must agree that the adoption can/may proceed. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	The Central Authority of the receiving country or the ICAB accredited/authorized Foreign Adoption Agency must transmit the written acceptance/non-acceptance within 15 days from receipt of the child proposal.

<p>c) If the relevant authorities / bodies of the receiving State and / or the PAPS refuse the match, what, if any, are the consequences in your State?</p>	<p>The child proposal is endorsed to the 2nd priority family. The refusing family must submit a letter explaining the reason/s for the non-acceptance. If neither one of two priority families accepts the child, a re-matching is scheduled and the child/ren's social worker will undertake a second Pre-Matching and Matching Process.</p> <p>Failure to properly justify the refusal (must be based on the "child acceptable checklist") will merit the removal from the roster of approved parents and may cause permanent disqualification to adopt from the Philippine adoption program when Approved adoptive applicants who for the first time, refuse the child proposed to them for (a) valid reason/s will merit a notation of their refusal in the Roster of Approved Applicants together with the reason for such refusal.</p> <p>PAPS refuse two (2) times a child proposal because of certain remarks or observation which they may have on the children proposed to them, will merit the suspension of their inclusion in the Roster of Approved Applicants for the next six months. After which, PAPS must submit an updated HSR. The date of receipt of the updated HSR will be the new date of their application.</p>
22.3 Information following acceptance of the match	
<p>Once the match has been accepted, do PAPS receive information regularly concerning the child and his / her development (<i>i.e.</i>, during the remainder of the intercountry adoption procedure and prior to entrustment)?</p>	<p><input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information:</p> <p><input type="checkbox"/> No</p>

23. Agreement under Article 17(c)	
<p>a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?</p>	<p>The ICAB and the Central Authority of the Receiving Country must agree that the adoption can/may proceed.</p>
<p>b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?</p>	<p><input type="checkbox"/> Our State sends the Article 17(c) agreement to the receiving State with the proposed match; OR</p>

	<input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; OR <input type="checkbox"/> Other (please specify):
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24. Travel of the PAPs to your State¹⁹	
<p>a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?</p>	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: The PAPs or any one of them must personally come to the Philippines for the entrustment of the the child 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. - How many trips are required to complete the intercountry adoption procedure: One - How long the PAPs need to stay for each trip: The applicant shall stay in the country of the child for at least five - (5) days. - Any other conditions: <input type="checkbox"/> No
<p>b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?</p>	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

25. Entrustment of the child to the PAPs (Art. 17)	
<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (<i>e.g.</i>, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>Physical Transfer of the child- The PAPs are required to fetch their Prospective Adoptive Child from the child caring agency.</p> <p>Preparation of the child - PAP's are required to submit a "welcome home album" for the use of the child/ren's caretakers to prepare the child. FAA's and CA's are likewise requested to send a photo directory of words in the receiving countries language with translated words in english and Filipino. The "Welcome Home Album" is a light weight album with labeled snapshots of the PAPs, their children, their home,</p>

¹⁹ See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

	<p>pets, extended family, neighborhood, etc. and used to orient and familiarize the child of his/her adoptive parents/family. The familiarization process includes information on the weather, food and customs.</p> <p>Some Child Caring Agencies request PAPs to spend a few days in the center to "get to know" the child in the child's environment to learn how the caretakers react to certain situations. (ie how to calm down a crying child)</p> <p>For older children, while waiting for the final travel to the Philippines, the PAPs through their accredited body or central authority if deemed necessary and for the best interest of the child may request for a video conference call under the supervision of the child caring agency social worker. A report of the video conference call must be submitted to ICAB.</p>
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26. Transfer of the child to the receiving State (Arts 5(c) and 18)	
<p>a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (<i>e.g.</i>, passport, visa, exit permit)?</p>	<p>Passport, Placement Authority Travel Clearance issued by the ICAB, Travel Authority for the PAPs, Visa Packet (entry visa documents) released by the Embassy of the Country of residence of the PAPs.</p>
<p>b) Which of the documents listed in response to Question 26 a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>Passport - Dept. fo Foreign Affairs Travel Clearance - ICAB Travel Authority - ICAB</p>
<p>c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify: Certificate of Filipino Overseas (CFO) which is stick in one of the pages of the PAP passport.</p> <p><input type="checkbox"/> No</p>

27. Final adoption decision and the Article 23 certificate	
<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input type="checkbox"/> In our State – go to Question 27 c)</p> <p><input checked="" type="checkbox"/> In the receiving State – go to Question 27 b)</p>

<p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (<i>e.g.</i>, obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	<p>(i) 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.</p> <p>(ii) <u>Go to Question 28</u></p>
<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Adoption Convention?</p> <p><i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Adoption Convention. The designation (or any modification</i></p>	<p>(i)</p> <p>(ii)</p>

<p>of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under “Authorities”), available on the Adoption Section of the HCCH website.</p>	
<p>d) Does your State use the “Recommended model form – Certificate of conformity of intercountry adoption”?</p> <p>See GGP No 1 – Annex 7, available here.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	

28. Duration of the intercountry adoption procedure	
<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>(i) (i) Except for Special Home Finding cases of children, regular adoption cases of children with complete and substantive documents are matched within 2 weeks after receipt of the child's dossier</p> <p>(ii) Entrustment of the child to the PAPs must be done 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. There are countries where the waiting period for the entrustment will depend on the timeframe involved in the processing of entry visa.</p> <p>(iii)</p>

PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “intra-family intercountry adoption” in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>Relative adoption refers to the adoption of a Filipino child by a relative who falls within the 4th degree of consanguinity or affinity.</p>

<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 30</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION²⁰

30. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a “simple” adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family’s consent(s)²¹ to a “full” adoption where this is in the child’s best interests (<i>i.e.</i>, so that a “conversion” of the adoption may be undertaken in the</p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken: NA</p> <p><input type="checkbox"/> No</p>

²⁰ According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1 (*op. cit.* note 14), Chapter 8.8.8.

²¹ Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

<p>receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1)(b) and Art. 4 (c) and (d).</i></p>	
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family²² to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	NA

PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	ICAB and DSWD
<p>b) For how long is the information concerning the child's origins preserved?</p>	Preserved for life
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9(a) and (c) and Art. 30.</i></p>	<p>(i) <input type="checkbox"/> Yes – please explain any criteria: the adopted person of legal age and with a written authority from the Board</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: adoptive parents if the adoptee is still a minor or under guardianship</p> <p><input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria: By order of the court or proper public official whenever necessary in an administrative, judicial or other official proceeding to determine the identity of the parent or parents or of the circumstances surrounding the birth of the adopted child or the nearest of</p>

	<p>kin in case of the death of the adopted person.</p> <p><input type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input type="checkbox"/> Yes – please specify: Counseling shall be provided to the adoptee and to the adoptive family.</p> <p>Support his/her right to have information about his/her background as an integral part of his/her identity formation. Be very careful though about the emotional readiness of the adoptee which is important to consider. Be tactful and discreet and sift information if necessary so as not to traumatize the adoptee.</p> <p>Help the adoptee in understanding his/her reasons for wanting to search for his/her origin. This must be discussed carefully so as not to reinforce feelings of inadequacies, guilt and hostilities.</p> <p>Be ready to share available information based on the maturity of the adoptee. Let him/her express his/her feelings and support him/her in dealing with these.</p> <p>Assist the adoptive parents to understand the feelings of their adoptee and his/her desire to know his/her background. Help them in handling this situation.</p> <p>Counseling of the biological mother or parents and the immediate members of family is provided to level-off expectations and to thresh out foreseen issues in the conduct of the search.</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: If the adoptee pursues a search and reunion.</p> <p>When reunion is decided, preparations of all concerned must be carefully planned to avoid any possible negative experience. The social worker must also consider the decision and readiness of the adoptee and the biological parent/s on whether to involve the significant person/s in their present lives.</p> <p><input type="checkbox"/> No</p>

<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (<i>e.g.</i>, medical information, information about the child’s development, schooling):</p>
<p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) Three post placement reports submitted every two months.</p> <p>(ii) Six months from actual entrustment</p> <p>(iii) English</p> <p>(iv) Authorized body social worker or Central Authority</p> <p>(v) Photographs with PAP's and siblings if any</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>	<p>(i) Non-submission will produce the effect of ICAB withholding the transmittal of the Affidavit of Consent to Adoption and possible repatriation of the child.</p> <p>(ii) A request for clarification will be sent.</p>
<p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>	<p>They are put in a new combined file of the PAP's and the Child.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²³

States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.

33. The costs²⁴ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (<i>e.g.</i>, link to a website or attach a copy). Please also briefly explain the legal framework: The fees and charges</p>

²³ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH website: *i.e.*, the *Terminology on the financial aspects of intercountry adoption* (“Terminology”), the *Note on the financial aspects of intercountry adoption* (“Note”), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁴ See the definition of “costs” provided in the Terminology, *ibid*.

	<p>can be found in the the ICAB website: www.icab.gov.ph "Fees and Charges"</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: . The fees are all subject to the issuance of Official Receipts and monies are deposited to the National Treasury.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i></p>	<p><input checked="" type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>ICAB</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><i>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</i></p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed:</p> <p><input type="checkbox"/> No</p>

34. Contributions, co-operation projects and donations²⁵

<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁶ to your State if it</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required:
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²⁵ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 23.

²⁶ See further the Terminology, *supra*, note 23, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (e.g., for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a

<p>wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.</i></p>	<ul style="list-style-type: none"> • Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> • What type of co-operation projects are permitted: developmental projects • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): Either the Central Authority or the accredited Foreign Adoption Agency • Whether such projects are monitored by an authority / body in your State: Department of Social Welfare and Development (DSWD) • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: Child caring agencies who receive support from a foreign entity is not allowed to match children with that specific country. The recipient Child Caring Agency/Placing Agency is required to have records of all donations received and are to be receipted. The agency must maintain separate program and financial records. <p><input type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages,</p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): PAP's are requested to donate an amount to

condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of “highly recommended contribution”, but in practice it is “mandatory” for the PAPs in the sense that their application will not proceed if the payment is not made.

<p>institutions or birth families in your State?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the “Note on the Financial Aspects of Intercountry Adoption” at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p>institution where the child came from to support the other children left behind in the institution.</p> <ul style="list-style-type: none"> • What donations are used for: basic needs of the children in the orphanages e.g. milk, diapers, clothing, medicines, nursery equipments, school materials, etc. • Who is permitted to pay donations (e.g., only authorised foreign accredited bodies or also PAPs): Foreign agencies or PAPs depending on their agreement. • At what stage of the intercountry adoption procedure donations are permitted to be paid: : after the final matching and acceptance. • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: The donation is only made after the family has accepted the child/ren or in some cases after the child is fetched by the PAPs. <p><input type="checkbox"/> No</p>
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35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	DSWD/ICAB
b) What measures have been taken in your State to prevent improper financial or other gain?	Strict monitoring by the DSWD. Institutions/orphanages are required to submit their annual financial reports audited by external auditors.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Suspension or revocation of registration, license and accreditation of a Social Welfare and Development Agency or Child Caring Agency

PART XI: ILLICIT PRACTICES²⁷

36. Response to illicit practices in general

²⁷ “Illicit practices” in this Country Profile refers to “situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child’s origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)” (from p. 1 of the *Discussion Paper: Cooperation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >).

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁸	ICAB notifies the DSWD for appropriate action i.e. investigation on the reported illicit activity or practice.
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37. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State's intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>RA 7610 AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES http://www.lawphil.net/statutes/repacts/ra1992/ra_7610_1992.html</p> <p>RA 9523 AN ACT REQUIRING CERTIFICATION OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) TO DECLARE A "CHILD LEGALLY AVAILABLE FOR ADOPTION" AS A PREREQUISITE FOR ADOPTION PROCEEDINGS, AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE DOMESTIC ADOPTION ACT OF 1998, REPUBLIC ACT NO. 8043, OTHERWISE KNOWN AS THE INTER-COUNTRY ADOPTION ACT OF 1995, PRESIDENTIAL DECREE NO. 603, OTHERWISE KNOWN AS THE CHILD AND YOUTH WELFARE CODE, AND FOR OTHER PURPOSES http://www.lawphil.net/statutes/repacts/ra2009/ra_9523_2009.html</p> <p>RA 9208 AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES http://www.lawphil.net/statutes/repacts/ra2003/ra_9208_2003.html</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Border control, webpage scanning/monitoring, information from partners, chatroom monitoring.</p>
<p>c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?</p>	<p>fine, suspension and/or revocation of registration, license and accreditation and imprisonment</p>

38. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established</i></p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p>

<p><i>under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>
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PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Adoption Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State²⁹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Domestic Adoption</p> <p>Requirements and criteria will follow Republic Act 8552 or the Philippine Domestic Adoption Law of 1998. But PAP's must be qualified under Philippine laws to adopt (living continuously for 3 years in the Philippines before filing any adoption petition and will stay for the duration of the trial and post placement period.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Intercountry adoption and the requirements/criteria is the same per provisions of RA 8043 or the Philippine Intercountry Adoption Act of 1995.</p> <p><input type="checkbox"/> No</p>

²⁹ According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

³⁰ According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³¹

40. Selection of partners	
a) With which receiving States does your State currently partner on intercountry adoption?	please refer to www.icab.gov.ph for the list of country partners and adoption agency partners.
b) How does your State determine with which receiving States it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention. <i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i>	Considering the 10 million Filipinos living overseas, ICAB has to partner with those who have not ratified the convention to assure the best interests of the child.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases. ³²	<input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (<i>e.g.</i> , the conclusion of a formal agreement ³³ with that receiving State)?	<input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³⁴ Memorandum of Agreement or Working Agreement <input type="checkbox"/> No

³¹ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

³² See GGP No 1 (*op. cit.* note 14), Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³³ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

³⁴ *Ibid.*