



MEMORANDUM CIRCULAR

No. 03

Series of 2022

SUBJECT: GUIDELINES ON THE IMPLEMENTATION OF SECTION 56 OF REPUBLIC ACT NO. 11642 OR THE "DOMESTIC ADMINISTRATIVE ADOPTION AND ALTERNATIVE CHILD CARE ACT"

I. RATIONALE

Adoption is a professional service that protects the rights and welfare of a child. It is an intervention that ensures that family life can be given to a child deprived of a biological family.

The child's best interest shall be the paramount consideration in providing alternative care, custody, and adoption services. The enactment of the Republic Act (R.A.) No. 11642 or the "Domestic Administrative Adoption and Alternative Child Care Act" provides for and allows simpler and inexpensive domestic administrative adoption proceedings and streamlines the services for alternative child care.

Under the Act, the Inter-Country Adoption Board (ICAB) shall be reorganized as a one-stop quasi-judicial agency on alternative child care known as the National Authority for Child Care (NACC), attached to the Department of Social Welfare and Development (DSWD). All duties, functions, and responsibilities of the ICAB, the DSWD, and other government agencies relating to alternative child care and adoption will be transferred to the NACC within three years.

The Guidelines will provide direction towards the implementation and execution of the provisions of Section 56 thereof during the transition period until the finalization of the Implementing Rules and Regulations (IRR).

II. LEGAL BASES

A. International Instruments

- Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption
- UN Convention on the Rights of the Child
- UN Guidelines for the Alternative Care of Children
- 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

B. National Policies

- Presidential Decree No. 603 or the "Child and Youth Welfare Code"
- R.A. No. 11642 or the "Domestic Administrative Adoption and Alternative Child Care Act 2022"
- Philippine Statistics Authority (PSA) Memorandum Circular (MC) No. 2021-24 or the "Guidelines in the Registration of the Certificate of Live Birth of Persons with No Known Parent/s"
- R.A. No. 11222 or "An Act Allowing the Rectification of Simulated Birth Records and Prescribing Administrative Adoption Proceedings for the Purpose", as amended
- R.A. No. 10165 or "An Act To Strengthen And Propagate Foster Care And To Provide Funds Therefor, as amended

- R.A. No. 8043 or "An Act Establishing The Rules To Govern Inter-Country Adoption Of Filipino Children, And For Other Purposes"
- Executive Order No. 56- Authorizing The Ministry Of Social Services And Development To Take Protective Custody Of Child Prostitutes And Sexually Exploited Children, and For Other Purposes

III. OBJECTIVES

- A. General:
Ensure the clear and immediate implementation of Section 56 pending the issuance of the IRR.
- B. Specific:
1. Define the roles and functions of the different implementing offices (DSWD ARRD, ARRU, ICAB, and regional/ national child placement committee) as specified in the Act;
 2. Identify the step by step process and provide timelines for processing of the domestic administrative adoption.

IV. DEFINITION OF TERMS

For purposes of this Circular, the following terms shall be operationally defined as follows:

- (a) Act- refers to R.A No. 11642.
- (b) Adoption- refers to social-legal process of providing a permanent family to a child whose parents had voluntarily or involuntarily given up their parental rights, permanently transferring all rights and responsibilities, along with filiation, making the child a legitimate child of the adoptive parents: Provided, that adult adoption shall also be covered by the benefits of this Act;
In the interest of clarity, adoption shall cease to be part of alternative child care and becomes [parental care as soon as the process is completed.
- (c) Adoption case from the court – refers to an adoption case, regardless of category and stage of proceeding, filed in court but duly withdrawn by the PAP/s for purposes of availing of the benefits of this Act;
- (d) Adoption Social Worker - refers to an individual who is registered and licensed by the Professional Regulation Commission (PRC) in accordance with R.A. No. 9433, otherwise known as the "Magna Carta for Public Social Workers" and who ideally has three (3) years of experience in handling alternative child care or adoption cases, or both. For purposes of this Act, in the event that an adoption social worker is not available, adoption para-social worker shall be allowed to render the services required. Provided, that only duly registered and licensed social workers shall sign and submit the pertinent documents.
- (e) Adult adoption - the adoption of a person who is of legal age as defined under Section 22 (d) of RA 11642.
- (f) Applicant/s - refers to a person or spouses who signified interest to apply, individually or jointly, as adoptive parent/s.
- (g) Certification Declaring a Child Legally Available for Adoption (CDCLAA)- refers to a document signed by the DSWD Secretary, or his/her duly authorized representative, administratively declaring that the child is legally available for adoption and terminates the rights of the biological parents, guardians, or other custodian to exercise authority over the child. The CDCLAA is a prerequisite to local and inter-country adoption;
- (h) Child - refers to a person below eighteen (18) years of age or a person eighteen (18) years of age or over but who is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychosocial disability or condition: Provided that for the purpose of

this Act, where relevant, a child shall also refer to an adult son, daughter, or offspring;

- (i) Child-caring agency - refers to a duly licensed and accredited agency by the DSWD that provides twenty-four (24) hour residential care services for abandoned, orphaned, neglected or voluntarily and involuntarily committed children;
- (j) Child case study report - refers to a written report prepared by an adoption social worker containing all the necessary information about a child, including the child's legal status, placement history, past and present biopsychosocial and spiritual aspects, case background, ethno-cultural background, and biological family background or history;
- (k) Child-placing agency - refers to a private nonprofit or charitable or government agency duly licensed and accredited agency by the DSWD to provide comprehensive child welfare services including receiving and processing of petitions for adoption and foster care, evaluating the prospective adoptive parents or foster parents, preparing the child case study report and home study report;
- (l) Child Placement Committee (CPC) - refers to the committee under the supervision of the Deputy Director for Services composed of a child psychiatrist or psychologist, a medical doctor, a lawyer, an adoption social worker, a representative of a nongovernmental organization (NGO) engaged in child welfare, and any other professional as may be needed, to provide the necessary assistance in reviewing petitions for adoption and functions component thereof not limited to matching conferences;
- (m) Database on Adoption and Alternative Child Care - refers to the collection of organized information on prospective adoptive parents and children under alternative child care programs, adoption and all incidents arising therefrom.
- (n) Deed of Voluntary Commitment (DVC) - refers to the notarized instrument relinquishing parental authority and committing the child to the care and custody of the NACC or child-placing or child-caring agency, executed by the child's biological parents or by persons who exercise substitute parental authority over the child as stated in the Family Code in their absence due to mental incapacity or death, to be signed in the presence of an authorized representative of the NACC, after counseling and other services have been made available to encourage the child's biological parents or legal guardian to keep the child;
- (o) Domestic Adoption - refers to an administrative adoption proceeding where the Order of Adoption is issued within the Philippines and is undertaken between a Filipino child and eligible adoptive parents;
- (p) DSWD Residential Care Facilities (RCF) - refers to a DSWD facility which provides 24-hour residential group care to children on a temporary basis whose needs cannot at the time, be adequately met by their biological parents and other alternative family care arrangements. It is an approximation of family life to children under the guidance of staff especially trained for the purpose.
- (q) Foreign national - refers to any person who is not a Filipino citizen;
- (r) Foster adoption - refers to the adoption of a child by the licensed foster family who has been caring for the child and assessed eligible to be an adoptive family.
- (s) Foundling - refers to a deserted or abandoned child of unknown parentage and whose date or circumstances of birth on the Philippine territory are unknown and undocumented. This shall also include those with above circumstances of birth during their infancy and/or childhood, and have reached the age of majority without benefitting from adoption procedures;
- (t) Home study report - refers to a written report prepared by an adoption social worker relative to the motivation and capacity of the prospective adoptive or foster parents to provide a home that meets the needs of a child;
- (u) Independent placement - refers to the entrustment of a child by the birthparents to a relative or person without seeking intervention from the government, nongovernment, or any social worker as defined under Section 2 (i) of RA 11642. As a matter of policy, independent placement shall be considered contrary to the best interest of the child;

- (v) Inter-country adoption (ICA) - refers to the socio-legal process of adopting a child by a foreign national or a Filipino citizen habitually a resident outside Philippine territory which complies with the principles stated in The Hague Convention of 1993;
- (w) Local Social Welfare Development Officer (LSWDO) – refers to a person who is a duly licensed social worker and appointed by the local chief executive to head the provincial, city or municipal social welfare development office which serves as the frontline of the local government unit (LGU) in the delivery of social welfare and development programs and services;
- (x) Matching - refers to the judicious selection from the regional or interregional levels of a family for a child based on the child's needs and best interest as well as the capability and commitment of the adoptive parents to provide such needs and promote a mutually satisfying parent-child relationship;
- (y) National Authority for Child Care (NACC) - refers to the one-stop quasi-judicial agency on alternative child care, attached to the DSWD;
- (z) NACC Transition Team - refers to the team composed of the ICAB Executive Director as chair and the DSWD PMB-Director as vice chair who will provide technical assistance and policy guidance and personnel from the DSWD and ICAB who will ensure non-disruption of performance of functions and continued smooth delivery of services during the migration of all alternative child care functions and services to the NACC.
- (aa) Petition - shall be in the form of an affidavit and shall be subscribed and sworn to by the PAP/s before any person authorized by the law to administer affirmation and oath;
- (bb) Placement - refers to the physical entrustment of the child with the foster parent or to the adoptive parents;
- (cc) Pre-Adoption Placement Authority (PAPA) - refers to a document issued by the NACC transition team or through the Regional Alternative Child Care Office (RACCO) authorizing or confirming the placement of a child to the prospective adoptive parents;
- (dd) Prospective Adoptive Parent (PAP) - refers to an individual who filed a petition for administrative adoption;
- (ee) Regional Alternative Child Care Office (RACCO) – refers to the Adoption Resource and Referral Unit (ARRU) of the DSWD Field Office who will act as the regional office of the NACC and venue of filing of petitions;
- (ff) Regional Alternative Child Care Officer (RACC Officer) - refers to a person from the NACC Transition Team who will head the RACCO in the region;
- (gg) Regional Child Placement Committee (RCPC) - refers to the matching committee that is tasked to deliberate the regional matching of children legally available for adoption and approved prospective adoptive parents;
- (hh) Relative – refers to a person other than family members, within the fourth civil degree of consanguinity or affinity;
- (ii) Simulation of birth record - refers to the tampering of the civil registry to make it appear in the record of birth that a child was born to a person who is not such child's biological mother, causing the loss of the true identity and status of such child;
- (jj) Social case study report - refers to the report prepared by the adoption social worker on the PAP's capacity to raise the child; the social agency's efforts to locate the child's biological parents or relatives; interventions given to the child and the family; and the adoption social worker's assessment of the case. It shall include both the child case study report and the home study report;
- (kk) Step-parent - refers to a parent who is married to the mother or father of a child, but who is not that child's biological mother or father.
- (ll) Support- refers to everything indispensable for the full and harmonious development of the child, including sustenance, dwelling, clothing, medical attention, and education, in keeping with the financial capacity of the family;

- (mm) Voluntarily Committed Child- refers to the one whose parent or legal guardian knowingly and willingly relinquished parental authority to the NACC, the DSWD, or any duly accredited child-placing or child-caring agency or institution.

V. IMPLEMENTING PROCEDURES

The following procedures shall be undertaken for the implementation of Section 56 of the "Domestic Administrative Adoption and Child Care Act":

A. ADOPTION CASES WITHDRAWN FROM THE COURT

Petitions for domestic adoption filed in court and duly withdrawn by the PAP/s shall be filed with the RACCO. The Petition must include an order from the court releasing the documents to the lawyer or PAP/s and for the latter to endorse the file to RACCO. The following procedures shall be followed:

1. The RACCO shall provide notice to the PAP/s of its receipt of the Petition and records it received from the court.
2. Upon receipt of the Petition and the records, the RACCO social worker shall request submission of the updated Social Case Study Report of the child/adoptee, PAP/s, as the case may be, from the PAP/s within fifteen (15) working days from receipt of the request from the RACCO. The PAP/s shall secure said updated Social Case Study Report from an adoption social worker.

A review and examination of the Petition and its supporting documents for completeness and accuracy of information shall be done within fifteen (15) working days. The RACCO social worker may request the PAP/s to submit additional documents as may be necessary, such as certificates of publication to prove the facts alleged in the Petition. While the PAP/s are complying with the submission of additional documentary requirements, the running of the 15-day period shall be suspended.

3. If the Petition is found to be complete and sufficient, the RACCO social worker shall assess the case. The report shall be endorsed to the RACC Officer who shall then render a recommendation on whether to grant or deny the Petition for Adoption to the NACC. The Petition with the complete set of documents shall then be transmitted to the NACC within five (5) working days upon receipt by the RACC Officer of the Petition.

Provided that, if the RACCO assesses that the adoption will not be for the best interest of the child, the RACCO shall immediately recommend to the NACC the denial of the petition and consequently, cause the immediate removal of the child from the PAP/s.

4. Upon receipt of the Petition with supporting documents, the NACC through its assigned social worker shall review and examine the Petition and its supporting documents for completeness and accuracy of information as stated in the Petition and Social Case Study Report. The NACC may consult with the CPC as necessary, and determine, within fifteen (15) working days, to either:
 - a) return the Petition, if found incomplete, for further examination by the RACCO and with a written explanation of its insufficiency; or
 - b) forward the same to the Executive Director for final approval of the recommendation of grant or denial thereof.

In case the Petition is returned to the RACCO, the latter shall address the concerns raised within fifteen (15) working days from the date of receipt;

5. Any person who has personal knowledge of any information, which by ordinary diligence could not be discovered, and which when introduced and admitted, would result in the denial of the Petition and protect the child from harm or abuse may, at any time during the supervised trial custody or before the issuance of the Order of Adoption, interpose an objection to the Petition and file a complaint supported by evidence to that effect, with the NACC, through the RACCO where the Petition was filed. The complaint will be subjected to verification and further investigation.
6. The NACC social worker shall prepare the Order of Adoption or Denial and forward the same to the NACC Executive Director, who shall sign and issue the same within fifteen (15) working days. The Order of Adoption or Denial shall be endorsed to the Secretary of the DSWD for approval. If no action was taken by the DSWD Secretary or his representative within ten (10) calendar days from receipt of the endorsement, the Order of Adoption or Denial shall be deemed approved.

However, if within the fifteen (15) working day period, the Executive Director finds that there is a need to return the Petition to the RACCO for submission of additional information and documents or conduct further investigation, as the case may be, the action thereon by the RACCO and the final decision by the Executive Director whether or not to grant the Petition shall be within fifteen (15) working days from the day of return of the Petition to the RACCO, except when the requirements needed are of such nature that cannot be easily obtained by the PAP/s.

7. The Order of Adoption obtained under this Act shall indicate the name by which the child shall be known and shall direct the following to perform the actions as stated:
 - a. The adopter to submit a certified true copy of the Order of Adoption and Certificate of Finality to the Local Civil Registrar where the child was originally registered within thirty (30) calendar days from receipt of the Order of Adoption; and
 - b. The Local Civil Registrar of the place where the adoptee was registered:
 - i. To seal the original birth record in the civil registry records which can be opened only upon order of the NACC; and
 - ii. To submit to the NACC proof of compliance with all the foregoing within thirty (30) calendar days from receipt of the Order of Adoption

Printed copy of the Order of Adoption shall be given to the concerned parties (PAP/s, RACCO and LCR/s). To facilitate transmission, the NACC may send it through courier, email, or other possible means.

A Certificate of Finality shall be issued by the Executive Director after the lapse of ten (10) calendar days from receipt of the Order of Adoption by the concerned parties and no motion for reconsideration or appeal was made. The copy of the Certificate of Finality shall also be provided to the concerned parties.

8. A motion for reconsideration may be filed by the PAP/s before the NACC Transition Team, through the Executive Director, within fifteen (15) calendar days from receipt of Denial. Pending the appointment of a Council, the PAP/s can invoke Section 35 of the law.
9. If the Executive Director issues a Denial on the Petition, the child may be immediately removed by the RACCO from its temporary placement with the PAP/s. Once the child is removed from the PAP/s, the adoption social worker will provide necessary intervention/s to the child.
10. PAP/s' adoption social worker shall provide bi-monthly post adoption supervisory reports to the RACCO until such time that the amended birth certificate is issued. The NACC social worker shall be provided with a copy of the amended birth certificate.

B. NEW PETITIONS FOR ADMINISTRATIVE ADOPTION

New Petitions shall cover domestic administrative adoption applications that will be filed during the period of transition and before the IRR is issued:

1. The PAP/s shall file their Petition for administrative adoption with the Regional Alternative Child Care Office (RACCO) which shall include the following original documents:
 - a. Notarized Petition for adoption;
 - b. Home Study Report and Child Study Report or Social Case Study Report, whichever applicable, prepared within (six) 6 months based on the date of the report.
 - c. Authenticated or security paper copies of birth record of the PAP/s and the child;
 - d. Authenticated or security paper copies of Marriage certificate and/or Certificate of No Marriage in SECPA form, in case of termination of marriage, Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate if foreign applicant; Annulment Decree with Certificate of Finality, Declaration of Nullity, or Legal Separation Documents for Filipino applicant;
 - e. National Bureau of Investigation (NBI), Police Clearance or Court Clearances. If foreign national, clearance from police authorities where he or she has lived for more than twelve (12) months any time in the past fifteen (15) years;
 - f. Authenticated or security paper copies of the Death Certificate of the child's biological parents, if applicable;
 - g. Original copy of CDCLAA, if applicable;
 - h. Result of the recent medical evaluation of the child and the PAP/s prepared within six (6) months prior to application;
 - i. Psychological evaluation of the PAP/s prepared within two (2) years based on the date of the report;
 - j. Psychological evaluation of the child, for children five (5) years old and above prepared within two (2) years based on the date of the report;
 - k. Child care plan with a list of at least three (3) temporary custodians of the child in order of preference in case of death, absence or incapacity of the PAP/s;
 - l. Letters attesting to the character and general reputation of the PAP/s from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the PAP/s have

- business dealings. The contact details of the person attesting must be so indicated in the letter;
- m. Recent 5R (127x178 millimeter) close-up and whole-body pictures of the child and the PAP/s taken within the last six (6) months;
 - n. Documents showing the financial capacity of the PAP/s;
 - o. Written consent from the appropriate person/s as enumerated under Sec. 23 of the law;
 - i. The adoptee, if ten (10) years of age or over;
 - ii. The biological parents of the child, if known, or the legal guardian, or the proper government instrumentality which has legal custody of the child, except in the case of a Filipino of legal age if, prior to the adoption, said person has been consistently considered and treated as their own child by the adopters for at least three (3) years;
 - iii. The legitimate and adopted children, ten (10) years of age or over, of the adopters, if any;
 - iv. The illegitimate children, ten (10) years of age or over, of the adopter if living with said adopter or over whom the adopter exercises parental authority and the latter's spouse, if any; and
 - v. The spouse, if any, of the person adopting or to be adopted.
 - p. Attendance at Pre-Adoption training or in applicable cases, undertaking to complete pre-adoption training prior to the issuance of Adoption Order;
 - q. Certificate of Matching, when applicable
2. The RACCO shall direct the PAP/s to publish the Petition for Adoption once a week for three (3) consecutive weeks in a newspaper of general circulation and submit a Certificate of Publication to the RACCO once the publication ends. In addition, RACCO shall request the adoption social worker of the PAP/s to provide an updated Social Case Study Report on the PAP/s and the child to be submitted fifteen (15) days upon receipt of the request.

RACCO shall review and examine the Petition and its supporting documents for completeness and accuracy of information, as well as conduct personal interviews with the handling social worker and the PAP/s within twenty (20) working days. The social worker may request the PAP/s to submit additional documents as may be necessary to prove the facts alleged in the Petition. While the PAP/s are complying with the documents, the running of the 20-day period shall be suspended.

If necessary to further ascertain the PAP/s' fitness and qualification to adopt, they shall appear before the RCPC on a date to be determined by the latter.

For cases of relative, step-parent and the like, the RACCO social worker shall conduct a personal interview with the child to determine propriety of placement.

3. Procedure numbers 3-10 under letter A (Cases Withdrawn from Court) shall apply.

C. CHILD CASE MANAGEMENT BY DSWD RESIDENTIAL CARE FACILITY (CRCF)/CHILD-CARING AGENCY (CCA) AND LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICE (LSWDO)

1. Upon receipt and acceptance of the case of the child for case management, the child's social worker shall gather all pertinent information relevant for

the determination of a child's eligibility for permanent placement through adoption.

- a. Conduct collateral interviews and validation and if it was assessed that the child has no birth records but with known birth facts, facilitate the child's birth registration at the Local Civil Registrar of the place where the child was born;
 - i) For a child with a simulated birth record but not qualified to avail R.A. No. 11222, the parent/guardian/social worker facilitates/assists in the filing of the cancellation of the simulated birth record of the child in the local court and register the child's birth according to his/her true identity.
 - ii) Registration of the Certificate of Live Birth of a child with unknown birth facts shall follow PSA issuances.
 - iii) For a child with a Foundling Certificate and an existing birth certificate or multiple birth registration, facilitate/assist in the filing of the cancellation of the birth certificate with falsified information with the local court.
 - iv) For a child found outside his/her place of birth, an Out-of-Town Reporting of Birth shall be facilitated by the social worker to the nearest Local Civil Registrar, which will forward the Certificate of Live Birth to the city/municipality where the child's birth occurred for registration in accordance with the guidelines issued by the Philippine Statistic Authority (PSA).
 - v) For a child born outside of the Philippines, the social worker shall submit to the Department of Foreign Affairs-Office of Consular Affairs (DFA) the child's travel documents to facilitate issuance of the child's Report of Birth (ROB) from the Philippine Embassy (PE)/Philippine Consulate General (PCG) in the country where the child came from. The PE/PCG shall facilitate the issuance of ROB and transmit the same to the DFA once available. The DFA shall then forward the ROB to the Philippine Statistics Authority (PSA) for issuance of the ROB in Security Paper (SECPA). The social worker shall obtain the authenticated copy of the child's ROB from the PSA once available.
- b. If assessed not suitable for adoption, provide appropriate assistance or intervention based on the child's needs, such reunification to birth parents or if found necessary, removal of the child from the current custodian and refer to other forms of alternative child care among others;
- c. If suitable for adoption, facilitate the submission of requirements for Petition or application for issuance of a Certification Declaring the Child Legally Available for Adoption (CDCLAA)

The procedure for the issuance of the Certification Declaring a Child Legally Available for Adoption by the DSWD shall continue to be governed by the existing process laid down in Administrative Order No. 12, series of 2011 during the transition period. For this purpose, the said guidelines are heretofore recognized as the detailed procedure for the issuance of said Certificate.

2. Within fifteen (15) working days from the receipt of CDCLAA, the child's adoption social worker shall submit to the RACCO, an updated (prepared not

later than 3 months prior to submission to RACCO) Child Study Report (CSR) with recommendation for permanent placement of the child through adoption together with the following documents:

- a. SECPA copy of Birth Certificate
- b. Notarized Deed of Voluntary Commitment and Certification of Notarial Act, if applicable
- c. Written consent of the child if at least ten (10) years old, signed in the presence of the social worker of the NACC through the RACCO, LGU or child caring/placing agency as witness after proper counseling;
- d. Death Certificate of biological parents of the child, as appropriate;
- e. DSWD Certification Declaring the Child as Legally Available for Adoption (CDCLAA);
- f. Medical Certificate/Health Profile of the child prepared within 6 months based on the date of the report;
- g. Psychological evaluation for children five (5) years old and above prepared within 2 years based on the date of the report;
- h. Recent Picture of the child (taken at least within 3 months upon submission of dossier to DSWD)

For cases requiring the issuance of a Certificate of Live Birth of Persons with No Known Parent/s, within thirty (30) calendar days and thereafter, secure a SECPA copy from the Philippine Statistics Authority.

The dossier for matching by the RCPC shall be submitted to the RACCO within fifteen (15) working days from the receipt of the Certificate of Live Birth of Persons with No Known Parent/s in Security Paper.

Three sets of these complete documents (1 set of original and 2 sets of photocopies) of the child shall be submitted to RACCO.

Any comment on the Case Study Report or required documents shall be communicated by the RACCO to the concerned agency within three (3) working days after the receipt of the dossier and shall be complied within fifteen (15) working days from receipt of the memorandum or letter from the RACCO. In case the required documents will not be available within the prescribed period of submission, a status report on the action taken by the agency shall be submitted to the RACCO.

D. NEW APPLICATIONS FOR ADOPTIVE PARENTS IN RACCO AND CHILD PLACING AGENCIES

The social worker of the RACCO or the child placing agencies shall conduct the following:

1. Convene/conduct virtual or face-to-face pre-adoption seminar/forum for applicant/s. The social worker shall also inform the applicant/s on the profile of children for adoption, waiting period, supporting documents for the adoption application, and others.
2. Upon receipt and acceptance of the case of the applicant/s for management, applicant/s' adoption social worker shall gather information on the applicant/s and assess their motivation to adopt (a) child/ren.

3. Facilitate the accomplishment of the Undertaking and application form and advise the applicant/s to prepare three (3) sets (1 original, 2 photocopy) of the following requirements for submission to the RACCO:
- a. Undertaking and application form of the applicants;
 - b. Authenticated or security paper copies of birth record of the applicant/s;
 - c. Authenticated or security paper copies of Marriage certificate and/or Certificate of No Marriage in SECPA form, in case of termination of marriage, Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate if foreign applicant; Annulment Decree with Certificate of Finality, Declaration of Nullity, or Legal Separation Documents for Filipino applicant;
 - d. Written consent from the appropriate person/s as enumerated under letter O of the implementing procedures for New Petitions;
 - e. Medical Certification by a duly licensed physician, Certification should (a) indicate that the applicant has no medical condition that prevents him/her in acting or assuming parental responsibilities; (b) taken at least six (6) months from the time of preparation of the Home Study Report;
 - f. Psychological evaluation report on the applicant/s, as recommended by the social worker;
 - g. National Bureau of Investigation (NBI), Police Clearances or Court Clearances issued within one (1) year before the filing of the application;
 - h. Latest Income Tax Return (ITR) or any document showing financial capacity;
 - i. Three (3) letters of character references for the applicant/s (Employer, church leader, community/village leader, other non-relative members of the community who have known the applicant/s for at least three (3) years);
 - j. 3x5 inch-sized photos of the applicant/s, his/her immediate family members and their home, taken within the last six (6) months from the date of submission of application;
 - k. Adoption decree (if with previous adopted child)

Other documents may be required by the social worker as deemed necessary based on their assessment and recommendation.

Additional Requirements for Foreign Nationals:

- l. Certificate of Residency in the Philippines for at least five (5) years issued by the Bureau of Immigration or Department of Foreign Affairs, as appropriate
- m. Police clearance from police authorities where the foreign applicant has lived for more than twelve (12) months any time in the past fifteen (15) years

The applicant/s is required to attend adoption themed training/s, fora, counseling, seminars on adoption, among others. A Certificate of Completion will be issued by the NACC, or their authorized representative, to the applicant/s who have undergone the required training. The Certification of Completion shall be attached to the Petition once the applicant/s file for the domestic administrative adoption.

4. The applicant/s' adoption social worker shall, within ten (10) working days, examine the application and its supporting documents if sufficient in form

and substance and shall proceed to do home visits in preparation for the Home Study Report.

Conduct in-person interview and counselling with the adoptive applicant/s, their immediate family members and significant others informing and soliciting their thoughts and feelings over the adoptive applicant/s' decision to adopt. The applicant shall sign the type of child acceptable to the family checklist together with the applicant/s' adoption social worker.

5. The applicant/s' adoption social worker shall prepare a Home Study Report (HSR) based on all information gathered. The HSR, together with the complete set of supporting documents, shall be endorsed to the RACCO for review and for presentation to the Regional Child Placement Committee (RCPC) within ten (10) working days from completion of supporting documents.

In cases of relative, step-parent and adult adoptions, a Social Case Study Report shall be prepared by the adoption social worker of the applicant.

6. The RACCO social worker shall review the merits of the application and make recommendations to the RACC Officer within fifteen (15) working days from receipt of the application.

Any comment on the adoption application and supporting documents shall be communicated by the RACCO to the applicant/s' adoption social worker. The same shall be complied by the applicant/s' adoption social worker within fifteen (15) working days from receipt of the letter from the RACCO. In case the required documents will not be available within the prescribed period of submission, a status report on the action taken by the applicant/s' adoption social worker shall be submitted to the RACCO.

7. Once the application is found to be sufficient, the RACCO social worker shall schedule the presentation of the application with the RCPC and inform the applicant/s, through their adoption social worker, of the date of the presentation. The applicant/s and the adoption social worker are requested to appear virtually or physically during the presentation before the RCPC.
8. During the Regional Matching Conferences, the RCPC shall conduct an interview with the applicant/s and/or adoption social worker, act on the application and endorse their recommendation to the RACCO Head for approval and inclusion to the National Roster of Approved Applicants. The roster shall be maintained by the RACCO and made accessible to the RCPC for matching purposes.
9. The RACCO social worker shall inform the applicant/s' adoption social worker, in writing, of the decision on the application for adoption.
10. To avoid conflict of interest, applicants who are Heads of Child Caring/ Child Placing Agencies, or a social worker or any individual endowed with function to decide on the application and/or Petition for adoption, shall be assessed by an impartial social worker without any personal dealings with the applicant/s.

E. PROCEDURE FOR MATCHING AND ISSUANCE OF INTER-COUNTRY ADOPTION CLEARANCE

1. Regional Matching

Upon receipt of the child's dossier, the RACCO social workers, who will act as the Secretariat to the matching conference, shall conduct the following:

- 1.1. Review the Child Study Report (CSR), CDCLAA and other documentary requirements, assess, recommend and notify the child's adoption social worker on the status of the case through an official letter within ten (10) working days from receipt of the dossier. In cases of discrepancies/inconsistencies of information in the CSR or any of the requirements, submission of the requested/required documents by the child's adoption social worker shall be within fifteen (15) working days from receipt of the letter from the NACC.

In case the required documents will not be available within the prescribed period of submission, a status report on the action taken shall be submitted by the agency.

Complete and compliant dossiers of child/ren received by the NACC seven (7) working days prior to the scheduled matching conference shall be tabled for the next scheduled matching.

- 1.2. Invite the members of RCPC and the adoption social workers of the child and approved applicant/s through an official letter or memorandum to the Head of Agency/Office at least seven (7) working days prior to the schedule of the matching conference for their presence and for the presentation of their case/s in the matching conference.

If the principal RCPC member is not available, identify an alternate member to avoid delay or postponement of the matching conference. Ensure a quorum of the RCPC members (three members out of five) to proceed with the matching conference.

- 1.3. Provide the profile of the approved applicants to the child's social worker for review and preparation of justification. Advance copies of dossiers of children and approved applicants should be provided to the RCPC members for their review at least five (5) working days before the matching schedule.

- 1.4. Conduct the inter-regional matching conference at least twice a month, but not exceeding four (4) times a month. The RCPC will deliberate and provide their recommendation on the cases presented to the NACC Executive Director who shall approve the matching proposal during the transition period.

Provided that, as sanctioned by Section 56, for purposes of ensuring the continuity of adoption services, for the best interest of the children who will be unduly prejudiced by the delay in the adoption processes, the inter-regional matching conferences conducted by the Field Offices, in accordance with the DSWD Memorandum Circular No. 13, series of 2020, upon the effectivity of the law and prior to the approval/ issuance of herein [transition] guidelines, shall be

considered valid. Concomitantly, expenses incurred relative thereto shall be deemed authorized in line with Item J hereof.

- 1.5. Facilitate the signing of a Certificate of Matching for children matched by the RCPC members after the matching conference and endorse the same to the NACC Executive Director for approval.
- 1.6. Children with special needs such as, but not limited to: (a) with medical needs like cerebral palsy, heart or kidney ailments, blindness, Attention-Deficit Hyperactivity Disorder (ADHD) or affected by Human Immunodeficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS); (b) intellectual disability and/or with intellectual/developmental delay/history; (c) With other disabilities; (d) Born out of incestuous relationships/rape/victim of rape; (e) Sibling group; and (f) Child beyond seven (7) years old shall be presented to the matching conference only once, except under special circumstances.
- 1.7. For cases of children not matched, the RCPC shall issue clearance for interregional matching.
- 1.8. Endorse the matching proposal to the adoption social worker of the applicant/s. The approved applicant/s shall decide and submit their decision within two (2) working days upon receipt of the matching proposal. The signed Acceptance Letter will be the basis of the RACCO to facilitate the approval of the Pre-Adoption Placement Authority (PAPA) by the RACC Officer or their duly authorized representative within two (2) working days from the receipt of the copy of signed Acceptance Letter from the approved applicant/s and inform the DSWD residential facilities/CCA/LGU concerned on the acceptance of the matched child.

If the applicant/s declines/opposes the proposed placement of the child with them as recommended by the RCPC, the Secretariat shall inform the adoption social worker to submit a written explanation within two (2) working days after receipt of notice on the result of matching from the adoption social worker. The RACC Officer evaluates the reason and determines appropriate action/s on the application.

Approved applicant/s who choose/s not to accept the child/ren matched to them for a valid reason may still be considered. Approved applicant/s who refuse twice shall be removed from the registry.

- 1.9. Coordinate with the adoption social workers on the schedule of the child's entrustment to the approved applicant/s once PAPA has been issued. Entrustment shall be undertaken by the CCA's to establish familiarity, bonding and rapport. The physical transfer of the child shall take place upon receipt of the approved PAPA.
- 1.10. If the child was placed in the custody of the approved applicant/s prior to the issuance of the PAPA, the adoption social worker of the approved applicant/s shall conduct the necessary supervised trial custody (STC) to ensure the child's emotional well-being.
- 1.11. The adoption social worker of the approved applicant/s shall, for a period of six (6) months, undertake the STC visitation and assist the

child and family to adjust psychologically and emotionally to each other and establish a bonding relationship.

A documentation report on the post-placement supervision period shall be prepared by the adoption social worker of the approved applicant/s every two (2) months for submission to the RACCO. After a thorough assessment of satisfactory adjustment where bonding and rapport has taken place between the child and approved applicant/s, a final supervisory report, updated social case study report and recommendation for filing of the domestic adoption shall be prepared by the adoption social worker of the approved applicant/s to be submitted to the RACCO within fifteen (15) working days after the end of the six (6) months STC.

For domestic relative, step-parent and adult adoption, the STC period may be waived depending on the assessment and recommendation by the approved applicant/s adoption social worker submitted to RACCO.

For independently placed cases, the adoption social worker of the approved applicant/s shall prepare one post-placement report, within fifteen (15) working days upon receipt of PAPA, recommending the approved applicant/s to continue their parental obligations towards the child.

- 1.12. Relative inter-country adoption cases shall not be presented for regional matching. Regional Clearance shall only be issued based on a favorable assessment and recommendation by the adoption social worker.

Relative, Step-parent and adult adoption shall be entitled to issuance of a PAPA. The matching process shall be waived in cases where the child and the approved applicant/s have been living in one household for not less than two (2) years.

2. Interregional Matching

Upon receipt of the child's dossier, the NACC social workers, who will now act as the Secretariat, shall conduct the following,:

- 2.1. Review the Child Study Report (CSR), CDCLAA and other documentary requirements, assess, recommend and notify the child's adoption social worker on the status of the case through an official letter within ten (10) working days from receipt of the dossier.

In cases of discrepancies/inconsistencies of information in the CSR or any of the requirements, submission of the requested/required documents by the child's adoption social worker shall be within fifteen (15) working days from receipt of the letter from the NACC. In case the required documents will not be available within the prescribed period of submission, a status report on the action taken shall be submitted by the agency.

Complete and compliant dossiers of child/ren received by the NACC seven (7) working days prior to the scheduled matching conference shall be tabled for the next scheduled matching.

- 2.2. Recommend the presentation of a child/ren to the CPC for interregional placement if the Child/Home Study Report and documentary requirements are sufficient in form and in substance seven (7) working days before the matching.

Provide the child's adoption social worker a list of available applicants from the Roster of Approved Applicants. The child's adoption social worker together with the NACC social worker selects families from which the CPC shall deliberate.

- 2.3. Invite the members of CPC and the adoption social workers of the child and approved applicant/s through an official letter or memorandum to the Head of Agency/Office at least seven (7) working days prior to the schedule of the matching conference for their presence and for the presentation of their case/s in the matching conference.

If the principal CPC member is not available, identify an alternate member to avoid delay or postponement of the matching conference. Ensure a quorum of the CPC members (three members out of five) to proceed with the matching conference.

- 2.4. Conduct interregional matching conferences when necessary and whenever the documents of child and PAP/s are available. The CPC will deliberate and provide their recommendation on the cases presented to the Executive Director for approval.

CPC members shall receive per diem for every meeting attended.

- 2.5. Facilitate the signing of a Certificate of Matching for children matched by the CPC members after the matching conference and endorse the same to the NACC Executive Director for approval.

- 2.6. Endorse the dossiers of children, cited in this guideline under Regional Matching Procedure No. 1.6 for issuance of inter-country clearance if not matched during the first meeting.

For cases of children not matched, the CPC shall issue clearance for inter-country adoption.

- 2.7. Same process under the Regional Matching Procedure numbers 1.8-1.11 shall apply.

- 2.8. Coordinate closely with the adoption social worker of approved applicants on the movement of the case until such time that the adoption case has been considered closed.

F. PROCEDURE FOR FOSTER CARE and SIMULATED BIRTH RECTIFICATION

The procedure for the Foster Care and Simulated Birth Rectification shall continue to be governed by the existing process laid down in Memorandum Circular 21, series of 2018 and Memorandum Circular 16, series of 2020, respectively, during the transition period.

G. PROCEDURE FOR INTER-COUNTRY ADOPTION

The existing procedures for inter-country adoption by ICAB which is in accordance with Republic Act No. 8043, the ISO 9001:2015 certified Quality Management System (QMS), and Procedures and Work Instruction Manual (PAWIM) shall be followed during the transition period.

The current inter-country Placement Committee (ICPC) of ICAB shall transition to the Child Placement Committee. The CPC shall act as consultants to review and decide on adoption applications and execute the system of matching and selection of prospective adoptive parents for children. Furthermore, CPC shall recommend to the ICAB Executive Director approval of matching proposals.

The members of the CPC shall receive a reasonable honorarium for each meeting attended.

H. PROCEDURE FOR DISRUPTED PRE-ADOPTIVE PLACEMENT

Disruption occurs when adoption placement is not completed or discontinued due to problems either or both on the part of the child and/or adoptive family. No termination of placement shall be made unless it is shown that the PAP/s' adoption social worker has exhausted all efforts to remove the cause of the unsatisfactory relationship/placement within a reasonable period. Hence, the following procedures shall be undertaken:

1. If during one of the monitoring visit/s, the removal of the child is initially assessed by the adoption social worker of the approved applicant/s , conduct frequent visits to the home to arrive at a decision as soon as possible. Conduct a case conference together with the immediate Supervisor to resolve the issues identified.
2. Hold a case conference, as necessary, wherein participation of each family member is maximized given the following objectives: to explore feelings related to the disruption; to assess the child's situation and to plan for the future.
3. On the other hand, if found that the continuation of the placement is detrimental to the child, the child shall be immediately removed from the home and arrange for the child's temporary care while considering another possible placement.
4. The adoption social worker of the approved applicants shall prepare and submit to the RACCO within three (3) working days an assessment report, indicating thorough assessment, findings and recommendation to suspend, cancel or terminate the issued PAPA.
5. The RACCO shall act on the case and recommend to the NACC immediate action, in close coordination with the matching committee and concerned offices/agencies. The PAPA shall be suspended, cancelled or revoked by the approving authority. Assessment with strong justification and recommendation from the adoption social worker of the approved applicant/s shall be endorsed to the NACC for the suspension, cancellation or revocation of the PAPA.

I. PROCESS OF REGISTRATION OF THE ORDER OF ADOPTION

The PAP/s shall cause the registration of the Order of Adoption with the Local Civil Registrar where the child was originally registered by submitting a certified true copy of said Order within thirty (30) calendar days from receipt.

The process for registration of the Order of Adoption must be in accordance with the guidelines to be formulated and issued by the Philippine Statistics Authority (PSA).

If not made within the prescribed period, registration of the same shall be considered late, in which case, the registrant who may be the adopter, natural parents, adopted child, NACC social worker or any interested party shall execute an affidavit showing the circumstances and reasons why the adoption was not reported for registration within the prescribed period.

J. PETITION FOR RESCISSION OF THE ADOPTION

1. The adoption may be rescinded only upon the petition of the adoptee with the NACC, or with the assistance of the LSWDO if the adoptee is a minor, or if the adoptee is eighteen (18) years of age or over but who is incapacitated or by his or her guardian on any of the following grounds committed by the adopter(s):
 - a. Repeated physical or verbal maltreatment by the adopter despite having undergone counseling;
 - b. Attempt on the life of the adoptee;
 - c. Sexual abuse or violence; or
 - d. Abandonment and failure to comply with parental obligations.
2. The Petition for rescission shall be filed with the RACCO where the adoptee resides.
3. The RACCO shall forward the Petition to the NACC Social Worker who shall recommend to the NACC Executive Director the issuance of the Order of Rescission.

K. TRAVEL CLEARANCE

The NACC shall issue travel clearance for all cases which are under its jurisdiction. For cases which are still under the court jurisdiction, the existing guidelines of the DSWD shall be followed.

L. FUNDING REQUIREMENT

All expenses incurred upon the effectivity of R.A. No. 11642 and during the transition period relative to the implementation of domestic administrative adoption, including the matching expenses and payment of honorariums, shall be chargeable against the DSWD PSIFIS or ICAB fund, whichever is applicable, subject to the usual government accounting, budgeting, auditing and procurement rules and regulations.

VI. INSTITUTIONAL ARRANGEMENT PURSUANT TO THE TRANSITORY CLAUSE

Section 56 of the Act specifically provides that a transition team composed of the DSWD and the ICAB shall act as the NACC and ensure the implementation of the procedures laid down in this Circular during the transition period.

1. The Executive Director of Inter-Country Adoption Board (ICAB) which is now the NACC, shall be the Chairperson of the Transition Team.

The Chairperson shall issue and sign all orders of adoption. During the transition period such orders shall be approved by the DSWD Secretary or designated representative to the NACC. Furthermore, the Chairperson shall approve the recommendation of the Child Placement proposals of children presented during the matching process and sign all related documents pertaining to inter-country adoption.

2. The Director of the Program Management Bureau (PMB) of the Department of Social Welfare and Development (DSWD) shall be the Vice Chairperson of the Transition Team.

The PMB Director shall oversee the programs and services on alternative childcare pending their transition to NACC i.e issuance of CDCLAA, implementation of RA 11222 and Foster Care, and shall continue to be implemented by the DSWD (Central and Field Offices). Continued monitoring of alternative and foster care programs that remain with the DSWD shall also be a primordial task of the PMB Director.

3. The Social Workers of ICAB and Adoption Resources and Referral Division (ARRD) of PMB shall be the NACC Social Workers tasked to manage and review cases involving the processes transitioned in accordance with Section 56 of the Act.

The Social Workers shall, during the transition period, ensure the continuity and smooth delivery of adoption services previously being handled by ICAB and the DSWD and are to be transferred to the NACC as provided for in the Act. The procedures on the affected adoption services and the full functions and responsibilities of the Transition Social Workers are discussed in detail in the Implementing Guidelines that shall be issued for the purpose of implementing Section 56 of the Act.

4. Regional Child Placement Committee (RCPC): During the transition period, the Regional Child Welfare Specialist Group (RCWSG) shall serve as the RCPC and shall be responsible for the conduct of matching conferences in the field offices.
5. Child Placement Committee (CPC): The current Inter-Country Placement Committee (ICPC) of ICAB shall transition to the Child Placement Committee. The CPC shall act as consultants to review and decide on adoption applications for inter-country adoption; execute the system of matching and selection of prospective adoptive parents for children in the interregional and inter-country matching conferences; and serve as the consultants to the petitions filed for domestic administrative adoption.

Regional Alternative Child Care Office (RACCO) of the NACC Transition Team

The personnel of ICAB, PMB- ARRD, including the DSWD Field Offices' Adoption Resource and Referral Units (ARRUs) shall be constituted as the Regional Alternative Child Care Office (RACCO) of the NACC Transition Team and shall perform the following duties of the adoption social workers:

1. Handle petitions for domestic adoptions withdrawn in courts;
2. Conduct regional and interregional adoption matchings;
3. Clear children's cases for inter-country adoption;
4. Review new applications and petitions involving domestic administrative adoptions;

5. Develop and provide appropriate training programs to prospective adoptive parents;
6. Advocate Adoption and Alternative Child Care Programs; and,
7. Submit periodic reports as prescribed.

Overall, NACC Transition Team shall be responsible in performing the procedures laid down in Item V of this Circular. The special orders shall be issued by the DSWD Secretary to constitute the Transition Team in consideration of the rules affecting movement of personnel in the civil service during the election period by the Civil Service Commission and the Commission on Elections.

The process flow and approving authorities of all documents related to the functions under transition shall be clearly identified.

Once the special order is issued, adjustments in performance contracts of the PMB, Field Offices and concerned personnel of the DSWD and/or the offices and personnel of the ICAB shall be made accordingly.

VII. FEES

A schedule of fees for availing the Domestic Administrative Adoption will be covered in a separate issuance.

VIII. SEPARABILITY

The provisions of these Guidelines are deemed to be separable to the extent that if any part hereof has been declared invalid or illegal, the validity or legality of the remaining provisions shall not in any way be affected or impaired thereby.

IX. EFFECTIVITY

This Memorandum Circular shall take effect immediately upon publication in the Official Gazette or in any newspaper of general circulation, and submission of a copy thereof with the Office of the National Administrative Register, U.P. Law Center. Provided that the issuance of these Guidelines shall not affect the validity of all processes conducted and documents issued prior to the effectivity hereof.

Issued in Quezon City this 28 day of April 2022.



ROLANDO JOSELITO D. BAUTISTA

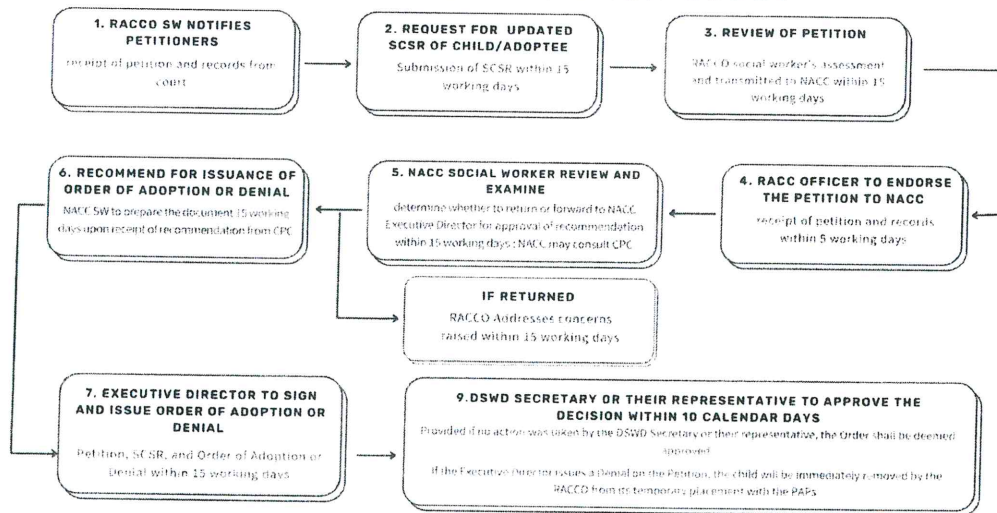
Secretary

Department of Social Welfare and Development

Cert. True Copy:

MYRNA H. REYES
OIC-Division Chief
Records and Archives Mgt. Division

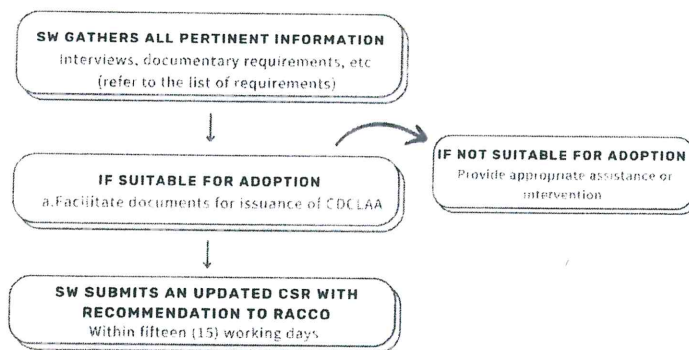
CASES WITHDRAWN FROM COURT



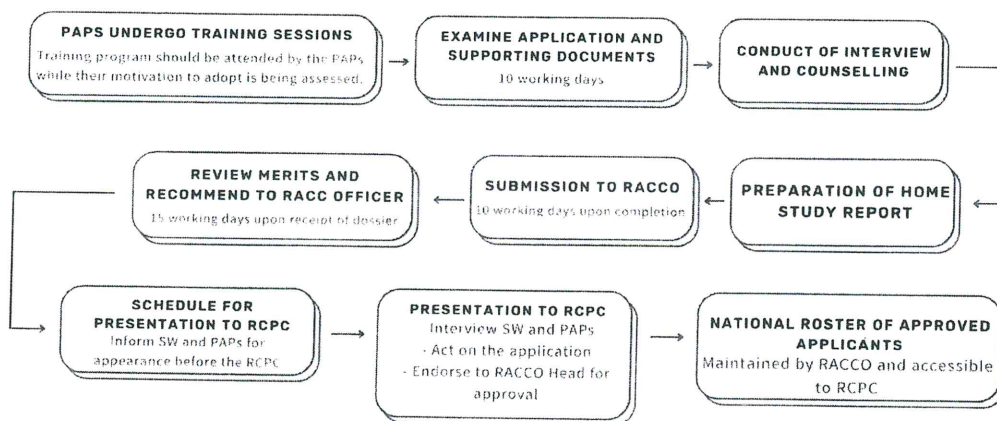
NEW PETITIONS FOR ADMINISTRATIVE ADOPTION



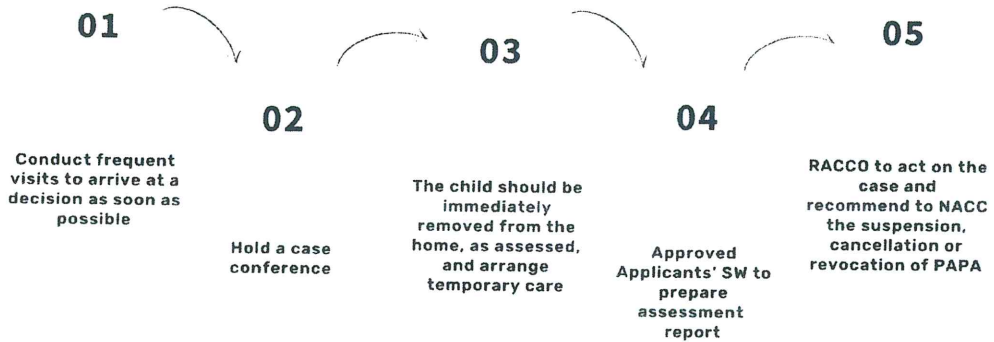
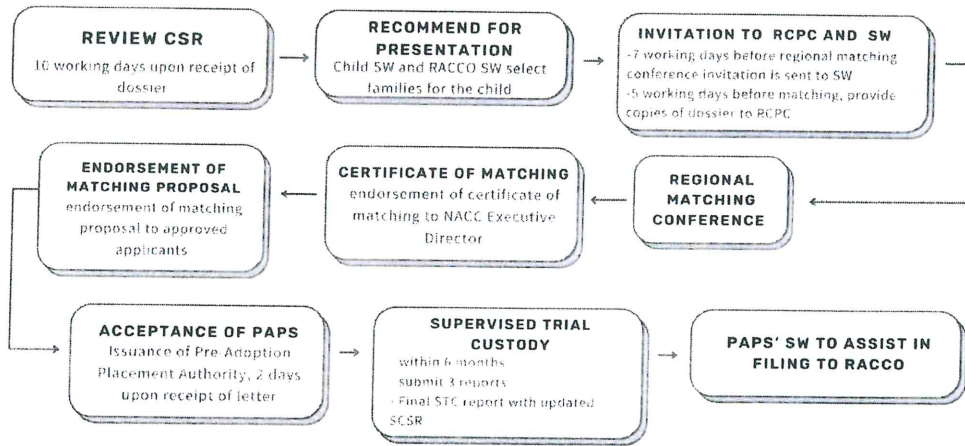
CHILD CASE MANAGEMENT



NEW APPLICATIONS FOR ADOPTIVE PARENTS



MATCHING



RESCISSION OF ADOPTION

RACCO

**NACC
EXECUTIVE
DIRECTOR**

**PETITION
FOR
RESCISSION**

NACC
Social Worker

**ORDER OF
RESCISSION**