



Administrative Order No. 18  
Series of 2005

**Subject: Turn-Around Period of Local and Intercountry Adoption**

**I Rationale:**

Through the years, the number and proportion of abandoned, surrendered and neglected children increased. In most cases, these children have to be served in residential care facilities while awaiting return to their home or adoptive placement. However, studies show that institutional care has adverse effects on children. Deprived of a family environment, children receive less stimulation, individual attention and love. Their lives are often lived in a parallel world that does not prepare them for elsewhere nor for healthy social interaction. In the worst scenarios, children suffer from physical and psychological abuse and are denied access to appropriate medical, education and other services.

The Memorandum Circular No. 22, series of 2004, or the Policy Paper on De-Institutionalization of Children, provides framework in effecting de-institutionalization of children by providing alternative family care and other services as facilitating scheme in the care, recovery, rehabilitation, and development of children. It takes cognizance of the detrimental effects of institutionalization, long term care, and the separation of children from the family.

In view of the foregoing considerations, the standard turn-around period for adoption of a child is hereby developed/formulated for the guidance and direction of those involved in the case management of adoption cases. This aim to fast track movement of cases of children to lessen the negative effects of prolonged stay in the center/institution. However, the turn-around period allotted for each step should not limit the innovativeness, creativity and initiative of the implementers in developing and utilizing new strategies and technologies that would lessen the time frame of the turn-around of adoption cases.

**II. Mandate and Legal Base:**

**1. Local Laws**

1.1 Republic Act 8552, "Domestic Adoption Act of 1998" and its Implementing Rules and Regulations

The framework adopted for the implementation of the domestic adoption is in consonance with the provisions of Republic Act 8552, "Domestic

Adoption Act of 1998" and its Implementing Rules and Regulations which are governed by the following policies:

Article I, Section 2. Declaration of Policies

In all matters relating to the care, custody and adoption of a child, his/her interest shall be the paramount consideration in accordance with the tenets set forth in the United Nations (UN) Convention on the Rights of the Child; UN Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption, Nationally and Internationally; and the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. Toward this end, the State shall provide alternative protection and assistance through foster care or adoption for every child who is neglected, orphaned, or abandoned.

1.2 Republic Act No. 8369, "Family Courts Act of 1997" and its Implementing Rules and Regulations

Section 5. Jurisdiction of Family Courts include:

- c. Petitions for adoption of children and the revocation thereof.
- d. Petitions for declaration of status of children as abandoned dependent or neglected children, the suspension termination or restoration of parental authority and other cases cognizable under P.D. 603 EO 56 and other related laws.

1.3 Supreme Court Rule on Adoption (July 31, 2002):

1.4 Supreme Court Rule on Commitment of a Child (April 15, 2002)

1.5 Republic Act No. 8043, "Intercountry Adoption Act of 1995" and its Implementing Rules and Regulations

**2. International Instruments**

There are three (3) United Nations instruments which the Philippines is committed to:

- 2.1 United Nations Declaration on Social and Legal Principles Relating to the Protection and Welfare of children with Special Reference to Foster Placement and Adoption Nationally and Internationally, adopted by the UN General Assembly on December 3, 1986.

Article 13

The primary aim of adoption is to provide the child who cannot be cared for by his or her own parents, with a permanent family.

Article 14

In considering possible adoption placements persons responsible for them should select the most appropriate environment for the child.

2.2 The UN Convention on the Rights of the Child adopted by the UN General Assembly on November 20, 1989 and ratified by the Philippine Government on July 26, 1990 and took effect on September 2, 1990.

Article 20 (3)

States Parties shall in accordance with their national laws ensure alternative care for such a child.

Article 21

States Parties recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary.

2.3 The Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption.

Article 1

The objects of the present Convention are:

- a) To establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law.
- b) To establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children.
- c) To secure the recognition in Contracting States of Adoptions made in accordance with the Convention.

#### Article 4

An adoption within the scope of the Convention shall take place only if the competent authorities of the state of origin:

- a) Have established that the child is adoptable.
- b) Have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests.
- c) Have ensured that
  1. The persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin;
  2. Such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing;
  3. The consents have not been induced by payment or compensation of any kind and have not been withdrawn; and
  4. The consent of the mother, where required, has been given only after the birth of the child.
- d) Have ensured, having regard to the age and degree of maturity of the child, that
  1. He or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required;
  2. Consideration has been given to the child's wishes and opinions;
  3. The child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and
  4. Such consent has not been induced by payment or compensation of any kind.

### 3. Policy

Memorandum Circular 22, series of 2004, or Policy Paper on the De-Institutionalization of Children

#### IV. Objectives:

General: To institutionalize a mechanism to fast track the turn-around period of local and intercountry adoption cases.

Specific:

1. To set a standard turn-around period for the social workers handling adoption cases.
2. To minimize the prolonged stay of the child in the center for the prevention of the negative effects of institutionalization.
3. To encourage social workers to be creative and thorough in the fast tracking of cases of adoption.
4. To ensure that centers and institutions have a permanency plan and have an effective case management for each child.

#### IV. Definition of Terms:

1. **Adoption** – is a socio-legal process of providing a permanent family to a child whose parents have voluntarily or involuntarily relinquished parental authority over a child.
2. **Turn-around period** refers to the length of time used in the whole process of adoption starting from when the child was admitted in institutional care to the time the child was physically transferred to an adoptive family.
3. **Abandoned child** – refers to a child who has no proper parental care or guardianship, or whose parents or guardians have deserted the child for a period of at least 6 continuous months (PD 603).
4. **Voluntary commitment (Surrendered case)** – is the process whereby parent/s has/have legally relinquished the child to the care of the Department of Social Welfare and Development or any duly licensed child placement agency or individual (PD 603).
5. **Involuntary commitment** – is a process whereby a child has been declared abandoned through the termination of parental or guardianship rights by reason of abandonment, substantial and continuous or repeated neglect and/or parental incompetence to discharge parental responsibility, in a court process.

## V. Standard Turn-Around Period on Adoption Cases

The following is the standard turn-around period of adoption cases either local or intercountry. It provides direction and timeframe in the steps undertaken on the process of adoption of a child who has either been declared abandoned in court or has been voluntarily surrendered by his/her parent/s.

### A. Local Adoption

#### 1. Regional Adoption

Period	Abandoned Child	Surrendered Child
1 <sup>st</sup> Month	<ul style="list-style-type: none"> <li><input type="checkbox"/> Search all information and corresponding documents from source of referral</li> <li><input type="checkbox"/> Review all records</li> <li><input type="checkbox"/> List all documents available</li> <li><input type="checkbox"/> List all documents needed</li> <li><input type="checkbox"/> Conduct homevisit (if applicable)</li> <li><input type="checkbox"/> Start gathering collateral information/evidences</li> <li><input type="checkbox"/> Send out letter to parents if address is available</li> <li><input type="checkbox"/> Mass media publication</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Application for birth certificate in SECPA form</li> <li><input type="checkbox"/> Counseling to parents</li> <li><input type="checkbox"/> Signing of Deed of Voluntary Commitment</li> <li><input type="checkbox"/> Case Study Report</li> </ul>
2 <sup>nd</sup> Month	Complete case study report	<input type="checkbox"/> Completion of documents
3 <sup>rd</sup> Month	<ul style="list-style-type: none"> <li><input type="checkbox"/> Apply for Foundling Certificate/late registration with complete evidences</li> <li><input type="checkbox"/> Mass media certificates on file</li> <li><input type="checkbox"/> Returned to sender cards or letters on file</li> </ul>	<input type="checkbox"/> All documents completed forwarded to Adoption Resource and Referral Unit (ARRU) (for risk placement)
4 <sup>th</sup> Month	<ul style="list-style-type: none"> <li><input type="checkbox"/> Foundling Certificate/Birth Certificate in SECPA form available</li> <li><input type="checkbox"/> Updated Case Study Report</li> </ul>	For Risk Placement – Matching of child to and placement to Prospective Adoptive Parents
5 <sup>th</sup> Month	<input type="checkbox"/> Completion of documents in preparation for filing of Declaration of Abandonment	For Risk Placement – Child is placed with Prospective Adoptive Parents
6 <sup>th</sup> Month	<input type="checkbox"/> Completion of documents in preparation for filing of Declaration of Abandonment	<input type="checkbox"/> All documents completed forwarded to ARRU after the 6 months restoration period as per Article 164 of P.D. 603 (completed Case Study Report, Birth Certificate in SECPA form, Deed of Voluntary Commitment, pictures)
7 <sup>th</sup> Month – 10 <sup>th</sup> Month	<ul style="list-style-type: none"> <li><input type="checkbox"/> Filing of petition of declaration of abandonment</li> <li><input type="checkbox"/> Follow up on the hearing and petition date</li> <li><input type="checkbox"/> Awaiting court hearing</li> <li><input type="checkbox"/> Follow-up on the decree of abandonment</li> <li><input type="checkbox"/> Secure the Certificate of Finality from the Court</li> <li><input type="checkbox"/> Forward case dossiers to ARRU</li> </ul>	<input type="checkbox"/> Supervised trial Custody of child to Adoptive Parents

## 2. Interregional Adoption

Period	Abandoned Child	Surrendered Child
Week 1	<ul style="list-style-type: none"> <li><input type="checkbox"/> Review of Child Study Report and Supporting Documents</li> <li><input type="checkbox"/> Matching by Inter-regional Child Placement Committee</li> <li><input type="checkbox"/> Forward case dossiers to Inter Country Adoption Board including Intercountry Adoption Clearance</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Review of Child Study Report and Supporting Documents</li> <li><input type="checkbox"/> Matching by Inter-regional Child Placement Committee</li> <li><input type="checkbox"/> Forward case dossiers to Inter Country Adoption Board including Intercountry Adoption Clearance</li> </ul>

## B. Intercountry Adoption

Period	Prospective Adoptive Child	Prospective Adoptive Parent/s (PAP/s)
Week 1	<ul style="list-style-type: none"> <li><input type="checkbox"/> Review of Child Study Report and Supporting Documents (1 week)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Review of PAPs, Home Study Report and Supporting Documents by the Secretariat/ICPC (1 week)</li> </ul>
Week 2	<ul style="list-style-type: none"> <li><input type="checkbox"/> Inclusion of ICA cleared children in the roster of children ready for ICA (1 day)</li> <li><input type="checkbox"/> Notify CCA of Pre-Matching (PM) Evaluation of child's needs as bases for PM to PAPs (1 week)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Board's approval of PAP/inclusion in roster of children</li> <li><input type="checkbox"/> Approved application (1 week)</li> </ul>
Week 3	<ul style="list-style-type: none"> <li><input type="checkbox"/> Matching ICPC, recommendation of placement (1 day)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Evaluation of PAPs suitability to respond to child's needs as bases to become 1<sup>st</sup> or 2<sup>nd</sup> priority, family (1 week)</li> </ul>
Week 4	<ul style="list-style-type: none"> <li><input type="checkbox"/> Processing of Pre-Travel Documents (3 months)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Processing of child to PAPs through FFA (1 week)</li> </ul>
Week 5	<ul style="list-style-type: none"> <li><input type="checkbox"/> USA (minimum of 4 months, maximum of 1 year)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> PAPs completion with the country's Immigration Requirements/Preparing to fetch the child (3 weeks – 3 months)</li> </ul>

Period	Prospective Adoptive Child	Prospective Adoptive Parent/s (PAP/s)
Week 6	Placement/Entrustment of Child to PAPs	- 3-4 days
Week 7 – 24	Post Placement Period	- 3 reports in 6 months
Week 25 – 64	Finalization of Adoption/ Naturalization/Citizenship	- 6 months – 2 years

\* See attached appendix A for the flow-chart on the turn-around period for Local and Intercountry Adoption.

In summary, following the standard direction and time frame in the steps undertaken in the adoption process in item V Standard Turn Around Period on Adoption Cases of this guidelines, hereunder is the turn-around period for local and intercountry adoption:

Adoption Process	Turn around Period		
	Abandoned Case	Surrendered Case	
		Risk Placement	After 6 months
<b>Local Adoption</b>			
• Placement	10 mos., 2 weeks, 1 day (if matched locally, if not, to be forwarded for ICA)	3 mos., 2 weeks, 1 day	6 mos., 2 weeks, 1 day
• Adoption finalized with amended Birth Certificate	23 mos., 16 days	16 mos., 16 days	19 mos., 16 days
<b>Intercountry Adoption</b>			
• Placement	14 mos., 2 weeks, 1 day		10 mos., 2 weeks, 1 day
• Adoption Finalized	26 mos., 2 weeks, 1 day		22 mos., 2 weeks, 1 day

## VI. Institutional Arrangement:

### A. Central Office

1. The **Social Technology Bureau (STB)** shall develop a strategy and mechanism in the fast tracking of adoption cases.
2. The **Program Management Bureau (PMB)** shall:



- Regularly monitor the implementation of this administrative order in the centers and institutions.
  - Ensure completion of Case Inventory of all 16 Regions to allow full data analysis and detailed recommendations on the turn around period of cases of children in centers and institutions at the national level.
  - Review the data collection tool used for further enhancement and to accommodate data gaps such as in the areas of case management by levels of case management/interventions and actual number of cases to measure its significance.
  - Share the finding of this case inventory to PDPB to support current discussions on MC 22 or policy on de-institutionalization.
  - Identify where other Bureaus can converge efforts for the region's compliance in this administrative order.
  - Revise the form to become more user-friendly and not labor intensive as to collation and processing of data.
3. The **Social Welfare and Institutional Development Bureau** shall facilitate the training of trainers/orientation of this administrative order to the field offices as well as to the non-government child caring institutions.
  4. The **Policy Development and Plan Bureau** (PDPB) shall consolidate the reports submitted by the Field Offices and come up with national data on the turn-around of cases on adoption for policy and program development purposes.
  5. The **Management Information and Systems Service** shall develop the statistical program to facilitate data processing.
  6. The **Standards Bureau** shall ensure that all centers and institutions and all child caring agencies comply with the standards provided in this administrative order prior to the accreditation.
  7. The **Social Marketing Service** shall develop and undertake advocacy and promotional efforts in support of this administrative order.

**B. Field Office**

1. Ensure the implementation of this administrative order in all centers and institutions.

2. Submit quarterly reports using the prescribed format to the PMB copy furnish the PDPB.
3. Develop innovative ways to fast track adoption cases.
4. Facilitate the orientation of this administrative order to implementers including non-government child caring agencies.

**C. Non- Government Child Caring Agencies**

1. Comply with the provisions set on this administrative order.
2. Share with Field Office innovative ways developed on the fast tracking of cases
3. Submit quarterly reports on the implementation of this administrative order to the concerned FO.

**VI. Effectivity:**

This administrative order takes effect immediately and supercedes other issuance/s inconsistent herewith.

Issued this 5<sup>th</sup> day of September, 2005 in Quezon City.

  
**LUWALHATI F. PABLO**

Officer-In-Charge  
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