

AMENDED
IMPLEMENTING
RULES AND
REGULATIONS ON
INTERCOUNTRY
ADOPTION
(Republic Act 8043)

REPUBLIC OF THE PHILIPPINES
INTER-COUNTRY ADOPTION BOARD
MANILA

AMENDED IMPLEMENTING RULES AND REGULATIONS
ON INTER-COUNTRY ADOPTION (RA 8043)

Pursuant to the authority of the Inter-Country Adoption Board, under Section 6, paragraph (a) of Republic Act No. 8043, otherwise known as "The Inter-Country Adoption Act of 1995" and in accordance with the relevant provisions of Republic Act No. 8552 otherwise known as the Domestic Adoption Act of 1998 and the provisions of The Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption as well as the United Nations Convention on the Rights of the Child, the following Rules and Regulations are hereby promulgated to govern the adoption of a Filipino child abroad:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. POLICY OBJECTIVES. - It is the policy of the State to ensure that every child shall grow up in a family that will provide such child with love and care as well as opportunities for growth and development. Towards this end, efforts shall be exerted to place every child who is legally free for adoption, with an adoptive family in the Philippines. The State shall take measures and safeguards to ensure that inter-country adoption is allowed when the same shall prove beneficial to the child's best interests and shall serve and protect his/her fundamental rights. In this respect, the State shall establish a system of cooperation with other States, through their respective Central/Competent Authorities and accredited bodies to prevent the sale, trafficking and abduction of children.

SECTION 2. APPLICABILITY. - The Rules shall apply to the adoption of a legally free Filipino child in a foreign country by a person qualified to adopt under Republic Act 8043 otherwise known as the Inter-Country Adoption Law of 1995.

ARTICLE II
DEFINITION OF TERMS

SECTION 3. DEFINITION OF TERMS. - As used in these Rules, unless the context otherwise requires, the following terms shall mean:

- (a) "Act" shall refer to Republic Act No. 8043, otherwise known as "The Inter-Country Adoption Act of 1995";

- (b) "Applicant" shall refer to a married couple or a single person who files an application;
- (c) "Application" shall refer to the duly accomplished application form, home study report including its supporting documents from an authorized or accredited agency or body by the ICAB;
- (d) "Accreditation of Local Child Caring Agency/Child Placing Agency" shall refer to the recognition of a social welfare development program or service that such is implemented by a social welfare and development agency in compliance with appropriate standards evidenced by a certificate of accreditation issued by the Department of Social Welfare and Development.
- (e) "Accreditation of Foreign Adoption Agencies" shall refer to the recognition granted by the Board to a Foreign Adoption Agency duly licensed by the state welfare authority in a Non-Contracting State as meeting the official requirements to participate in the Philippine Inter-country Adoption Program.
- (f) "Authorization" shall refer to recognition granted by the Board to a Foreign Adoption Agency duly accredited by the Central Authority of a Contracting State to participate in the Philippine Inter-country Adoption Program.
- (g) "Board" shall refer to the Inter-Country Adoption Board which is the Central Authority in matters relating to inter-country adoption and the policy-making body for the purposes of carrying out the provisions of R.A. 8043 and the Convention;
- (h) "Central Authority" shall refer to the key governmental entity which is responsible for carrying out the provisions of the Convention;
- (i) "Chairperson" shall refer to the Chairperson of the Board;
- (j) "Child" shall refer to a Filipino child below fifteen (15) years of age who can be legally adopted;
- (k) "Child Caring Agency" shall refer to a welfare agency that provides a twenty-four (24) hour resident group care service for the physical, mental, social and spiritual well being of nine (9) or more mentally gifted, abandoned, neglected, disabled, or disturbed children, or youth offenders. The term shall include an institution whose primary purpose is to provide education whenever nine (9) or more of its pupils or wards in the ordinary course of events do not return to the homes of their parents or guardians for at least two (2) months of summer vacation;
- (l) "Child Placing Agency" shall refer to an institution licensed by the Department to

- assume the care, custody, protection and maintenance of children for purposes of adoption, guardianship or foster care;
- (m) "Child with Special Needs" shall refer to any child who is difficult to place in view of some physical, psychological, and/ or social limitations including but not limited to being an older child, belonging to a sibling group or those who may be under such analogous circumstances;
 - (n) "Committee" shall refer to the Inter-Country Adoption Placement Committee;
 - (o) "Competent Authority" shall refer to any State entity which performs all or most of the functions of Chapter II of the Convention;
 - (p) "Contracting State" shall refer to any State Party to the Convention;
 - (q) "Convention" shall refer to The Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption;
 - (r) "Decree of Abandonment" shall refer to the final written judicial order declaring a child to be dependent, abandoned, and neglected and committing such child to the care of the Department through a person or duly licensed child caring/placing agency or institution. The rights of the biological parents, guardian or other custodian to exercise authority over the child shall cease;
 - (s) "Deed of Voluntary Commitment" shall refer to the notarized instrument relinquishing parental authority and committing the child to the care and custody of the Department executed by the child's biological parent(s) or by the child's legal guardian in their absence, mental incapacity or death, to be signed in the presence of an authorized representative of the Department, after counseling and other services have been made available to encourage the child's biological parent(s) to keep the child;
 - (t) "Department" shall refer to the Department of Social Welfare and Development;
 - (u) "Foreign Adoption Agency" shall refer to the State Welfare Agency or the licensed and accredited agency in the country of the foreign adoptive parents that provides comprehensive social services and is duly recognized by the Board;
 - (v) "Inter-Country Adoption" shall refer to the socio-legal process of adopting a child by a foreign national or a Filipino citizen permanently residing abroad where the petition for adoption is filed, the supervised trial custody is undertaken, and the decree of adoption is issued in the foreign country where the applicant resides thereby creating a permanent parent-child relationship between the child and the adoptive parents;

- (w) "Illegal Adoption" shall refer to an adoption that is effected in any manner contrary to the provisions of RA 8043, these Rules, established State policies, Executive Agreements and other laws pertaining to adoption;
- (x) "Legally free child" shall refer to a child who, in accordance with the Child and Youth Welfare Code, has been voluntarily or involuntarily committed to the Department, or to a duly licensed and accredited child-placing or child-caring agency, freed of the parental authority of his/her biological parent/s or guardian/s or adopter/s in case of rescission of adoption;
- (y) "Liaison Service" shall refer to the effective delivery of facilitating social services provided by a licensed and accredited Child Caring or Child Placing Agency (CCA/CPA) to represent a Foreign Adoption Agency (FAA) in the Philippines;
- (z) "Licensing" shall refer to the process conducted by DSWD in assessing qualification and authorizing a registered social welfare and development (SWD) agency to operate as a social work agency.
- (aa) "Matching" shall refer to the judicious pairing of the applicant and the child to promote a mutually satisfying parent-child relationship;
- (bb) "Non-Contracting State" shall refer to any State not party to the Convention with which the Board has established working relations.
- (cc) "Quorum" shall refer to the minimum number that must be present at a meeting or assembly to make its proceedings valid.
- (dd) "Secretary" shall refer to the Secretary of the Department;
- (ee) "Special Home Finding" shall refer to the process of recruiting or identifying suitable adoptive parents for children with special needs through the Central Authority or a Foreign Adoption Agency of the State if there are no available families in the Roster of Approved Families.

ARTICLE III

INTER-COUNTRY ADOPTION BOARD

SECTION 4. POWERS AND FUNCTIONS OF THE BOARD – The Board shall have the following powers and functions:

- a. To prescribe rules and regulations as it may deem reasonably necessary to carry out the provisions of the Act, after consultations and upon favorable recommendation of the

- different agencies concerned with child-caring, placement and adoption;
- b. To set the guidelines for the convening of the Inter-country Adoption Placement Committee which shall be under the direct supervision of the Board;
 - c. To set the guidelines for the manner of selection and matching of prospective adoptive parents and adoptive child;
 - d. To determine a reasonable schedule of fees and charges to be exacted in connection with the application for and process of adoption;
 - e. To determine the form and content of the application for inter-country adoption;
 - f. To 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;
 - g. To institute systems and procedures to prevent improper financial gain in connection with adoption and deter improper practices which are contrary to the Act;
 - h. To promote the development of adoption services, including post-legal adoption services;
 - i. To accredit and authorize foreign private adoption agencies which have demonstrated professionalism and competence and have consistently pursued non-profit objectives, to engage in the placement of Filipino children in their own country; provided, that such foreign adoption agencies are duly authorized and accredited by their own government to conduct inter-country adoption; provided further, that the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred a year.
 - j. To take appropriate measures to ensure the confidentiality of the records of the child, the natural parents and the adoptive parents at all times;
 - k. To prepare, review, modify and recommend to the Department of Foreign Affairs, Memoranda of Agreement on inter-country adoption consistent with the implementation of this Act and its stated goals, entered into, between and among the Philippines and foreign governments, international organizations and recognized international non-governmental organizations;
 - l. To assist other concerned agencies and the courts in the implementation of this Act, particularly in the coordination with foreign persons, agencies and other entities involved in the process of adoption and the physical transfer of the child; and

- m. To perform such other functions on matters relating to inter-country adoption as may be determined by the President of the Republic of the Philippines.

SECTION 5. MEETINGS. - The Board shall meet regularly or upon the call of the Chairperson. In the absence of the Chairperson, the members present who constitute a quorum may choose a presiding officer from among themselves. A majority of all members of the Board shall constitute a quorum. The Board may hold meetings in executive session.

SECTION 6. VOTING. - The Board shall act as a collegial body. The vote of a majority of the members of the Board constituting a quorum shall be necessary to perform its functions as provided in the Act. The Chairperson of the Board shall not vote in a meeting except to break a tie.

ARTICLE IV SECRETARIAT

SECTION 7. EXECUTIVE DIRECTOR. - The Executive Director shall head the Secretariat. He/she shall be appointed by the Chairperson with the concurrence of the majority of the Board. The Executive Director shall serve a term of six (6) years and may be reappointed by the Chairperson for another term with the concurrence of the Board.

SECTION 8. FUNCTIONS OF THE EXECUTIVE DIRECTOR. - The Executive Director shall act as the executive officer of the Secretariat and shall exercise supervision over its personnel. He/she shall act as the Secretary of the Board.

SECTION 9. QUALIFICATIONS OF THE EXECUTIVE DIRECTOR. - The Executive Director shall have the qualifications of a Director IV, preferably with a master's degree in Social Work or its equivalent in a related discipline, and at least three (3) years of supervisory experience.

SECTION 10. SUPPORT STAFF. - The Secretariat shall have such operating units and personnel as the Board may find necessary for the proper performance of its function.

SECTION 11. FUNCTIONS OF THE SECRETARIAT. - The functions of the Secretariat shall include the following:

- a) Provide secretariat, records keeping and other services to the Board and the Committee;
- b) Review, and process applications, matching proposals, placements, and all documents requiring action by the Board;
- c) Maintain and facilitate communications with the Committee and the different government offices, non governmental agencies, Central

Authorities (CAs), Foreign Adoption Agencies (FAAs), and the Department of Foreign Affairs (DFA) or Philippine Foreign Service Posts and the general public;

- d) Review accreditation and authorization applications and status of agencies for action by the Board;
- e) Perform such other duties as the Board may direct.

ARTICLE V INTER-COUNTRY ADOPTION PLACEMENT COMMITTEE

SECTION 12. COMPOSITION. - The Board shall maintain two (2) teams for the Placement Committee with the following representations for each team of consultants: a child psychiatrist or psychologist, a medical doctor, a lawyer, a registered social worker, and a representative of a non-governmental organization engaged in child welfare. The two (2) teams of the Placement Committee shall be scheduled to attend the Matching Conference alternately once a week. Provided, that in every matching conference, there must be a quorum of three (3) members.

The Board shall appoint qualified persons who shall serve in the Committee for a term of two (2) years which may be renewed twice at the discretion of the Board.

SECTION 13. FUNCTIONS OF THE COMMITTEE. - The Committee shall have the following functions:

- a. Carry-out an integrated system and network of selection and matching of applicants and children.
- b. Recommend to the Board approval of applications and matching proposals.
- c. Assist the Board in its accreditation function.
- d. Act as consultants to the Secretariat in their area/field of expertise.
- e. Perform such other functions and duties as may be determined by the Board.

SECTION 14. ALLOWANCES OF COMMITTEE MEMBERS. - A Committee member shall receive an honorarium which shall be determined by the Board subject to the usual accounting and auditing rules and regulations.

SECTION 15. RULES AND PROCEDURES. - The Committee shall submit, for the approval of the Board, its internal rules and procedures and any amendments thereafter.

SECTION 16. MEETINGS. - The Committee shall meet regularly or upon the call of the Board.

**ARTICLE VI
AUTHORIZATION AND ACCREDITATION**

SECTION 17. LOCAL CHILD CARING AND CHILD PLACING AGENCIES. - Only local child caring and placing agencies accredited by the Department and with personnel and facilities to undertake comprehensive child welfare program can participate in the inter-country adoption program. Child caring agencies/child placing agencies are required to apply for their accreditation by the Department within one (1) year from the date of issuance of their license.

The Board authorizes the Department to accredit child caring agencies/child placing agencies to participate in the inter-country adoption program.

SECTION 18. FOREIGN ADOPTION AGENCIES. - Foreign adoption agencies from both Contracting States and Non-Contracting States can participate in the Philippine Inter-country Adoption program.

An authorization is granted by the Board to a foreign adoption agency coming from a Contracting State. The Central Authorities of Contracting States may adopt a system of cooperation to implement the process of authorization.

An accreditation is granted by the Board to a foreign adoption agency coming from Non-Contracting States.

The authorization or accreditation by the Board may be issued upon submission of the following documentary requirements:

- a. A license and/or accreditation or authorization from its government to operate as an adoption agency to carry out inter-country adoptions;
- b. Name and qualifications of the members of the Board of Directors, senior officers and other staff involved in inter-country adoption;
- c. Detailed description of its programs and services, research studies and publications;
- d. Audited financial report of the last two (2) years including sources of funds, adoption fees and charges;
- e. 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

- f. Such other requirements which the Board may deem necessary in the best interests of the child.

The abovementioned documents, written, and in the proper case officially translated to English, and whenever practicable, authenticated by Philippine Consular authorities, shall be submitted to the Board.

SECTION 19. AUTHORIZATION AND ACCREDITATION PROCESS FOR FOREIGN ADOPTION AGENCIES. - 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.

Guidelines established by the Board shall apply.

SECTION 20. RENEWAL OF AUTHORIZATION/ACCREDITATION. - An FAA shall notify the Board of its interest in renewing its authorization/accreditation at least sixty (60) days before the expiration of its authorization/accreditation. The Board shall act on its application for renewal within thirty (30) working days upon receipt. When there are violations or complaints against the FAA, in which case, appropriate action shall be undertaken by the Board.

SECTION 21. ACCREDITATION AND AUTHORIZATION COSTS. – The foreign adoption agency (FAA) upon application for accreditation, authorization or its renewal, shall pay a fee which will be determined by the Board and which shall be utilized for expenses relative to the Board's accreditation and/or authorization visit to the foreign adoption agency/ies of the Contracting or Non-Contracting State and other related activities of the Board.

SECTION 22. LIAISON SERVICES. - Only a non-profit licensed and accredited child caring or child placing agency shall be authorized to serve as liaison of a foreign adoption agency with its dealings with the Board.

The Board shall periodically review the liaison services of the agency and may terminate any such service when, after a thorough evaluation, the agency is proven to have violated the requirements under these Rules. The agency concerned shall be given prior notice as provided for in Section 23.

ARTICLE VII
SUSPENSION OR REVOCATION
OF AUTHORIZATION OR ACCREDITATION

SECTION 23. GROUNDS. - 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:

- 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.

In case of local child caring agencies/child placing agencies, the disciplinary proceedings shall be done through the Department. Rules of the Department shall apply.

Any criminal acts committed by the agency or any of its personnel shall be dealt with in accordance with existing laws.

SECTION 24. WHO MAY INITIATE ACTION TO SUSPEND OR REVOKE AUTHORIZATION OR ACCREDITATION.- 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.

In cases involving local child caring agencies/child placing agencies, the Board shall endorse the complaints to the Department for appropriate action within fifteen (15) working days. Rules and regulations in handling complaints established by the Department shall apply.

SECTION 25. PROCEDURES FOR SUSPENSION OR REVOCATION OF AUTHORIZATION/ACCREDITATION OF FOREIGN ADOPTION AGENCY. - Upon receipt of the answer, the Board shall study the case and may refer the same to the concerned Central Authority or government regulatory agency of the State or country where the agency operates for comment/s.

Depending on the gravity of the violation charged, The Board may preventively suspend for a maximum of 90 working days, any dealings with the agency concerned during pendency of the investigation, provided that no child shall be prejudiced by such action.

Upon termination of the review and study of the case by the Board, the decision of the Board shall be communicated in writing to the concerned agency and the concerned Central Authority or government regulatory agency of the State or country where the agency operates.

ARTICLE VIII INTER-COUNTRY ADOPTION PROCESS

SECTION 26. WHO MAY BE ADOPTED.- Any child who has been voluntarily or involuntarily committed to the Department as dependent, abandoned or neglected pursuant to the provisions of the Child and Youth Welfare Code may be the subject of Inter-Country Adoption; Provided that in the case of a child who is voluntarily committed, the physical transfer of said child shall be made not earlier than six (6) months from the date of execution of the Deed of Voluntary Commitment by the child's biological parent/s or guardian. Provided further, however, that this prohibition against physical transfer shall not apply to children being adopted by a relative or to children with special medical conditions.

SECTION 27. WHO MAY ADOPT. - Any foreign national or Filipino citizen permanently residing abroad who has the qualifications and none of the disqualifications under the Act may file an Application if he/she:

- a. Is at least twenty-seven (27) years of age and is at least sixteen (16) years older than the child to be adopted at the time of the 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 by nature;
- b. Has the capacity to act and assume all the rights and responsibilities

- incidental to parental authority under his/her national law;
- c. Has undergone appropriate counseling from an accredited counselor in his/her country;
 - d. Has not been convicted of a crime involving moral turpitude;
 - e. Is eligible to adopt under his/her national law;
 - f. Can provide the proper care and support and give the necessary moral values and example to the child and, in the proper case, to all his/her other children;
 - g. Comes from a country
 - (i). With whom the Philippines has diplomatic relations;
 - (ii). Whose government maintains a foreign adoption agency; and
 - (iii). Whose laws allow adoption; and
 - h. Files jointly with his/her spouse, if any, who shall have the same qualifications and none of the disqualifications to adopt as prescribed above.

SECTION 28. REQUIRED DOCUMENTS OF APPLICANTS. – The following documents shall be required of the applicants for inter-country adoption.

- a) Application Form. An application form prescribed by the Board which includes the following shall be accomplished by the husband and wife:
 - 1. Undertaking under oath signed by the applicants
 - 2. Information and Personal Data of the Applicants
- b) Home Study Report to be prepared by the Central Authority or an ICAB accredited Foreign Adoption Agency.
- c) Supporting Documents. The supporting documents to be attached to the Application shall consist of the following:
 - 1) Birth Certificates of the Applicants and, in cases of relative adoption, such relevant documents that establish the relationship between the applicant claiming relationship to the child to be adopted;
 - 2) Marriage Contract of the applicants, and in the proper case, Decree of Divorce of all the previous marriages of both spouses;

- 3) Written consent to the adoption in the form of a sworn statement by the biological and/or adopted children of the applicants who are ten (10) years of age or over;
- 4) Physical and medical evaluation by a duly licensed physician;
- 5) Psychological evaluation by a psychologist;
- 6) Latest income tax return or other documents showing the financial capability of the applicant;
- 7) Clearances issued by the Police Department or other proper government agency of the place where the applicants reside;
- 8) Character reference from the local church/minister, the applicant's employer and a member of the immediate community who have known the applicant(s) for at least five (5) years; and
- 9) A Certification from the appropriate government agency that the applicant is qualified to adopt under his/her national law and that the child to be adopted is allowed to enter the country for trial custody and reside permanently in the said place once adopted;
- 10) Recent postcard size pictures of the applicant, their immediate family members and their home; and
- 11) Self-Report Questionnaire (required when the Psychological Evaluation is inadequate).

SECTION 29. FEES, CHARGES AND ASSESSMENTS. - There shall be a fee to be determined by the Board upon filing of the application for adoption. Upon acceptance of the matching proposal, a corresponding fee shall be charged based on the schedule of fees fixed by the Board and communicated to all Central Authorities and Foreign Adoption Agencies. These and other fees shall be charged to support the operational expenses of the inter-country adoption program. Such fees, charges and assessments shall be indicated in the application form and communicated to all Central Authorities and foreign adoption agencies.

SECTION 30. WHERE TO FILE APPLICATION. - The application shall be filed with the Board through the Central Authority or an accredited Foreign Adoption Agency (FAA) in the country where the applicant resides. Foreigners who file a petition for adoption in the Philippines under the Domestic Adoption Act of 1998 otherwise known as RA 8552, the Court, after finding the petition to be sufficient in form and substance and a proper case for inter-country adoption, shall immediately transmit the petition to the Board for

appropriate action. The Board shall then act on the application following the procedures described in these Rules.

SECTION 31. ROSTER OF APPROVED APPLICANTS. - The Board shall establish a Roster of Approved Applicants to be updated at least quarterly. The Board shall act on each application within one (1) month from receipt thereof, provided the application and documentary requirements are complete.

SECTION 32. ENDORSEMENT OF CHILD FOR INTER-COUNTRY ADOPTION. - A child who has been committed to the Department and who may be available for inter-country adoption shall be endorsed by the Department to the Board. The endorsement shall contain a certification by the Department that all possibilities for adoption of the child in the Philippines have been exhausted and that inter-country adoption is in the best interests of the child.

In cases of relative adoption, a Certification issued by the DSWD Field Office Director together with the Child Study Report (CSR) and other supporting documents shall be endorsed to the Board.

SECTION 33. CHILD'S SUPPORTING DOCUMENTS. - The following documents pertaining to the child shall be attached to the endorsement:

- a. Child Study and Updated Report (if CSR had been prepared more than six (6) months ago) prepared by the social worker of the DSWD or NGO Child Caring/Child Placing Agency at the time of matching shall include information about the child's identity, upbringing, and ethnic, religious and cultural backgrounds, social environment, family history, medical history and special needs;
- b. Security Paper (SECPA) of the Birth or Foundling Certificate;
- c. Certified True Copy of the Decree of Abandonment together with the Certificate of Finality for such judgment or the Notarized Deed of Voluntary Commitment executed after the birth of the child;
- d. Certified True Copy of the Death Certificate of the child's birthparent/s, if applicable;
- e. Updated medical evaluation and history of the biological family, if available,
- f. Psychological evaluation for children above five (5) years old or as may be deemed necessary by the ICPC;

- g. Child's own written consent to adoption, if he/she is ten (10) years or older, witnessed by a social worker of the Child Caring/Placing Agency and after proper counseling; and
- h. Most recent whole body size picture of the child (taken within six (6) months upon submission of documents). If applicable, any physical impairment of the child should be visible in the picture.

SECTION 34. ROSTER OF CHILDREN CLEARED FOR INTER-COUNTRY ADOPTION. - A Roster of Children endorsed by the Department for inter-country adoption shall be prepared, maintained and updated by the Secretariat on a monthly basis.

SECTION 35. MATCHING. - The matching of the child with an applicant shall be carried out during a matching conference by the Committee together with the head or social worker of the agency or the Secretariat social worker of the ICAB to whom the presentation is delegated . The Board shall set the guidelines for the manner by which the matching process shall be conducted. These are the matching procedures:

- a. Pre-Matching
 - i. Review of Adoption Dossiers
 - ii. Submission of Matching Proposal
- b. Matching Conference
 - i. Presentation of the Social Worker
 - ii. Deliberations
 - iii. ICPC Recommendation
- c. Post Matching Conference
 - i. Presentation by the ICAB Secretariat Social Worker
 - ii. Board Action

SECTION 36. APPROVAL OF MATCHING. - The Committee shall endorse the matching proposal to the Board for its approval or other appropriate action. The endorsement shall state the reasons for the Committee's recommendation of the placement.

SECTION 37. BOARD ACTION ON APPROVED MATCHING. - The Board shall immediately act on the matching proposal of the Committee. If the same is approved, a notice of matching shall be sent to the concerned Central Authority or foreign adoption agency within five (5) days from the date of approval and shall be accompanied by the following documents:

- a. Child Study Report and Updated Report (if CSR had been prepared more than six (6) months ago;
- b. Updated medical evaluation of the child and psychological evaluation, if applicable;

- c. Most recent whole body size picture of the child (taken within six (6) months upon submission of documents); and
- d. Itemized pre-adoptive placement costs.

The applicant/s shall notify the Central Authority or Foreign Adoption Agency in writing of their decision on the matching proposal within fifteen (15) working days from receipt of said proposal. If the applicant needs additional information about the child and/or they need more time to arrive at a decision, an extension of thirty (30) working days may be granted.

SECTION 38. NO CONTACT BETWEEN APPLICANT AND CHILD'S PARENTS. - No matching arrangement except under these Rules shall be made between the applicant and the child's parents/guardians or custodians, nor shall any contact between them concerning a particular child be done before the matching proposal of the Committee has been approved by the Board. This prohibition shall not apply in cases of adoption of a relative or in cases where the child's best interests as determined by the Board is at stake.

SECTION 39. PLACEMENT AUTHORITY. - The Board shall issue the Placement Authority within three (3) working days upon receipt of the applicant's acceptance of the matching proposal and the corresponding fees from the Central Authority or the FAA.

The Board shall transmit a copy of the Placement Authority to the Department of Foreign Affairs and to the Central Authority or FAA.

SECTION 40. PRE-ADOPTIVE PLACEMENT COSTS. - Upon acceptance of the matching proposal, the applicant, through the Central Authority or the FAA, shall pay the expenses incidental to the pre-adoptive placement of the child, including the cost of the child's travel, medical and psychological evaluation and other related expenses.

SECTION 41. PRE-DEPARTURE PREPARATION OF THE CHILD. - After the issuance of the Placement Authority and prior to the departure, the child shall be prepared for his/her placement by the concerned Child Caring/Placing Agency to minimize the anxiety and trauma due to separation from the persons with whom the child may have formed attachments. Further, the preparation shall ensure that the child is physically able and emotionally ready to travel and to form new relationships.

SECTION 42. PHYSICAL TRANSFER OF THE CHILD. - The adoptive parents or anyone of them shall personally fetch the child from the Philippines not later than twenty (20) working days after notice of issuance of the visa of the child for travel to the country where the applicant resides. The applicant shall stay in the country with the child for at least five (5) days to allow bonding to occur between and among them.

Should the applicants be unable to fetch the child/children within the said period, a letter from the CA or FAA explaining such shall be required. The unauthorized failure of the applicant/s to fetch the child within said period may result in the cancellation of the Placement Authority.

SECTION 43. FAILURE OF THE PHYSICAL TRANSFER TO OCCUR. - In case the adoption of the child is not pursued during the applicant's period of stay in the country, the Board and the concerned Child Caring Agency shall be duly notified by the applicant. Appropriate steps shall be undertaken by the Board to ensure that the best interest of the child is protected.

The Board shall immediately inform the Central Authority and/or the FAA about the decision of the applicants to leave the child/children behind.

All travel documents of the child shall be turned over by the applicants to the Secretariat before returning to their country. In accordance with Article 19 (3) of the Hague Convention, the applicants' documents shall be returned to the Central Authority or FAA concerned.

SECTION 44. TRANSFER OF CUSTODY OF THE CHILD. - Trial custody shall start upon physical transfer of the child to the applicant who, as custodian, shall exercise substitute parental authority over the person of the child.

SECTION 45. SUPERVISION OF PRE-ADOPTIVE PLACEMENT.- The Central Authority and/or the FAA of the State to which the child has been transferred shall supervise and monitor the placement of the child with the applicants, maintaining communication with the applicants from the time the child leaves the Philippines up to the time adoption is finalized.

The FAA shall be responsible for the pre-adoptive placement, care and family counseling of the child for at least six (6) months from his/her arrival in the residence of the applicant/s, when applicable. During the pre-adoptive placement, the FAA shall furnish the Board with quarterly reports on the child's health, psycho-social adjustment, and relationship with the applicant/s. The report shall also include updated information regarding the applicants' personal circumstances, if any. The Board shall furnish the child's CCA a copy of the reports.

Relative adoptions are subject to the same requirements under this Section.

SECTION 46. EMERGENCY INTERVENTION AND REPORT. - During the trial custody period, the Central Authority and/or the FAA shall immediately notify the Board if any serious ailment, injury or abuse is suffered by the child from the adoptive parent(s) or from other household members or the adoptive parent/s suffer from any serious ailment or injury that will make the adoption untenable.

The Central Authority and/or the FAA shall take the following measures to protect the child:

- a. Medical/psychological interventions;
- b. Emergency foster care; and
- c. Respite care.

A report shall be submitted to the Board within seventy-two (72) hours, to include the nature of the injury and the interventions provided.

In the event that all efforts to restore the parent-child relationship between the child and the applicant/s fail, Sections 48 and 49 of these Rules shall apply.

SECTION 47. DISRUPTION AND TERMINATION OF PLACEMENT. - In the event of serious damage in the relationship between the child and the applicant/s where the continued placement of the child is not in his/her best interests, the Central Authority and/or the FAA shall take the necessary measures to protect the child, in particular, to cause the child to be withdrawn from the applicant/s and to arrange for his/her temporary care.

The Central Authority and/or FAA shall exhaust all means to remove the cause of the unsatisfactory relationship which impedes or prevents the creation of a mutually satisfactory adoptive relationship. A complete report should be immediately forwarded to the Board with actions taken as well as recommendations and appropriate plans. Based on the report, the Board may terminate the pre-adoptive relationship.

In every instance, the collaboration between and among the Central Authority and/or the FAA and the Board shall be carried out to ensure the protection of the child.

SECTION 48. NEW PLACEMENT FOR CHILD. - In the event of termination of the pre-adoptive relationship, the Board shall identify from the Roster of Approved Applicants a suitable family with whom to place the child. The Central Authority and/or the FAA may also propose a replacement family whose application shall be filed for the approval of the Board. No adoption shall take place until after the Board has approved the application of such replacement family.

Taking into consideration the age and degree of maturity of the child, he or she shall be consulted and, when appropriate, his or her consent shall be obtained.

In the entrustment of the child to a replacement family, Section 39 and Sections 44-46 of these Rules shall apply.

A foster family who eventually decides to adopt the child under its care shall comply with the requirements of Sections 26-30 and Sections 34-36 of these Rules.

SECTION 49. REPATRIATION OF THE CHILD. - If the Board, in coordination with the Central Authority and/or the FAA is unable to find a suitable replacement family for the child within a reasonable period after the termination of the pre-adoptive relationship, the Board, as a last resort, shall arrange for the child's repatriation. The current prospective adoptive parents through the CA/FAA shall shoulder the cost of the child's repatriation. The Board shall inform the Department, the Child Caring/Placing Agency concerned and the Department of Foreign Affairs of the decision to repatriate the child.

SECTION 50. CONSENT TO ADOPTION. - If a satisfactory pre-adoptive relationship is formed between the applicant/s and the child, the Board shall transmit an Affidavit of Consent to the Adoption executed by the Department to the Central Authority and/or the FAA within fifteen (15) days after receipt of the last post placement report.

SECTION 51. FILING OF PETITION FOR ADOPTION. - The Central Authority and/or the FAA shall ensure that the applicant/s file the appropriate petition for the adoption of the child to the proper court or tribunal or agency in accordance with their national law.

SECTION 52. DECREE OF ADOPTION. - A copy of the final Decree of Adoption or its equivalent, including the Certificate of Citizenship/Naturalization, whenever applicable, shall be transmitted by the Central Authority and/or the FAA to the Board within one (1) month after its issuance. The Board shall require the recording of the final judgment in the appropriate Philippine Civil Registry.

SECTION 53. DISMISSAL OF PETITION FOR ADOPTION. - In case of dismissal or disapproval of the petition for adoption by the foreign tribunal or agency filed by the applicant, the procedures under Sections 48, 49 and 50 shall apply.

SECTION 54. POST ADOPTION SERVICES. - The Board shall allocate funds for Post Adoption Services and Research. It shall also establish guidelines to cover this program.

ARTICLE IX CONFIDENTIALITY

SECTION 55. RECORDS. - All records relating to adoption cases and proceedings shall be kept confidential. No information thereof shall be released without written authority from the Board or from any of the following:

- a. The adopted person of legal age;
- b. The guardian of the adopted person if still a minor or under guardianship;

- c. The adopted person's duly authorized representative;
- d. 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 person; or
- e. The nearest of kin, e.g. spouse, adoptive parent(s), direct descendant(s), etc. in case of the death of the adopted person.

SECTION 56. PRESERVATION OF INFORMATION.- The Board shall ensure that information held by them concerning the origin of the adopted person, in particular the identity of his/her biological parents, as well as his or her medical history is preserved for life.

The Central Authority, the Competent Authority of a Contracting State, the FAAs and the Board shall ensure that the adopted person or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State.

ARTICLE X PENALTIES

SECTION 57. PENALTIES.- Any violation of the provisions of RA 8043 and/or these Implementing Rules and Regulations shall be penalized in accordance with Art. IV Sections 16 and 17 of the Act.

An adoption shall be presumed illegal if:

- a. The consent for an adoption was acquired through, or attended by coercion, fraud, or improper material inducement;
- b. There is no authority from the Board to effect adoption; or
- c. If the child to be adopted is subjected or exposed to danger, abuse and exploitation.

ARTICLE XI FINAL PROVISIONS

SECTION 58. INTERPRETATION OF THE PROVISIONS OF THE RULES. - Any doubt or vagueness in the provisions of these Rules shall be interpreted in consideration of the best interests of the child.

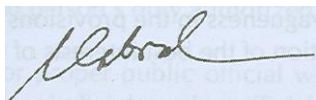
SECTION 59. REPEALING CLAUSE. - These Rules shall supersede any other rules and regulations on the Inter-Country Adoption of Filipino Children.

SECTION 60. SEPARABILITY CLAUSE. - The declaration of invalidity of any provision of these Rules or part thereof shall not affect the validity of the remaining provisions.

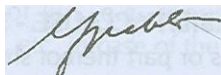
SECTION 61. EFFECTIVITY CLAUSE. - These Amended Rules shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved on the March 13 in the year of the Lord Two Thousand and Seven.

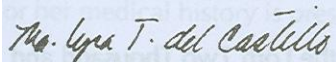
INTER-COUNTRY ADOPTION BOARD



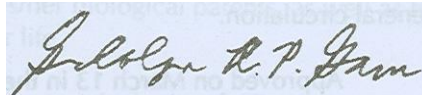
ESPERANZA ICASAS-CABRAL
CHAIRPERSON




LUWALHATI F. PABLO
ALTERNATE CHAIRPERSON



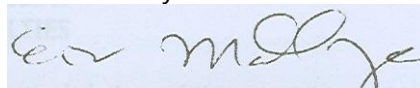
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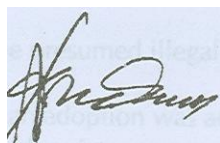
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