



DE LA SALLE UNIVERSITY  
TAÑADA-DIOKNO SCHOOL OF LAW  
DLSU LAW CLINIC

# Primer on Domestic Administrative Adoption

A Primer on R. A. No. 11642, R.A. 11222 and DSWD  
Memorandum Circular No. 3, Series of 2022



*This Primer on Domestic Administrative Adoption was prepared by the DLSU Law Clinic (DLC) as part of the Clinical Legal Education Program (CLEP) of the De La Salle University- Tañada-Diokno School of Law (DLSU-TDSOL) with the assistance of the following law Student Practitioners (LSPs):*

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**[REPUBLIC ACT NO. 11642]<sup>1</sup>**

**AN ACT STRENGTHENING ALTERNATIVE CHILD CARE BY PROVIDING FOR AN ADMINISTRATIVE PROCESS OF DOMESTIC ADOPTION, REORGANIZING FOR THE PURPOSE THE INTER-COUNTRY ADOPTION BOARD (ICAB) INTO THE NATIONAL AUTHORITY FOR CHILD CARE (NACC), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8043, REPUBLIC ACT NO. 11222, AND REPUBLIC ACT NO. 10165, REPEALING REPUBLIC ACT NO. 8552, AND REPUBLIC ACT NO. 9523, AND APPROPRIATING FUNDS THEREFOR**

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11642, THE DOMESTIC ADMINISTRATIVE ADOPTION AND ALTERNATIVE CHILD CARE ACT.**

**[REPUBLIC ACT NO. 11222]<sup>2</sup>**

**AN ACT ALLOWING THE RECTIFICATION OF SIMULATED BIRTH RECORDS AND PRESCRIBING ADMINISTRATIVE ADOPTION PROCEEDINGS FOR THE PURPOSE**

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11222, THE SIMULATED BIRTH RECTIFICATION ACT.**

WITH REFERENCE TO

**[DSWD MEMORANDUM CIRCULAR NO. 03, SERIES OF 2022]<sup>3</sup>**

**GUIDELINES ON THE IMPLEMENTATION OF SECTION 56 OF REPUBLIC ACT NO. 11642 OR THE “DOMESTIC ADMINISTRATIVE ADOPTION AND ALTERNATIVE CHILD CARE ACT”**

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<sup>1</sup> Took effect on 28 January 2022.

<sup>2</sup> Signed into law on 21 February 2019 and took effect on 29 March 2019, fifteen (15) days after its publication in the Official Gazette. The law will be effective for ten (10) years or up to 29 March 2029.

<sup>3</sup> Issued on 28 April 2022, to take effect immediately upon publication in the Official Gazette or in any newspaper of general circulation and submission of a copy of the Circular with the Office of the National Administrative Register, U.P. Law Center. Pending the issuance of the Implementing Rules and Regulations of R.A. No. 11642, the provisions in the DSWD Memorandum Circular will serve as guidelines in implementing Section 56 of R.A. No. 11642.

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# **PART 1: INTRODUCTION TO DOMESTIC ADMINISTRATIVE ADOPTION and THE NEW GOVERNMENT AGENCIES INVOLVED**

## **1. Q: What is Adoption?**

**A:** Adoption refers to the socio-legal process of providing a permanent family to a child whose parents had voluntarily or involuntarily given up their parental rights, permanently transferring all the rights and responsibilities, along with filiation, making the child 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 become Parental Care as soon as the process is completed (R.A. No. 116242, Sec. 4 (d)).

## **2. Q: What are currently the types of Domestic Adoption?**

**A:** The types of Domestic Adoption are as follows:

	<b>Judicial Adoption (R.A. No. 8552) (1998) (NOTE: already repealed by R.A. No. 11642)</b>	<b>Administrative Adoption (R.A. No. 11642) (2021)</b>	<b>Adoption through Simulated Birth Rectification (R.A. No. 11222) (2019)</b>
<b>Definition</b>	Policies on Judicial adoption for Filipino children	Law simplifying adoption process for Filipino children	A law that provides for the correction of simulated births and for the adoption of the children subject to such simulated births.
<b>Short Title</b>	Domestic Adoption Act of 1998	Domestic Administrative Adoption and Alternative Child Care Act	Simulated Birth Rectification Act
<b>Process</b>	Prospective parents must submit to the	Removes judicial process for adoption and is	Provides an administrative process for a

	court a petition for adoption and go through hearings before they can be approved and issued a decree of adoption and certificate of finality	now purely an adoption administrative process	Petition for Adoption with an application for the rectification of the simulated birth record
<b>Cost</b>	Cost ineffective and longer processes	Easier, shorter, and less expensive adoption process since it is now an administrative process	Cost effective for the rectification of the simulated birth certificate but may take a longer adoption process
<b>Where filed</b>	Under the jurisdiction of Family Courts or RTC	With the National Authority for Child Care (NACC) in coordination with DSWD	With the Social Welfare and Development Office of the city or municipality where the Child resides
<b>Effectivity Date</b>	Took effect on 25 February 1998	Took effect on 28 January 2022	Took effect on 29 March 2019

Hence, after a short transition period, all Domestic Adoptions now are processed administratively and no longer with the Family Courts of the Regional Trial Courts.

**3. Q: What are the new and reorganized agencies created as a result of the new law (R.A. 11642) who will now be the lead agencies in Domestic Administrative Adoptions?**

**A:** There are two (2) new offices under the DSWD that will now be involved in all Domestic Administrative Adoptions. They are:

- (a) National Authority for Child Care (NACC); and
- (b) Regional Alternative Child Care Office (RACCO).

**4. Q: What is the scope of power of the new National Authority for Child Care (NACC)? How different is it from the Inter-Country Adoption Board (ICAB)?**

**A:** The Inter-Country Adoption Board (ICAB) was reorganized into a one-stop quasi-judicial agency on Alternative Child Care, known as the National Authority for Child Care (NACC), attached to the DSWD (R.A. No. 11642, Sec. 05, Par. 01).

The NACC shall have original and exclusive jurisdiction over all matters pertaining to Alternative Child Care, including declaring and issuing a Child legally available for adoption, domestic administrative adoption, adult adoption, foster care, and inter-country adoption. The NACC shall also have the authority to impose penalties in case of any violation of the Domestic Administrative Adoption and Alternative Child Care Act (R.A. No. 11642, Sec. 06). The NACC Council is headed by the DSWD Secretary while the NACC Secretariat is headed by an Executive Director who is a concurrent Undersecretary of the DSWD.

**5. Q: What is the composition of the National Authority for Child Care (NACC)?**

**A:** The NACC shall be composed of a Council and a Secretariat. The Council shall be composed of the Secretary of the DSWD as ex officio Chairperson and 6 other members, who are to be appointed by the President for a non-renewable term of 6 years: Provided, That there shall be appointed 1 psychiatrist or psychologist, 2 lawyers who shall have at least the qualifications of a Regional Trial Court (RTC) judge, 1 registered social worker and 2 representatives from NGOs engaged in child-caring or child-placing activities.

**6. Q: What are the functions of the NACC Council?**

**A:** The Council shall act as the policy-making body for purposes of carrying out the provisions of the Act and shall formulate child welfare policies which shall constantly adjust to ongoing studies on alternative child care. En banc, it shall serve as the Appeals Committee for contested denials of petitions issued by the Executive Director or the Deputy Director for Services.

**7. Q: What are the functions of the NACC Secretariat?**

**A:** The Secretariat shall implement and execute policies on alternative child care pursuant to the provisions of the Act. It shall be headed by an Executive Director, with the rank of an Undersecretary who shall be assisted by 2 deputy directors: one for services and another one for administration and finance with the rank of Assistant Secretary.

The Deputy Director for Services shall, pursuant to the provisions of the Act, assist the Executive Director in the supervision and monitoring of the overall process for alternative child care, including declaring a child legally available

for adoption, domestic and intercountry adoption, foster care, residential care, family-like care, and kinship care, as well as the provision of child and family welfare services.

**8. Q: What are the functions of the National Authority for Child Care (NACC)?**

**A:** The NACC shall ensure that the petitions, and all other matters involving alternative child care, including the issuance of CDCLAA, and the process of domestic and intercountry adoption, foster care, kinship care, family-like care, or residential care are simple, expeditious, and inexpensive, and will redound to the best interest of the child involved.

The NACC Council shall act as the policy-making body and when convened as such, as an en banc appeals committee for contested denials of petitions issued by the Executive Director or the Deputy Director for Services, while the NACC Secretariat shall be responsible for the following key functions:

- a. Act and resolve petitions for the issuance of CDCLAA as provided under the Act;
- b. Facilitate, act on, and resolve all matters relating to domestic administrative adoption as provided in the Act, including adoptions which were initially filed with the courts under R.A. No. 8552;
- c. Facilitate, act on, and resolve all matters relating to intercountry adoption, pursuant to R.A. No. 8043, as amended;
- d. Facilitate, act on, and resolve all matters relating to foster care pursuant to R.A. No. 10165, as amended;
- e. Facilitate, act on and resolve all matters relating to the rectification of simulated birth pursuant to R.A. No. 11222, as amended;
- f. Supervise and control the acts to be performed by the RACCO under the provisions of R.A. No. 11642 and these IRR;
- g. Act on petitions for adoption, foster care, and other forms of alternative child care that have been filed through and processed by the RACCOs;
- h. Issue travel clearance for all cases which are under its jurisdiction;
- i. Set standards and guidelines on adoption including pre- and post-legal adoption services;
- j. Convene an Independent Appeals Committee whenever necessary to be composed of professionals and experts from its CPC, to study and give recommendations on appeals filed by interested parties involving denials of petitions and applications at the RACCO level;
- k. Act as the Central Authority in matters relating to domestic and intercountry adoption and shall act as the policy-making body for the purpose of carrying out the provisions of the Act, including R.A. No. 8043, as amended, in consultation and coordination with the OSWA, DFA, the different child care and placement agencies, foreign adoption agencies, as well as NGOs engaged in child care and placement activities, specifically the functions under Section 4 of the aforementioned law;
- l. Determine, in coordination with the DFA or the OSWA, procedures for the suitable alternative child care of Filipino children stranded abroad,



- including countries which are not parties to the Hague Convention or have no diplomatic relations with the Philippines;
- m. Ensure that intercountry adoption will not be pursued until all possible domestic placement of the child has been exhausted;
  - n. Conduct national information dissemination and advocacy campaign on alternative child care and legal adoption;
  - o. Establish clear programs to keep children with their biological families whenever possible;
  - p. Assess the progress and identify gaps in the implementation of R.A. No. 11642 and these IRR and come up with policy recommendations;
  - q. Keep records of all adoption, foster care, and other alternative child care cases, which include submitted caseload inventory of children from child-caring agencies and family-like care facilities and provide periodic information and reports on the performance of the agency;
  - r. Conduct research on adoption, foster care, and other alternative child care policies or in related fields to further improve and strengthen the office programs and services and for policy formulation and development;
  - s. Provide technical assistance, develop training modules and conduct capability building activities for adoptive/foster parents and children, and all concerned agencies and stakeholders;
  - t. Determine and impose administrative fees;
  - u. In partnership with the Department of the Interior and Local Government (DILG), provide the necessary support and technical assistance to LGUs, especially the Local Council for the Protection of Children (LCPC), who are among the first responders to cases of child abandonment and voluntary commitment, on matters related to alternative child care processes and engage them during the pre-adoption process;
  - v. Build linkages and partnerships with independent and private entities such as licensed and accredited child-caring institutions, foundations, and social work groups to ease the burden on the government in monitoring all petitions;
  - w. Impose fines or penalties for any non-compliance with or breach of R.A. No. 11642, these IRR, and the rules and regulations which it promulgates or administers;
  - x. Formulate and develop policies for programs and services relating to the process of adoption, foster care, kinship care, family-like care, or residential care;
  - y. To accredit and authorize Adoption Social Workers to engage in the assessment of children for adoption or alternative child care and assess the suitability of adoptive and foster parents; and
  - z. Enforce R.A. No. 11642 and these IRR, as well as perform all other functions necessary to carry out the objectives of the Act and other related laws, such as Republic Act No. 8043, Republic Act No. 10165 and Republic Act No. 11222 toward the simple, expeditious, and inexpensive process relating to foster care, issuance of CDCLAA, domestic administrative adoption, and intercountry adoption, and all

other forms of alternative child care, that would redound to the best interest of the child (*IRR of R.A. No. 11642, Sec. 08*).

**9. Q: What about the Regional Alternative Child Care Office (RACCO)?**

**A:** The Regional Alternative Child Care Office (RACCO) is created for each region of the country and shall be headed by a Regional Alternative Child Care (RACC) officer (*R.A. No. 11642, Sec. 09, Par. 01*).

Every region of the country will have a Regional Alternative Child Care Office (RACCO) which is tasked to ensure a well-functioning system to receive local Petitions for Certificate Declaring a Child Legally Available for Adoption (CDCLAA) and *Petitions for Adoption*. Each RACCO has personnel who will exclusively handle the issuance of the CDCLAA, domestic administrative adoption, inter-country adoption, foster care, and all other forms of alternative placement care and well-being of children, including family-like care, kinship care, and residential care, and the rectification of simulated birth pursuant to R.A. No. 11222 (*R.A. No. 11642, Sec. 09, Par. 02*).

There shall be a Regional Child Placement Committee (RCPC) in each RACCO which shall be supervised by the RACC officer. It shall be composed of a multidisciplinary group including a child psychiatrist or psychologist, a medical doctor, a member of the Philippine Bar, an Adoption Social Worker, and a representative of an NGO involved in child welfare; Provided, That no member of the group shall have relations with the child or adoptive/Foster applicant or parent being matched (*IRR of R.A. No. 11642, Sec. 09*).

**10. Q: What is the duty of the Regional Alternative Child Care Office (RACCO) in the Petition for Adoption?**

**A:** The Regional Alternative Child Care Office (RACCO) shall review and examine the Petition and its supporting documents for completeness and accuracy, as well as conduct interviews with the handling *Adoption Social Worker* and the Applicant/Prospective Adoptive Parents (PAPs) within twenty (20) days. The *RACCO Social Worker* may request the Applicant/Prospective Adoptive Parents (PAPs) to submit additional requirements as may be necessary to prove the facts alleged in the Petition. The running of the 20-day period shall be suspended while the Applicant/Prospective Adoptive Parents (PAPs) are complying with the requirements.

If necessary, in ascertaining the fitness and qualification of the Applicant/Prospective Adoptive Parents (PAPs) to adopt, they shall appear before the Regional Child Placement Committee (RCPC) on a date to be determined by the latter.

In the case of a relative, step-parent and the like, the *RACCO Social Worker* shall conduct a personal interview with the Child to determine the propriety

of the placement (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-B2*).

**11. Q: What are the duties of the RACCO Social Worker or the child placing agencies?**

**A:** Their duties are

- a. Conduct a virtual or face-to-face pre-adoption seminar/forum for the applicants.
- b. Gather information and assess the Adoptive Parents' motivation to adopt upon receipt of their application.
- c. Facilitate the accomplishment of the Undertaking and application form.
- d. Within 10 working days, the Social Worker shall examine whether the application is sufficient in form and the documents are complete. The Social Worker shall conduct in-person interview and counseling with the adoptive applicants, their immediate family members and significant others, to solicit their thoughts over the adoption.
- e. The Social Worker shall prepare a Home Study Report.
- f. 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 application.
- g. 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 applications of their date of presentation.
- h. During the Regional Matching Conference, the RCPC shall conduct an interview with the applications and/or *Adoption Social Worker*, act on their application and endorse their recommendation to the RACCP Head for approval and inclusion to the National Roster of Approved Applicants.
- i. The *RACCO Social Worker* shall inform the applicant's *Adoption Social Worker*, in writing, of the decision on the application for adoption.
- j. 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 (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-D*).

**12. Q: What are the functions of the Child Placement Committee?**

**A:** The NACC may hire professionals and various experts, who shall form part of the Child Placement Committee (CPC) to be composed of a child psychiatrist or psychologist, a medical doctor, a lawyer, an Adoption Social Worker, a representative of an NGO engaged in child welfare, and any other professionals, as may be needed, to provide the necessary assistance to the Deputy Director for Services and Executive Director in interregional and intercountry matching, accreditation of foreign adoption agencies, and resolving appeals filed by interested parties involving denials of petitions at the RACCO level and reviewing recommendations of the RACCOs on petitions for adoption.

The Deputy Director for Administration and Finance shall be in charge of human resource development and management, property and logistics management, assets and financial management, and other administrative support services (*IRR of R.A. No. 11642, Sec. 07*).

## PART 2: ADOPTIVE PARENTS AND KINDS OF CHILDREN TO BE ADOPTED

### ADOPTIVE PARENTS

**13. Q: Who may adopt through Administrative Adoption?**

**A:** The following persons may adopt:

	<b>Adopters under R.A. No. 11642 (Domestic Administrative Adoption)</b>
<b>Persons that may be adopters</b>	<ol style="list-style-type: none"> <li>1. The legal guardian with respect to the ward after the termination of the guardianship and clearance of financial accountabilities;</li> <li>2. The foster parent with respect to the foster child;</li> <li>3. Philippine government officials and employees deployed or stationed abroad: Provided, That they are able to bring the child with them; and</li> <li>4. Foreign nationals who are permanent or habitual residents of the Philippines for at least five (5) years possessing the same qualifications as above stated for Filipino nationals prior to the filing of the petition (<i>R.A. No. 11642, Sec. 21</i>).</li> </ol>
<b>Qualifications for adopters</b>	<ol style="list-style-type: none"> <li>a. Any Filipino Citizen;</li> <li>b. <u>at least twenty-five (25) years of age</u>;</li> <li>c. in possession of full civil capacity and legal rights;</li> <li>d. of good moral character and can model the same;</li> <li>e. has not been convicted any crime involving moral turpitude;</li> <li>f. emotionally and psychologically capable of caring for children;</li> <li>g. in a position to support and care for adopted children in keeping with the means of the family; and</li> <li>h. <u>at least sixteen (16) years older than the adoptee</u> <ul style="list-style-type: none"> <li>o The requirement of sixteen-year difference between the age of the adopter and the adoptee may be waived when the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent (<i>R.A. No. 11642, Sec. 21</i>).</li> </ul> </li> </ol>

**14. Q: What is the procedure to apply as an Adoptive Parent under R.A. No. 11642?**

**A:** The first step in the domestic administrative adoption process is to apply initially as an Adoptive Parent. Below is the procedure for Applicant/Prospective Adoptive Parents (PAPs) applications:

- a. Applications shall be filed with the Regional Alternative Child Care Office (RACCO) in the region where the Applicant/Prospective Adoptive Parents (PAPs) resides. Relative, step-parent, and adult adoption are exempted from applying as Adoptive Parents and may directly file their Petition for Adoption to the RACCO;
- b. The *Adoption Social Worker* of the Applicant/Prospective Adoptive Parents (PAPs) shall facilitate the accomplishment of the undertaking and application form, conduct interviews and counseling with the Applicant/Prospective Adoptive Parents (PAPs) and their immediate family members and significant others, facilitate the signing of the type of child acceptable to the family checklist, and prepare the *Home Study Report*;
- c. The *Adoption Social Worker* of the Applicant/Prospective Adoptive Parents (PAPs) shall endorse the *Home Study Report* together with the complete set of supporting documents to the RACCO for review;
- d. Review of all applications, including communicating comments, requests for clarification or additional documents, and decisions on applications to the applicant/s *Adoption Social Worker*, shall be conducted by another social worker called the *RACCO Social Worker*;
- e. If the application is found sufficient, the *RACCO Social Worker* shall schedule the presentation of the application with the Regional Child Placement Committee (RCPC) and inform the Applicant/Prospective Adoptive Parents (PAPs) through their *Adoption Social Worker*, of the date of presentation. The Applicant/Prospective Adoptive Parents (PAPs) and their *Adoption Social Worker* shall personally appear before the RCPC during the presentation;
- f. The RCPC shall convene at least once a month, or during the Regional Matching Conferences, to conduct an interview with the Applicant/Prospective Adoptive Parents (PAPs) and/or *Adoption Social Worker*, act on the application and endorse their recommendation to the RACCO Head for 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;
- g. To avoid conflict of interest, Applicant/Prospective Adoptive Parents (PAPs) who are Heads of Child-Caring or 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/Prospective Adoptive Parents (PAPs) (*IRR of R.A. No. 11642, Sec. 35*).

**15. Q: What are the documentary requirements for Application as Adoptive Parents under Domestic Administrative Adoption in R.A. No. 11642?**

**A:** The documentary requirements for Application as Adoptive Parents under Domestic Administrative Adoption in R.A. No. 11642 are:

- a. Undertaking and Application Form of the Applicant/Prospective Adoptive Parents (PAPs);
- b. PSA copies of Birth Certificates of the Applicant/Prospective Adoptive Parents (PAPs);
- c. PSA copies of the Marriage Certificate or Certificate of No Marriage Record (CENOMAR), in case of termination of marriage, or Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate, if a foreign applicant; Decree of Annulment, Decree of Nullity of Marriage, or Decree of Legal Separation or the Philippine Statistics Authority (PSA) copy of the Marriage Certificate with annotation of the annulment of marriage, declaration of nullity of marriage or legal separation for Filipino applicant;
- d. Written Consent from the appropriate person/s;
- e. Medical Certification by a duly licensed physician. The Certification should indicate that the Applicant/Prospective Adoptive Parents (PAPs) has/have no medical condition that prevents him/her in acting or assuming parental responsibilities and taken at least six (6) months from the time of preparation of the Home Study Report;
- f. Psychological Evaluation Report of the Applicant/Prospective Adoptive Parents (PAPs), as recommended by the *Adoption 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. Letters attesting to the character and general reputation of the Applicant/Prospective Adoptive Parents (PAPs) from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the Applicant/Prospective Adoptive Parents (PAPs) have business dealings. The contact details of the person attesting must be so indicated in the letter;
- j. Photos of the Applicant/Prospective Adoptive Parents (PAPs), his/her immediate family members and their home, taken within the last six (6) months from the date of submission of application; and
- k. Adoption Decree (if with a previous adopted child). Other documents may be required by the *Adoption Social Worker* as deemed necessary based on their assessment and recommendation. The Applicant/s-

Prospective Adoptive Parent/s is/are required to attend *Training on Adoption* as prescribed by the National Authority for Child Care (NACC). A *Certificate of Completion* will be issued by the NACC, or their authorized representative, to the Applicant/Prospective Adoptive Parents (PAPs) who have undergone the required training. The *Certificate of Completion* shall be attached to the Petition for Adoption once the Applicant/Prospective Adoptive Parents (PAPs) file for the Domestic Administrative Adoption (*IRR of R.A. No. 11642, Sec. 32*).

**16. Q: Are there additional required documents for foreign nationals who want to be Applicant-Prospective Adoptive Parent (PAPs)?**

**A:** Yes, foreign nationals who want to apply as Applicant/s-Prospective Adoptive Parent/s need to submit the following additional requirements:

- a. 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; and
- b. Police Clearance from police authorities where the foreign Applicant/s-Prospective Adoptive Parent/s has lived for more than twelve (12) months any time in the past fifteen (15) years (*IRR of R.A. No. 11642, Sec. 33*).

**17. Q: For the Applicant/Prospective Adoptive Parents (PAPs), whose Written Consent specifically should they obtain as part of the documentary requirements?**

**A:** After being properly counseled and informed of the right to give or withhold approval of the adoption, the written consent of the following to the adoption is hereby required, unless 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:

- a. the adoptee, if ten (10) years of age or over;
- b. the marital and adopted children, ten (10) years of age or over; and
- c. the non-marital children, ten (10) years of age or over, if living with the said adopter or over whom the adopter exercises parental authority.

Provided, children under ten (10) years of age shall be counseled and consulted, but not required to execute written consent (*IRR of R.A. No. 11642, Sec. 36*).

**18. Q: Should husband and wife adopt jointly or can one spouse adopt on his/her own?**

**A:** Spouses shall jointly adopt, except in the following cases:

- a. If one spouse seeks to adopt the legitimate child of the other; or
- b. If one spouse seeks to adopt own illegitimate child: *Provided*, That the other spouse has signified consent thereto; or



c. If the spouses are legally separated from each other.

**19. Q: If the PAPs is indigent, what kind of legal assistance can be provided?**

**A:** The Public Attorney's Office (PAO) shall provide free legal assistance to Indigent PAPs including notarization of documents related thereto (*R.A. No. 11642, Sec. 40*). For non-indigent PAPs, however, they have to secure the services of private lawyers.

**20. Q: Can an unmarried, single, or widowed person adopt?**

**A:** Yes, the law does not distinguish as regards the marital status of the Applicant/Prospective Adoptive Parents (PAPs). What is vital is for the Applicant/Prospective Adoptive Parents (PAPs) to possess the qualifications of the persons enumerated in the preceding item, in accordance with Section 21 of the law.

**21. Q: Can a member/s of the LGBTQI adopt?**

**A:** Yes, member/s of the LGBTQI community may adopt as long as he/she possesses all the qualifications and will submit all the required documents. The law does not discriminate the adopter's sexual orientation or identity. What is required is for the Applicant/Prospective Adoptive Parents (PAPs) to possess all qualifications and none of the disqualifications in order for him/her to adopt.

**22. Q: What are the benefits granted to Adoptive Parents?**

**A:** The Adoptive Parents shall enjoy all the benefits entitled to biological parents from the date the Order of Adoption was issued to the Adoptive Parents. These includes the benefits which can be availed from the following, among others:

- a. The Social Security System (SSS);
- b. Department of Labor and Employment (DOLE);
- c. Bureau of Internal Revenue (BIR);
- d. Philippine Health Insurance Corporation (PhilHealth); and
- e. Health Maintenance Organization (HMO) providers.

Adoptive Parents can also avail of paid Maternity and Paternity Leaves as provided under the law. However, these can only be availed within one (1) year from the issuance of the Order of Adoption (*R.A. No. 11642, Sec. 36*).

## **CHILDREN TO BE ADOPTED**

### **23. Q: What Children may be adopted under Domestic Administrative Adoption under R.A. No. 11642?**

**A:** The following may be adopted:

- a. Any child who has been issued a Certification Declaring a Child Legally Available for Adoption (CDCLAA);
- b. The legitimate child of one spouse by the other spouse;
- c. An illegitimate child by a qualified adopter to improve status of legitimacy;
- d. A Filipino of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopters as their own child for a period of at least three (3) years;
- e. A foster child;
- f. A child whose adoption has been previously rescinded;
- g. A child whose biological or Adoptive Parents have died; and
- h. A relative of the adopter (*R.A. No. 11642, Sec. 22*).

### **24. Q: Who is considered a Child under Domestic Administrative Adoption under R.A. 11642?**

**A:** A Child under this law 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 psychological disability or condition. A Child under this law should also refer to an adult son, daughter, or offspring (*R.A. No. 11642, Sec. 4 (c)*).

### **25. Q: What are the different classifications of Children under R.A. No. 11642?**

**A:** The different classification of Children under R.A. No.11642 are as follows:

<b><i>Abandoned Child</i></b>	A Child who has no proper parental care or guardianship; a foundling; or one who has been deserted by one's parents for a period of at least three (3) continuous months, and has been declared as such by the National Authority for Child Care (NACC) ( <i>R.A. No. 11642, Sec. 4 (a)</i> ).
<b><i>Abandoned Child in a Filipino foreign</i></b>	An unregistered or undocumented Child found outside the Philippine territory, with known or unknown facts of birth, separated from or deserted by the biological Filipino parent, guardian, or custodian for a period of at least

<b>country</b>	three (3) continuous months and committed to a foreign orphan or charitable institution or in a temporary informal care, and has been declared as such by the NACC, upon recommendation of the Office of Social Welfare Attache (OSWA) of the Department of Social Welfare and Development (DSWD), or the Department of Foreign Affairs (DFA) (R.A. No. 11642, Sec. 4 (b)).
<b>Neglected Child</b>	<p>A Child whose physical and emotional needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months.</p> <p>A Child is unattended when left without the proper provisions or proper supervision (R.A. No. 11642, Sec. 4 (aa)).</p>
<b>Involuntary Committed Child</b>	It refers to a Child who, having known or unknown parents, has been permanently deprived of parental authority because of abandonment, substantial, continuous, or repeated neglect, or abuse or neglect to discharge parental responsibilities (R.A. No. 11642, Sec. 4 (x)).
<b>Voluntary Committed Child</b>	It refers to a Child whose parents or legal guardian <u>knowingly and willingly relinquished parental authority</u> to the National Authority for Child Care (NACC), DSWS or any duly accredited child-caring agency (R.A. No. 11642, Sec. 4 (oo)).

## **FOUNDLINGS AND ABANDONED CHILDREN**

### **26. Who is a Foundling?**

**A:** A Foundling refers to a deserted or abandoned Child or infant with unknown facts of birth and parentage. It also includes those who have been duly registered as a foundling during his or her childhood, but have reached the age of majority without being adopted upon passage of this law (*R.A. No. 11767, Sec. 03*).

### **27. Who is a finder?**

**A:** A finder is a person of legal age who discovered a deserted or abandoned Child. If the finder is a minor, his or her parent or legal guardian shall assist in making the report (*R.A. No. 11767, Sec. 4*).

### **28. Q: Shall there be a search for the biological parent of the Child? Whose duty shall it be and how shall it be done?**

**A:** Yes, it shall be the duty of the National Authority for Child Care (NACC), the Local Government Unit (LGU), and the child-placing or child-caring agency, which has custody of a Child to exert all efforts in locating the biological parents of the Child. It shall be done using the media and any other possible means to locate the biological parents of the Child and seek their consent (*IRR of R.A. No. 11642, Sec. 12*).

### **29. Q: What if the search for the biological parent fails?**

**A:** If such efforts fail, the Child shall, if applicable, be registered as a foundling or a Child with no known parents and within three (3) months from the time he/she is found, be the subject of proceedings for a declaration as legally available for adoption. If the adoptee is an adult, the biological parent search is at the *discretion* of the adoptee (*IRR of R.A. No. 11642, Sec. 12*).

### **30. Q: What proof is required to show the search for the biological parent of the Child?**

**A:** The following shall be sufficient proof that such efforts to locate the biological parents, guardians or relatives have been made:

- a. Certification from radio and/or TV stations - that the case was aired on three (3) different occasions;
- b. Publication in newspapers of general circulation - whichever is appropriate to the circumstance;
- c. Police Report or Barangay Certification - from the locality where the Child was found; and
- d. Returned registered mail to the last known address of the parents or known relatives, if any; or in the case of a Voluntarily Committed Child,

the Deed of Voluntary Commitment (DVC) signed by the biological parent, whichever is appropriate to the circumstance (*IRR of R.A. No. 11642, Sec. 13*).

**31. Q: What is the procedure after the search for the biological parent/s?**

**A:** The procedure after the search for the biological parent/s is as follows:

<p><b><i>If the Biological Parent is found</i></b></p>	<p>If the biological parent/s is/are located, they/he/she will be assessed to determine their willingness to keep the Child and their parenting capability.</p> <p>If the assessment of reunification is not favorable, the parent/s shall execute a Deed of Voluntary Commitment (DVC). If the Child is a marital child, the signature of both mother and father to the DVC shall be secured. If the Child is a non-marital child, the DVC of the mother is sufficient.</p> <p>If reunification is for the Child's best interest, the parent/s and Child shall undergo counseling and after care services shall be provided by the LGU Social Worker (<i>IRR of R.A. No. 11642, Sec. 14</i>).</p>
<p><b><i>If the Biological Parent is not found</i></b></p>	<p>If the biological parent/s is/are not located, the <i>Adoption Social Worker</i> shall facilitate the registration of the Child's Birth Certificate if the name and information of the Child's birth are known and verified. If there is no known information on the Child's birth, facilitate the registration of the Birth Certificate of persons with no known parent/s based on the guidelines of the Philippine Statistics Authority (PSA) (<i>IRR of R.A. No. 11642, Sec. 15</i>).</p>

**32. Q: Can the parents of a Voluntarily Committed Child still recover legal custody and parental authority? What is a Petition for Restoration?**

**A:** Yes, the parents can recover legal custody and parental authority upon the filing of a *Petition for Restoration* with the NACC within three (3) months after the signing of the Deed of Voluntary Commitment (DVC). The *Petition for Restoration* will be granted when it is shown to the satisfaction of the NACC that the parents or the legal guardian is in a position to adequately provide for the needs of the Child (*R.A. No. 11642, Sec. 19*).

## **CHILDREN WITH SPECIAL NEEDS ADOPTION**

### ***33. Q: Can one adopt a Child with special needs?***

**A:** Yes, there is no prohibition under the law to adopt a Child with special needs. Provided, that 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 (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E*).

### ***34. Q: When are Children with special needs presented for matching?***

**A:** Children with special needs shall be presented to the matching conference only once, except under special circumstances (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E*).

### ***35. Q: What if a Child with special needs does not match with an approved Prospective Adoptive Parent/s (PAPs) in the first meeting?***

**A:** Children with special needs shall be immediately forwarded to the NACC for interregional matching if not matched in the first meeting, except under special circumstances (*R.A. No. 11642, Sec. 26*).

## **RELATIVE ADOPTION**

### **36. Q: *What is relative adoption?***

**A:** It is a kind of adoption made by someone other than family members but who are within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse (*IRR of R.A. No. 11642, Sec. 4 (yy)*).

Fourth degree of consanguinity or affinity of the Filipino spouse includes parents, grandparents, great-grandparents, great- great-grandparents, spouse, children, siblings, grandchildren, great-grandchildren, great-great-grandchildren, nieces or nephews, grand-nieces or grand-nephews, aunts or uncles, great-aunts or great-uncles, and first cousins by virtue of a blood relationship or marriage.

### **37. Q: *What are the documentary requirements that an Applicant/Prospective Adoptive Parents (PAPs) must attach to their notarized Petition for Adoption and submit to the RACCO for Relative Adoption?***

**A:** The following must be attached and submitted to the RACCO by the PAP/s:

- a. Child Case Study Report and Home Study Report or Social Case Study Report, whichever is applicable under the circumstances, duly prepared by an *Adoption Social Worker*.
- b. Philippine Statistics Authority (PSA) copies of the Birth Certificate of the Applicant/Prospective Adoptive Parents (PAPs) and the Child;
- c. Philippine Statistics Authority (PSA) copies of the Marriage Certificate or Certificate of No Marriage Record (CENOMAR), in case of termination of marriage, or Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate, if foreign applicant; Decree of Annulment, Decree of Nullity of Marriage, or Decree of Legal Separation or the PSA copy of the Marriage Certificate with annotation of the annulment of marriage, declaration of nullity of marriage or legal separation for Filipino applicant;
- d. NBI or 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;
- e. Written Consent provided for in Section 42 of R.A. No. 11642;
- f. Philippine Statistics Authority (PSA) copy of the Death Certificate of the child's biological parents, if applicable;
- g. Result of the recent Medical Evaluation of the Child and the Applicant/Prospective Adoptive Parents (PAPs) prepared within six (6) months prior to application;
- h. Psychological Evaluation of the Applicant/Prospective Adoptive Parents (PAPs) prepared within two (2) years based on the date of the report;

- i. 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;
- j. 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 Applicant/Prospective Adoptive Parents (PAPs);
- k. Letters attesting to the character and general reputation of the Applicant/Prospective Adoptive Parents (PAPs) from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the Applicant/Prospective Adoptive Parents (PAPs) have business dealings. The contact details of the person attesting must be so indicated in the letter;
- l. Recent close-up and whole-body pictures of the Child and the Applicant/Prospective Adoptive Parents (PAPs) taken within the last six (6) months; and
- m. Documents showing the financial capacity of the Applicant/Prospective Adoptive Parents (PAPs) (*IRR of R.A. No. 11642, Sec. 43*).

In cases of relative adoption, they shall not undergo the Matching Process if the Child and the Applicant/Prospective Adoptive Parents (PAPs) have been living in one household for not less than two (2) years (*R.A. No. 11642, Sec. 26*).

**38. Q: What is the Procedure for Relative Adoption?**

**A:** The Procedure for Relative Adoption is as follows:

<p><b>(a) Preparation of Social Case Study Report</b></p>	<p>A Social Case Study Report of the adoptee-Child, the biological parents as well as the adopters shall be prepared by an <i>Adoption Social Worker</i> of the social service office of the LGU, or any child-placing or child caring agency and or any NACC accredited agency. The Social Case Study Report shall focus on the motivation of the adopting relative and acceptance of the Child. The willingness of the Child to be adopted and the assessment of the child's relationship with the relative shall be considered. Further, the Social Case Study Report of the Applicant/Prospective Adoptive Parents (PAPs) shall ascertain the genuine intention and that the adoption is in the best interest of the child. If the <i>Adoption Social Worker</i> determines that the adoption shall redound to the best interest of the child, a recommendation shall be made to the NACC through the Regional Alternative Child Care Office (RACCO) for the Petition to be granted; otherwise, a denial thereof shall be recommended (<i>IRR of R.A. No.11642, Sec. 44</i>).</p>
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<b>(b) Matching Process</b>	The Matching Process is <i>waived</i> if the adoptee-Child and the Applicant/Prospective Adoptive Parents (PAPs) have been living together for not less than two (2) years ( <i>IRR of R.A. No.11642, Sec. 44</i> ).
<b>(c) Issuance of Pre-Adoption Placement Authority (PAPA)</b>	The Applicant/Prospective Adoptive Parents (PAPs) shall automatically be issued a PAPA without the need of undergoing the Matching Process ( <i>IRR of R.A. No.11642, Sec. 44</i> ).
<b>(d) Supervised Trial Custody (STC)</b>	The STC may be <i>waived</i> in cases of relative adoptions, as assessed and recommended by the <i>Adoption Social Worker</i> ( <i>IRR of R.A. No.11642, Sec. 44</i> ).

**39. Q: Whose Written Consent is necessary for Relative Adoption?**

**A:** After being properly counseled and consulted and informed of the right to give or withhold approval of the adoption, the Written Consent of the following to the adoption is hereby required:

- a. If ten (10) years of age or over, except when he or she is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychological disability or condition:
  - i. The adoptee
  - ii. The marital and adopted children
  - iii. The non-marital children
  - iv. The biological parents of a marital child to be adopted. For a non-marital child only the consent of the mother is required.
- b. If the Child is under ten (10) years of age, he or she shall be counseled and consulted, but not required to execute Written Consent (*IRR of R.A. No. 11642, Sec. 42*).

## **STEP-PARENT ADOPTION**

### **40. Q: Who is considered a Step-Parent?**

**A:** A Step-Parent refers to a parent who is married to the father or mother of a Child, but who is not the Child's biological mother or father (*IRR of R.A. No. 11642, Sec. 4 (ddd)*). The Child is thus considered a step-child of the Step-Parent.

### **41. Q: What are the documentary requirements that an Applicant/Prospective Adoptive Parents (PAPs) must attach to their notarized Petition for Adoption and submit to the RACCO in a Step-Parent Adoption?**

**A:** The following must be attached and submitted to the Regional Alternative Child Care Office (RACCO) by the Applicant/Prospective Adoptive Parents (PAPs):

- a. Child Case Study Report and Home Study Report or Social Case Study Report, whichever is applicable under the circumstances, duly prepared by an *Adoption Social Worker* pursuant to the provisions of the R.A. 11642, which requires a uniform and standardized format of the report;
- b. Philippine Statistics Authority (PSA) copies of the Birth Certificate of the Applicant/Prospective Adoptive Parents (PAPs) and the Child;
- c. Philippine Statistics Authority (PSA) copies of the Marriage Certificate or Certificate of No Marriage Record (CENOMAR), in case of termination of marriage, or Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate, if foreign applicant; Decree of Annulment, Decree of Nullity of Marriage, or Decree of Legal Separation or the PSA copy of the Marriage Certificate with annotation of the annulment of marriage, declaration of nullity of marriage or legal separation for a Filipino applicant;
- d. NBI or Police Clearance or Court Clearances; If a 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;
- e. Philippine Statistics Authority (PSA) copy of the Death Certificate of the Child's biological parents, if applicable;
- f. Written Consent provided for in Section 39 of R.A. 11842.
- g. Written Consent to the adoption of the spouse of the Applicant/Prospective Adoptive Parents (PAPs);
- h. Result of the recent Medical Evaluation of the Child and the Applicant/Prospective Adoptive Parents (PAPs) prepared within six (6) months prior to application;
- i. Psychological Evaluation of the Applicant/Prospective Adoptive Parents (PAPs) 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. Letters attesting to the character and general reputation of the Applicant/Prospective Adoptive Parents (PAPs) from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the Applicant/Prospective Adoptive Parents (PAPs) have business dealings. The contact details of the person attesting must be so indicated in the letter;
- l. Recent close-up and whole-body pictures of the Child and the Applicant/Prospective Adoptive Parents (PAPs) taken within the last six (6) months; and
- m. Documents showing the financial capacity of the Applicant/Prospective Adoptive Parents (PAPs) (*IRR of R.A. No. 11642, Sec. 40*).

In cases of Step-Parent Adoption, they shall not undergo the matching process anymore if the Child and the Applicant/Prospective Adoptive Parents (PAPs) have been living in one household for not less than two (2) years (R.A. No. 11642, Sec. 27).

**42. Q: What is the procedure for Step-Parent Adoption?**

**A:** The procedure for Step-Parent Adoption is as follows:

<b>(a) Preparation of Documents</b>	Applicant/Prospective Adoptive Parents (PAPs) should attach and submit the required documents to the Regional Alternative Child Care Office (RACCO) ( <i>IRR of R.A. No. 11642, Sec. 41</i> ).
<b>(b) Preparation of Home Study Report</b>	<p>A Home Study Report of the adoptee, biological parent/s as well as the adopting step-parent shall be prepared by an <i>Adoption Social Worker</i>, the social service office of the LGU, or any child-placing or child-caring agency or any National Authority for Child Care (NACC) accredited agency.</p> <p>The Home Study Report of the Applicant/Prospective Adoptive Parents (PAPs) shall focus on the motivation and acceptance of his/her step-child. The willingness of the Child to be adopted and the assessment of the child's relationship with the Step-Parent shall be considered.</p> <p>Furthermore, the Home Study Report of the Applicant/Prospective Adoptive Parents (PAPs) shall ascertain the genuine intention and that the adoption is in the best interest of the child. If the <i>Adoption Social Worker</i> determines that the adoption shall redound to</p>

	the best interest of the child, a recommendation shall be made to the NACC through the RACCO for the petition to be granted; otherwise, a denial thereof shall be recommended ( <i>IRR of R.A. No. 11642, Sec. 41</i> ).
<b>(c) Matching Process</b>	The Matching Process is waived if the adoptee and the Applicant/Prospective Adoptive Parents (PAPs) have been living together for not less than two (2) years ( <i>IRR of R.A. No. 11642, Sec. 41</i> ).
<b>(d) Issuance of Pre-Adoption Placement Authority (PAPA)</b>	The Applicant/Prospective Adoptive Parents (PAPs) shall automatically be issued a Pre-Adoption Placement Authority (PAPA) without the need of undergoing the Matching Process ( <i>IRR of R.A. No. 11642, Sec. 41</i> ).
<b>(e) Supervised Trial Custody (STC)</b>	The STC may be waived in cases of Step-Parent Adoption, as assessed and recommended by the <i>Adoption Social Worker</i> .

**43. Q: Whose Written Consent is necessary for a Step-Parent Adoption?**

**A:** After being properly counseled and consulted and informed of the right to give or withhold approval of the adoption, the Written Consent of the following to the adoption is hereby required:

- a. If the Child is ten (10) years of age or over, except when he or she is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychological disability or condition:
  - 1. The adoptee
  - 2. The marital and adopted children
  - 3. The non-marital children
  - 4. The spouse, if any of the adoptee
  - 5. The biological parents of a marital child to be adopted. For a non-marital child, only the consent of the mother is required.
- b. If the Child is under ten (10) years of age, he or she shall be counseled and consulted, but not required to execute Written Consent (*IRR of R.A. No. 11642, Sec. 39*).

## **ADULT ADOPTION**

### **44. Q: What is Adult Adoption?**

**A:** Adult Adoption refers to the adoption of a person who is of legal age and has been under the custody of the Applicant/Prospective Adoptive Parents (PAPs) at least three (3) years before reaching the age of majority and was treated as their own child (*IRR of R.A. No. 11642, Sec. 4 (k)*).

### **45. Q: What are the documentary requirements that an Applicant/Prospective Adoptive Parents (PAPs) must attach to their notarized Petition for Adoption and submit to the RACCO for Adult Adoption?**

**A:** The following must be attached and submitted to the RACCO by the PAP/s:

- a. Child Case Study Report and Home Study Report or Social Case Study Report, whichever is applicable under the circumstances, duly prepared by an *Adoption Social Worker*;
- b. Philippine Statistics Authority (PSA) copy of the Birth Certificate of the Applicant/Prospective Adoptive Parents (PAPs) and the adoptee-Adult;
- c. Philippine Statistics Authority (PSA) copies of the Marriage Certificate or Certificate of No Marriage Record (CENOMAR), in case of termination of marriage, or Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate, if foreign applicant; Decree of Annulment, Decree of Nullity of Marriage, or Decree of Legal Separation or the PSA copy of the Marriage Certificate with annotation of the annulment of marriage, declaration of nullity of marriage or legal separation for Filipino applicant;
- d. NBI or 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;
- e. Written Consent provided for in Section 45 of R.A. No. 11642;
- f. Letters attesting to the character and general reputation of the Applicant/Prospective Adoptive Parents (PAPs) from at least three (3) non-related character references, one preferably from an employer or supervisor or with whom the Applicant/Prospective Adoptive Parents (PAPs) have business dealings. The contact details of the person attesting must be so indicated in the letter;
- g. Recent close-up and whole-body pictures of the adoptee-Adult and the Applicant/Prospective Adoptive Parents (PAPs) taken within the last six (6) months; and
- h. Documents showing that the adoptee-Child has been consistently considered and treated as their own child by the Applicant/Prospective Adoptive Parents (PAPs) for at least three (3) years before reaching the age of majority. (*IRR of R.A. No. 11642, Sec. 46*)

**46. Q: What is the Procedure for Adult Adoption?**

**A:** The procedure for Adult Adoption is as follows:

<p><b>(a) Preparation of Social Case Study Report</b></p>	<p>A Social Case Study Report of the adoptee-Adult, the biological parents as well as the adopters shall be prepared by the <i>Adoption Social Worker</i> of the social service office of the LGU, or any child-placing or child caring agency or a NACC accredited agency.</p> <p>At the time of preparation of the prospective adoptee-Adult's case study, the concerned <i>Adoption Social Worker</i> shall confirm with the Philippine Statistics Authority (PSA) the real identity and registered name of the prospective adoptee-Adult. If the birth of a prospective adoptee-Adult was not registered with the PSA, it shall be the responsibility of the <i>Adoption Social Worker</i> to ensure that said prospective adoptee-Adult is registered.</p> <p>The focus of the Social Case Study Report on the prospective adoptee-Adult shall affirm the harmonious and satisfactory parent-child relationship between the prospective adoptee-Adult and the Applicant/Prospective Adoptive Parents (PAPs) based on the parental care provided during the prospective adoptee-Adult's minority.</p> <p>Furthermore, the Social Case Study of the Applicant/Prospective Adoptive Parents (PAPs) shall ascertain their genuine intentions and that the adoption is in the best interest of the prospective adoptee-Adult. If the <i>Adoption Social Worker</i> determines that the adoption is in the best interest of the prospective adoptee-Adult, a recommendation shall be made to the RACCO or the NACC for the Petition to be granted. Otherwise, a denial thereof shall be recommended (<i>IRR of R.A. No.11642. Sec. 44</i>).</p>
<p><b>(b) Matching Process</b></p>	<p>Cases of adult adoption shall not undergo the matching process: Provided, That the adult adoptee and the Applicant/Prospective Adoptive Parents (PAPs) have been living in one household for not less than two (2) years (<i>IRR of R.A. No.11642. Sec. 44</i>).</p>
<p><b>(c) Issuance of Pre-Adoption Placement Authority</b></p>	<p>The Applicant/Prospective Adoptive Parents (PAPs) shall automatically be issued a PAPA without the need of undergoing the Matching Process (<i>IRR of R.A. No.11642. Sec. 44</i>).</p>

<b>(PAPA)</b>	
<b>(d) Supervised Trial Custody (STC)</b>	The STC may be <i>waived</i> in cases of Adult Adoptions, as assessed and recommended by the <i>Adoption Social Worker (IRR of R.A. No.11642. Sec. 44).</i>

**47. Q: Whose consent is necessary for Adult Adoption?**

**A:** Except when he or she is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychological disability or condition, after being properly counseled and consulted and informed of the right to give or withhold approval of the adoption, the Written Consent of the following to the adoption is hereby required:

- a. The prospective adoptee-Adult;
- b. The marital and adopted children, ten (10) years of age or over, of the Applicant/Prospective Adoptive Parents (PAPs);
- c. The non-marital children, ten (10) years or over, if living with the said adopter or over whom the Applicant/Prospective Adoptive Parents (PAPs) exercises parental authority; and
- d. The spouse, if any, of the prospective adoptee-Adult to be adopted (*IRR of R.A. No. 11642, Sec. 45*).

**48. Q: What if the Adult Adoptee wants to search for his/her biological parent?**

**A:** if the adoptee is an adult, the biological parent search is at the discretion of the adoptee. If the Adult Adoptee wants to search for his/her biological parents, it shall be the duty of the NACC, LGU to exert all efforts using tri-media and any other possible means to locate the biological parents of the Adult Adoptee and seek their consent (*IRR of R.A. 11642, Sec. 20*).

## **PART 3: PRE-PETITION PROCEDURES AND REQUIREMENTS NEEDED BEFORE THE FILING OF A DOMESTIC ADMINISTRATIVE ADOPTION**

### **CASE STUDY REPORTS**

#### **49. Q: What are the Case Studies required for an adoption?**

**A:** Under Sec. 38 of the IRR of R.A. No. 11642, there are three (3) different kinds of case studies all prepared by an *Adoption Social Worker*. They are the:

1. Social Case Study Report;
2. Child Case Study Report; and
3. Home Study Report.

#### **50. Q: What is a Social Case Study Report?**

**A:** A Social Case Study Report refers to the report prepared by the *Adoption Social Worker* on the Applicant/Prospective Adoptive Parents (PAPs)' capacity to raise the Child; the social agency's efforts to locate the Child's biological parents or relative; 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 (*IRR of R.A. No. 11642, Sec. 4 (bbb)*).

Furthermore, a Social Case Study Report is a case study of the adoptee, the biological parents, as well as the adopters [Applicant/Prospective Adoptive Parents (PAPs)], and shall be prepared by an *Adoption Social Worker*, the social service office of the LGU, or any child-placing or child-caring agency or any National Authority for Child Care (NACC) accredited agency (*IRR of R.A. No. 11642, Sec. 38*).

#### **51. Q: What is a Child Case Study Report?**

**A:** A Child Case Study Report refers to a written report prepared by an *Adoption Social Worker* containing all the necessary information about the Child, including the Child's legal status placement history, past and present biopsychosocial, mental, cognitive, and spiritual development, case background, ethnocultural background, and biological family background or history. It shall include an assessment of the Child's current functioning and efforts to have the Child remain in the care and custody of his/her parents or legal guardian or relative and appropriate Alternative Child Care options considering the Child's best interest (*IRR of R.A. No. 11642, Sec. 4(q)*).



Furthermore, the Child Case Study Report on the prospective adoptive Child shall establish that said Child is legally available for adoption and that the documents to support this fact are valid and authentic. The Child Case Study Report shall focus on the Child's current functioning — physical, psychological, social, cognitive and spiritual development — his/her specific needs to be addressed, understanding of adoption and readiness to establish new relationships and be part of a new family based on the Child's evolving capacity (*IRR of R.A. No. 11642, Sec. 38*).

At the time of preparation of the Child Case Study Report of the prospective adoptee, the concerned Adoption Social Worker shall confirm with the Philippine Statistics Authority (PSA) the real identity and registered name of the prospective adoptee. If the birth of a prospective adoptee was not registered with the PSA, it shall be the responsibility of the Adoption Social Worker to ensure that said prospective adoptee is registered (*IRR of R.A. No. 11642, Sec. 47(a)*).

### **52. Q: What is a Home Study Report?**

**A:** A Home Study Report refers to a written case study report prepared by an *Adoption Social Worker* based on a thorough assessment of the motivation and capacity of the Applicant/Prospective Adoptive Parents (PAPs) or foster parents to provide a home that meets the needs of a Child and supported by documentary evidence (*IRR of R.A. No. 11642, Sec. 4 (dd)*).

Furthermore, the Home Study Report shall focus on a thorough assessment of the motivation/s of the Applicant/Prospective Adoptive Parents (PAPs); considering, when appropriate, coping with child loss, involuntary childlessness for infertile couples or with single status; or adding a new member to their family for those with children. The Home Study Report is geared towards meeting the specific needs of a Child they wish to adopt and the resources available for the alternative care of the Child. The Applicant/Prospective Adoptive Parents (PAPs) may state their/his/her preference of a Child such as the age and sex, among others and be ready to adopt any Child matched to them/her/him. Further, The Home Study Report of the Applicant/Prospective Adoptive Parents (PAPs) shall ascertain their genuine intentions and that the adoption is in the best interest of the Child (*IRR of R.A. No. 11642, Sec. 38*).

Moreover, the Home Study Report of the prospective adopters shall ascertain their genuine intentions and that the adoption is in the best interest of the Child. If the Adoption Social Worker determines that the adoption shall redound to the best interests of the Child, a recommendation shall be made to the RACCO or the NACC for the Petition to be granted. Otherwise, a denial thereof shall be recommended (*IRR of R.A. No. 11642, Sec. 38 (a)*).

	<b><i>When Needed</i></b>	<b><i>Prepared by</i></b>	<b><i>Purpose</i></b>
<b>Social Case Study Report</b>	Before the Matching Process	Either: (1) Adoption Social Worker (2) social service office of the LGU (3) any child-placing or child- caring agency (4) any NACC accredited agency	To determine the PAPs' 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 <i>Adoption Social Worker's</i> assessment of the case.
<b>Child Case Study Report</b>		Adoption Social Worker	To establish that said Child is legally available for adoption and that the documents to support this fact are valid and authentic.
<b>Home Study Report</b>			To ensure that the PAPs will meet the specific needs of a Child they wish to adopt and the resources available for the alternative care of the Child.

**53. Q: Is there always a need for a case study?**

**A:** Yes, there is always a need for a case study. A Petition for Adoption shall not be processed by the NACC or its RACCs unless an *Adoption Social Worker* of the NACC, the social service office of the LGU, or any child-placing or child-caring agency, has made a case study of the adoptee, the biological parents as well as the adopters, and has submitted the report and recommendations on the matter to the respective RACCO as among the supporting documents of the Petition, and the NACC for the issuance of the Certificate of Adoption.

The case studies and other relevant documents and records pertaining to the adoptee and the adoption shall be preserved with confidentiality by the NACC (R.A. No. 11642, Sec. 25).

## **CERTIFICATE DECLARING A CHILD LEGALLY AVAILABLE FOR ADOPTION (CDCLAA)**

### **54. Q: What is a Certificate Declaring a Child Legally Available for Adoption (CDCLAA)?**

**A:** A Certificate Declaring a Child Legally Available for Adoption (CDCLAA) refers to the final written administrative order issued by the National Authority for Child Care (NACC) declaring a Child as legally available for adoption. The rights of the biological parents, guardian, or other custodians to exercise parental authority over the Child shall cease upon issuance of the CDCLAA (*IRR of R.A. No 11642, Sec. 4 (o)*). In order to secure a CDCLAA, certain authorized persons must first file a **Petition for CDCLAA**.

### **55. Q: What type of children are covered by a Petition for CDCLAA?**

**A:** It will be issued in cases of:

- a. Involuntarily Committed Children under Article 141, paragraph 4 (a), and Article 142 of P.D. No. 603;
- b. Voluntarily Committed Children as contemplated under Article 154 of P.D. No. 603;
- c. Abandoned Children; and
- d. Foundling Children (*IRR of R.A. No. 11642, Sec. 11*).

### **56. Q: Who may file a Petition for CDCLAA?**

**A:** The Head or Executive Director of a licensed or accredited child-caring for child-placing agency or institution managed by the government, LGU, NGO, or provincial, city, or municipal Social Welfare Development Office (SWDO) who has actual custody of the minor Child may file a *Petition for CDCLAA* before the NACC, through the Regional Alternative Child Care Office (RACCO), for the issuance of a CDCLAA.

If the Child is under the custody of any other individual, the child-caring or child-placing agency or institution shall do so with the consent of the Child's custodian (*IRR of R.A. No. 11642, Sec. 16*).

### **57. Q: What are the requirements/contents of a Petition for CDCLAA of an Involuntarily Committed Child, Abandoned or Foundling Child, and Voluntarily Committed Child?**

**A:** The *Petition for CDCLAA* shall be in the form of an **Affidavit**, subscribed and sworn to before any person authorized by law to administer oaths. It shall contain facts necessary to establish the merits of the Petition and shall state the circumstances surrounding the voluntary/involuntary commitment or abandonment of the Child (*R.A. No. 11642, Sec. 13*). Moreover, it should contain the following documents:

	<b><i>Involuntarily Committed Child</i></b>	<b><i>Abandoned Foundling Child</i></b>	<b><i>Voluntarily Committed Child</i></b>
<b><i>Requirements</i></b>	<p>a. Child Case Study Report</p> <p>b. Original copy of the Order directing involuntary commitment of the Child</p> <p>c. Authenticated Local Civil Registrar (LCR) copy or Philippine Statistics Authority (PSA) Copy of Certificate of Live Birth</p> <p>d. Recent photograph of the Child and photograph of the Child upon admission to the agency or institution <i>(IRR of R.A. No. 11642, Sec. 18).</i></p>	<p>a. Child Case Study Report</p> <p>b. Proof of search of biological parents or relatives of the Child</p> <p>c. Authenticated Local Civil Registrar (LCR) copy or Philippine Statistics Authority (PSA) Copy of Certificate of Live Birth</p> <p>d. Recent photograph of the Child and photograph of the Child upon abandonment or admission to the agency or institution <i>(IRR of R.A. No. 11642, Sec. 20).</i></p>	<p>a. Child Case Study Report</p> <p>b. Authenticated Local Civil Registrar (LCR) copy or Philippine Statistics Authority (PSA) Copy of Certificate of Live Birth</p> <p>c. Recent photograph of the Child and photograph of the Child upon admission to the agency or institution</p> <p>d. Original copy of Deed of Voluntary Commitment (DVC) <i>(IRR of R.A. No. 11642, Sec. 22).</i></p>
<b><i>When shall the CDCLAA be issued?</i></b>	<p>Within three (3) months following such involuntary commitment <i>(R.A. No. 11642, Sec. 14).</i></p>	<p>Within three (3) months following the filing of a Deed of Voluntary Commitment (DVC) signed by the parents <i>(R.A. No. 11642, Sec. 14).</i></p>	<p>Within three (3) months following the issuance of the Child's Foundling Certificate or Birth Certificate <i>(R.A. No. 11642, Sec. 14).</i></p>

<b>Who decides on the Petition for CDCLAA?</b>	The CDCLAA shall be issued by the NACC ( <i>IRR of R.A. No. 11642, Sec. 17</i> ).	The CDCLAA shall be issued by the NACC ( <i>IRR of R.A. No. 11642, Sec. 19</i> ).	The CDCLAA shall be issued by the Executive Director ( <i>IRR of R.A. No. 11642, Sec. 21</i> ).
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The CDCLAA is **only one of the requirements** for a Petition for Adoption to take place.

As can be seen in the above table, in the case of an Involuntary Committed Child, the CDCLAA must be issued by the NACC within three (3) months following such involuntary commitment.

For Voluntary Committed Children, the CDCLAA must be issued by the Executive Director within three (3) months following the filing of the Deed of Voluntary Commitment (DVC), as signed by the parents with the NACC (*R.A. No. 11642, Sec. 11*).

**58. Can the Petition for the CDCLAA be opposed?**

**A:** Yes, in cases of abandoned, abused, or neglected children, if the biological parents, relatives, or legal guardian of the Child appear and oppose the issuance of the CDCLAA, prior to its issuance, the case shall be put on hold and the RACCO, Deputy Director for Services, or Executive Director, depending on where the case is pending for review at the time the petition is opposed, shall direct the *Adoption Social Worker* to immediately investigate and request for a *Parenting Capability Assessment Report (PCAR)* from the LGU where the biological parents, relatives, or guardian resides.

Within fifteen (15) working days after the issuance of the PCAR, the *Adoption Social Worker* shall render a recommendation on whether to grant or deny the *Opposition* of the biological parents, relatives, or legal guardian of the Child.

Within fifteen (15) working days after the receipt of the *Adoption Social Worker's* recommendation, the RACCO, Deputy Director for Services, or Executive Director shall decide on the merits of the Petition (*IRR of R.A. No. 11642, Sec. 25*).

**59. Q: How are Petitions for CDCLAA appealed?**

**A:** A *Motion for Reconsideration* of the Decision can be filed within fifteen (15) calendar days from receipt thereof to the NACC Council, through the Executive Director. If the *Motion for Reconsideration* is denied, the interested party can appeal to the Court of Appeals within ten (10) working days from

receipt of the Order, otherwise the same shall be final and executory (*IRR of R.A. No. 11642, Sec. 26*).

**60. Q: How can one file a *Petition for Cancellation of CDCLAA*?**

**A:** The biological parents, relative or legal guardian of a Child with CDCLAA who has not been adopted may appear and file a ***Petition for Cancellation of CDCLAA***, supported by documentary requirements, to the Regional Alternative Child Care Office (RACCO) where the initial *Petition for CDCLAA* was filed.

Within fifteen (15) working days, the RACCO shall render a recommendation on whether to grant or deny the *Petition for Cancellation of CDCLAA* and transmit it to the National Authority for Child Care (NACC).

Within fifteen (15) working days after the receipt of the recommendation, the Executive Director shall decide on the merits of the *Petition for Cancellation of CDCLAA*.

If the Executive Director finds merit in the *Petition for Cancellation of CDCLAA*, the CDCLAA shall be canceled except when further investigation or additional information or documents are needed to determine the merits of the petition. A copy of the cancellation of the CDCLAA shall be transmitted to the Petitioner and all interested parties known to the Executive Director and the parental authority of the biological parents over the Child shall be restored (*IRR of R.A. No. 11642, Sec. 27*).

## **MATCHING PROCESS**

### ***61. Q: What is the Matching Process?***

**A:** It is a process by which a Child legally available for adoption is matched to approved Applicant/Prospective Adoptive Parents (PAPs) during the regular Matching Conference. It is a selection from the regional or interregional levels of a family for a child based on the Child's needs and best interest and the capability and commitment of the Adoptive Parents to provide for such needs (R.A. No. 11642, Sec. 4 (z)).

### ***62. Q: When shall there be a Matching Process?***

**A:** There shall be a Matching Process for cases of legally available children thirty (30) calendar days after the issuance of the Certificate Declaring Child Legally Available for Adoption (CDCLAA) or the next Matching Conference, whichever is applicable. The matching of the Child to approved Prospective Adoptive Parents (PAPs) shall be carried out during the regular Matching Conference by the Matching Committee in the regional level, the Regional Child Placement Committee (RCPC) under the RACCOs. The Interregional Matching, which shall be monitored and supervised by the Deputy Director for Services of NACC, may be conducted upon recommendation of the Executive Director of NACC, at any time, depending on the number of children declared legally available for adoption and the number of approved Prospective Adoptive Parents (PAPs). Subject to the approval of the NACC, the RCPC shall fix its own internal rules and procedures.

**However, the records of the children and the approved Prospective Adoptive Parents (PAPs) not matched after two (2) presentations in the regional level shall be forwarded to the NACC for inclusion in the Interregional Matching presentation.**

Children with Special Needs shall be immediately forwarded if not matched in the first meeting, except under special circumstances. The matching proposal made by the RCPC shall be approved by the NACC, through the Executive Director.

Cases of Step-Parent Adoption, Relative Adoption and Adult Adoption, shall not undergo the Matching Process if the Child/Adult to be adopted and the Prospective Adoptive Parents (PAPs) have been living in one household for not less than two (2) years (R.A. No. 11642, Sec. 27).

**63. Q: What is Regional and Interregional Matching?**

**A:** Regional and Interregional Matching are the following:

<p><b>Regional Matching Process</b></p>	<p>There shall be a Matching Process within thirty (30) calendar days after the issuance of the CDCLAA or the next matching conference, whichever is applicable.</p> <p>The matching of a Child to an approved adoptive applicant/s shall be carried out during the regular Matching Conference by the RCPC; Provided, That Interregional Matching, which shall be monitored and supervised by the Deputy Director for Services, may be conducted upon the recommendation of the Executive Director, at any time, depending on the number of children declared legally available for adoption and the number of approved adoptive applicant/s, subject to the following:</p> <p>(b.1) Regional Matching Upon receipt of the Child's dossier, the <i>RACCO Social Workers</i>, who will act as the Secretariat to the matching conference, shall conduct the following:</p> <ul style="list-style-type: none"><li>i. Review and assess the Child Case Study Report (CCSR) and its supporting documents, communicate requests for additional documents or information to the Child's Social Worker, provide recommendations on the case;</li><li>ii. Schedule the matching and invite the members of RCPC and the <i>Adoption Social Workers</i> of the Child and the Social Worker of the approved applicant/s for the presentation of their case/s in the Matching Conference;</li><li>iii. Conduct the Regional Matching Conference with the RCPC and facilitate the signing of a Certificate of Matching for children matched and endorse the same to the RACC Officer for approval;</li><li>iv. Endorse the matching proposal to the <i>Adoption Social Worker</i> of the approved adoptive applicant/s for the latter's decision. Adoptive applicant/s who accepted the proposed placement of a Child shall be issued with a Pre-Adoption Placement Authority (PAPA) by the RACC Officer or their duly authorized representative;</li></ul> <p>If the approved adoptive applicant/s declines/opposes the proposed placement of the Child with them as recommended by the RCPC, a written explanation within two (2) working days after receipt of the notice on the result of matching shall</p>
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	<p>be secured by the <i>Adoption Social Worker</i>;</p> <p>v. Entrustment of the Child to the adoptive applicant/s shall be undertaken by the Child's <i>Adoption Social Worker</i> to establish familiarity, bonding, and rapport. The physical transfer of the Child shall take place upon receipt of the approved PAPA;</p> <p>vi. A Supervised Trial Custody (STC) for a period of six (6) months, which may be reduced or lengthened, shall be conducted by the <i>Adoption Social Worker</i>. After a thorough assessment of satisfactory adjustment where bonding and rapport have taken place between the Child and adoptive applicant/s, a final supervisory report, updated social case study report and recommendation for filing of the domestic adoption shall be prepared by the <i>Adoption Social Worker</i> of the adoptive applicant/s to be submitted to the Regional Alternative Child Care Office (RACCO) within fifteen (15) working days after the end of the STC; For independently placed cases, the <i>Adoption Social Worker</i> of the adoptive applicant/s shall prepare one post-placement report, within fifteen (15) working days upon receipt of PAPA, recommending the adoptive applicant/s to continue their parental obligations towards the Child;</p> <p>vii. Children with special needs shall be presented to the matching conference only once, except under special circumstances; In matching conferences involving children with special needs, the social worker shall ensure that the children with special needs are presented in a non-discriminatory manner and that the social worker has undergone the requisite sensitivity trainings;</p> <p>viii. For cases of children not matched, the RCPC shall recommend the issuance of clearance for Interregional Matching. Regional Clearance shall only be issued by the RACC Officer based on a favorable assessment and recommendation by the RCPC (<i>IRR of R.A. No. 11642, Sec. 38</i>).</p>
<p><b><i>Interregional Matching</i></b></p>	<p>Upon receipt of the dossier, the NACC social workers, who will now act as the Secretariat, shall conduct the following:</p> <p>i. Review and assess the Case Study Report and its supporting documents, communicate requests for additional documents or information to the <i>Adoption Social Worker</i>, provide recommendations on the</p>

	<p>case;</p> <ul style="list-style-type: none"> <li>ii. Schedule the matching and invite the members of CPC and the <i>Adoption Social Workers</i> of the Child and the approved adoptive applicant/s for the presentation of their case/s in the matching conference;</li> <li>iii. Conduct the Interregional Matching Conference with the CPC, facilitate the signing of a Certificate of Matching for children matched and endorse the same to the Executive Director or Deputy Director for Services for approval;</li> <li>iv. Endorse the matching proposal to the <i>Adoption Social Worker</i> of the approved adoptive applicant/s for the latter's decision. Adoptive applicant/s who accepted the proposed placement of a Child shall be issued with a Pre-Adoption Placement Authority (PAPA) by the Executive Director or Deputy Director for Services or their authorized representative; If the approved adoptive applicant/s declines/opposes the proposed placement of the Child with them as recommended by the CPC, a written explanation within two (2) working days after receipt of the notice on the result of matching shall be secured by the <i>Adoption Social Worker</i>;</li> <li>v. Entrustment and Supervised Trial Custody shall be the same process as stated under the Regional Matching Procedure v-vi;</li> <li>vi. Children with special needs shall be presented to the interregional matching conference only once, except under special circumstances, and shall be cleared for intercountry adoption. In matching conferences involving children with special needs, the social worker shall ensure that the children with special needs are presented in a non-discriminatory manner and that the social worker has undergone the requisite sensitivity trainings.</li> <li>vii. For cases of children not matched, the CPC shall recommend the issuance of an Intercountry Adoption Clearance. This shall only be issued by the Executive Director or Deputy Director for Services or their authorized representative based on a favorable assessment and recommendation by the CPC (<i>IRR of R.A. No. 11642, Sec. 38</i>).</li> </ul>
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**64. Q: Who shall carry out a Matching Conference?**

**A:** The Matching Committee at the regional level shall carry out a Matching Conference (*R.A. No. 11642, Sec. 26*).

**65. Q: Who shall approve the matching proposal?**

**A:** The matching proposal made by the Regional Child Placement Committee (RCPC) shall be approved by the NACC, through the Executive Director (*R.A. No. 11642, Sec. 26*).

**66. Q: When should the matching process be conducted?**

**A:** There shall be a matching process thirty (30) calendar days after the issuance of the CDCLAA, or the next matching conference (*R.A. No. 11642, Sec. 26*).

**67. Q: Is the personal appearance of the prospective Adoptive Parents required during the application period?**

**A:** Yes. PAPs are required to personally appear before the handling Regional Alternative Child Care Office (RACCO) at least twice during the application period and on specific dates determined by the RACCO. This is to determine the fitness, qualifications, good intentions, and sincerity of the PAPs (*R.A. No. 11642, Sec. 27*).

**68. Q: What is Interregional Matching?**

**A:** An Interregional Matching is a matching process conducted upon recommendation of the Executive Director. It is monitored and supervised by the Deputy Director for Services. There can be an interregional matching, at any time, depending on the number of children declared legally available for adoption and the number of approved PAPs (*R.A. No. 11642, Sec. 26*).

**69. Q: When should the Interregional Matching process be conducted?**

**A:** Interregional Matching Conferences are conducted when necessary and whenever the documents of the Child and PAP/s are available. The Child Placement Committee (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. The Interregional Matching Conference can be held at least twice a month, but not exceeding four (4) times a month (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E*).

**70. Q: What if the children and the approved PAPs do not match?**

**A:** For cases of children not matched, the Regional Child Placement Committee (RCPC) shall issue a clearance for Interregional Matching (*DSWD Memorandum Circular No. 03, Series of 2022, 1.7 of Part V-E*).

**71. Q: What is the duty of the CPC if the children and the approved PAPs do not match?**

**A:** If the children and the approved PAPs do not match at the regional level, the Regional Child Placement Committee (RCPC) shall recommend the issuance of clearance for interregional matching. Regional Clearance shall only be issued by the RACC Officer based on a favorable assessment and recommendation by the RCPC. (*IRR of R.A. No. 11642, Sec. 38, b.1(viii)*)

For cases of children not matched at the interregional level, the Child Placement Committee shall recommend the issuance of intercountry adoption clearance. Intercountry adoption clearance shall only be issued by the Executive Director or Deputy Director for Services or their authorized representative based on a favorable assessment and recommendation by the CPC. (*IRR of R.A. No. 11642, Sec. 38, b.2(vii)*)

**72. Q: What happens when the applicant declines/opposes the proposed placement of the Child with them?**

**A:** 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 valid reason may still be considered. Approved applicant/s who refuse twice shall be removed from the registry (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E*).

**73. Q: Is the matching process required before the issuance of the Pre-Adoption Placement Authority (PAPA)?**

**A:** Yes, the matching process is required, except in cases of adult or relative adoption, in which case the PAPA shall be automatically issued without going through the matching process (*R.A. No. 11642, Sec. 28, Par. 2*).

**74. Q: When are children with special needs presented for matching?**

**A:** Children with special needs shall be presented to the matching conference only once, except under special circumstances (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E*).

**75. Q: What if children with special needs do not match with approved PAPs in the first meeting?**

**A:** Children with special needs shall be immediately forwarded to the NACC for interregional matching if not matched in the first meeting, except under special circumstances (*R.A. No. 11642, Sec. 26*).

**76. Q: Who shall facilitate the signing of the Certificate of Matching for children matched by the Child Placement Committee (CPC)?**

**A:** After the matching conference, the NACC social worker shall facilitate the signing of a Certificate of Matching for children matched by the CPC members and shall endorse the same to the NACC Executive Director for approval (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E*).

## **PRE-ADOPTION PLACEMENT AUTHORITY (PAPA)**

### **77. Q: What is a Pre-Adoption Placement Authority (PAPA)?**

**A:** It is a document issued by the National Authority for Child Care (NACC), through the Regional Alternative Child Care Office (RACCO), authorizing or confirming the placement of a Child to the PAPA's (R.A. No. 11642, Sec. 4 (ee)).

Further as to its issuance, once a Child is matched to an approved PAPA's and was subsequently accepted, the NACC through the RACCO shall authorize the pre-adoption placement of the Child to the PAPA's if recommended by the appropriate Social Worker that there is a need for Supervised Trial Custody prior to the filing of Petition for Adoption, and in cases when there is no decision on the Petition for Adoption within sixty (60) calendar days from the receipt of the Deputy Director for Services of the positive recommendation of the RACCO on the petition, through no fault or negligence on the part of the PAPA's (R.A. No. 11642, Sec. 28, Par. 1).

### **78. Q: Before the issuance of the Pre-Adoption Placement Authority (PAPA), is the matching process required?**

**A:** Yes, the matching process is required, except in cases of adult or relative adoption, in which case the PAPA shall be automatically issued without going through the matching process (R.A. No. 11642, Sec. 28, Par. 2).

### **79. Q: When will entrustment of the Child take place?**

**A:** Once the Pre-Adoption Placement Authority (PAPA) has been issued, the Regional Alternative Child Care Office (RACCO) shall coordinate with the *Adoption Social Workers* the schedule of the Child's entrustment to the approved applicant PAPA's. Entrustment shall be undertaken by the Child Caring Agency (CCA) to establish familiarity, bonding and rapport. The physical transfer of the Child shall take place upon receipt of the approved PAPA.

If the Child was placed in the custody of the approved applicant PAPA's prior to the issuance of the PAPA, the *Adoption Social Worker* of the approved applicant PAPA's shall conduct the necessary Supervised Trial Custody (STC) to ensure the Child's emotional well-being (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-E - 1.9, 1.10*)

### **80. Q: What does placement mean?**

**A:** Placement is the physical transfer of the Child with the foster parent or to the Adoptive Parents (R.A. No. 11642, Sec. 4 (cc)).

**81. Q: What is disruption?**

**A:** When adoption placement is not completed or discontinued due to problems either or both on the part of the Child and/or adoptive family (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-H*).

**82. Q: Does disruption result in termination of placement?**

**A:** Termination shall only be made if 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 (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-H*).

## **SUPERVISED TRIAL CUSTODY**

**83. Q: What is a Supervised Trial Custody (STC)?**

**A:** It is the period after the placement of a Child in an adoptive home whereby an *Adoption Social Worker* helps the adoptive family and the Child in the adjustment process. This happens when it is recommended by the Social Worker. In such instance, the NACC through the RACCO shall give the adopters a Supervised Trial Custody over the adoptee for not more than six (6) months (*R.A. No. 11642, Sec. 29*).

**84. Q: How long is the period for and who shall supervise the STC?**

**A:** The National Authority for Child Care (NACC) shall give a period of not more than six (6) months within which the Child and the prospective adoptive parent can adjust psychologically and emotionally to each other and establish a bonding relationship.

The STC shall be supervised monthly by the *Adoption Social Worker* who prepared the child case study and home study report (*R.A. No. 11642, Sec. 29*).

**85. Q: May the Supervised Trial Custody (STC) be waived?**

**A:** Yes. The STC may be waived if the prospective adoptee is a stepchild, relative, infant, or an adult; provided, that the *Adoption Social Worker* recommends the waiver of the STC (*R.A. No. 11642, Sec. 29*).

# **ALTERNATIVE CHILD CARE**

## **86. Q: What is Alternative Child Care?**

**A:** Alternative Child Care refers to the provision of planned substitute parental care by a child-caring or child-placing agency to a child who is orphaned, abandoned, neglected, or surrendered. This may include foster care, kinship care, family-like care, and residential care. Alternative Child Care will also be provided to abused and exploited children, children with disabilities, children living with HIV/AIDs, victims of trafficking, physical, psychological and sexual abuse, offline and online sexual exploitation, children at risk, children in conflict with the law and children in situations of emergency or crisis in armed conflicts (*IRR of R.A. No. 11642, Sec. 4 (m)*).

- a. *Foster Care*, which refers to the provision of planned temporary substitute parental care by a foster parent or foster family to a Child whose biological parents are temporarily or permanently unable to care for him/her due to family dysfunction, medical, and economic reasons among others (*IRR of R.A. No. 11642, Sec. 4 (z)*);
- b. *Kinship Care* (or Relative Foster Care), which refers to an out-of-home arrangement for full-time care by relatives of the Child, other family members within the fourth (4<sup>th</sup>) degree of consanguinity or affinity, when a Child is an orphan or removed from a home due to a safety concern such as abuse, neglect exploitation, or abandonment. Kinship Care is a type of foster care where a Child's identified relative, if eligible, is licensed by the National Authority for Child Care (NACC) as a foster parent (*IRR of R.A. No. 11642, Sec. 4 (hh)*);
- c. *Family-like Care*, which refers to a safe home environment approximating a family setting for orphaned, abandoned, and other vulnerable children who need temporary parental care. Children under this type of Alternative Child Care placement must be placed in a permanent family in accordance with the Act. Provided that a maximum of five (5) children should be accommodated in one home (*IRR of R.A. No. 11642, Sec. 4 (x)*); and
- d. *Residential Care Facilities (RCF)*, which refers to government facilities that provide 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 Child Care family arrangements. It is an approximation of family life to children under the guidance of staff specially trained for the purpose (*IRR of R.A. No. 11642, Sec. 4 (zz)*).

Upon issuance of an Order of Adoption, adoption as Alternative Child Care ceases and it becomes Parental Care (*R.A. No. 11642, Sec. 42*).



**87. Q: In what other instances are Alternative Child Care used?**

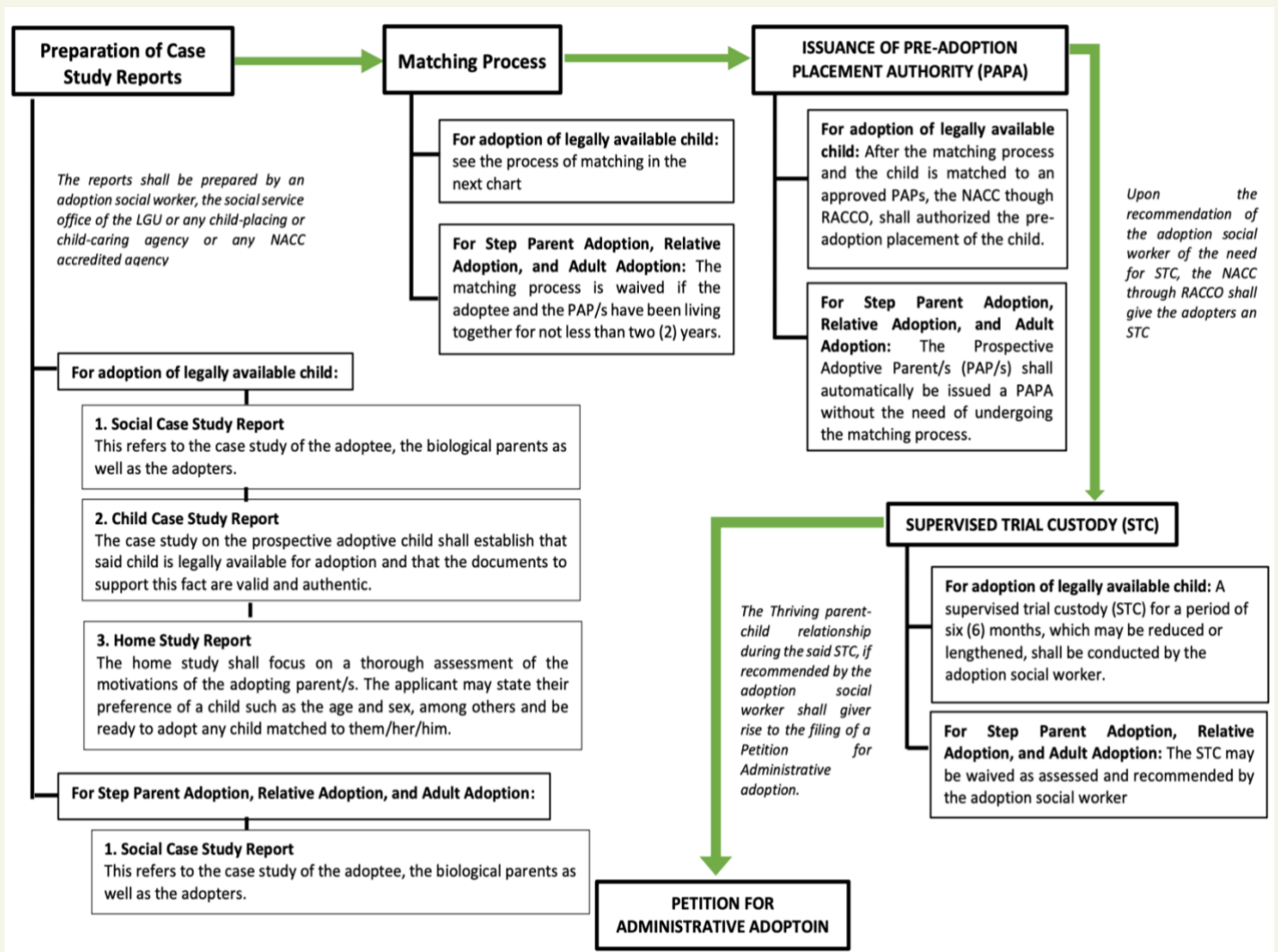
**A:** Alternative Child Care may also be provided to abused and exploited children, children with disabilities, children living with HIV/AIDS, victims of trafficking, physical, psychological and sexual abuse, offline and online sexual exploitation, children at risk, children in conflict with the law and children in situations of emergency or crisis and armed conflicts (*IRR of R.A. No. 11642, Sec. 4(m)*).

# PART 4: DOMESTIC ADMINISTRATIVE ADOPTION UNDER R.A. NO. 11642

**88. Q: What is the procedure for Domestic Administrative Adoption under R.A. 11642?**

**A:** The following is the procedure for Domestic Administrative Adoption

## Procedures for Domestic Administrative Adoption for Legally Available Child, Step Parent Adoption, Relative Adoption, and Adult Adoption (Article IV, R.A. No. 11642).



<p><b>For Step Parent Adoption:</b> The willingness of the child to be adopted and the assessment of the child's relationship with the step-parent shall be considered. Further, the case study of the prospective adopter shall ascertain the genuine intention and that the adoption is in the best interest of the child.</p>	<p><b>For Relative Adoption:</b> The willingness of the child to be adopted and the assessment of the child's relationship with the relative shall be considered. Further, the case study of the prospective adopter shall ascertain the genuine intention and that the adoption is in the best interest of the child</p>	<p><b>For Adult Adoption:</b> The focus of the case study report on the adult adoptee shall affirm the harmonious and satisfactory parent-child relationship between the adult adoptee and the adopter based on the parental care provided during the adult adoptee's minority. At the time of preparation of the prospective adoptee's case study, the concerned adoption social worker shall confirm with the Philippine Statistics Authority (PSA) the real identity and registered name of the prospective adoptee.</p>
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# **PETITION FOR DOMESTIC ADMINISTRATIVE ADOPTION**

## **89. Q: What must happen before one files a Petition for Domestic Administrative Adoption?**

**A:** Before a Child is allowed to be adopted under domestic administrative adoption, they must first be declared legally available for adoption through a CDCLAA. A Certificate Declaring a Child Legally Available for Adoption (CDCLAA) refers to the final written administrative order issued by the National Authority for Child Care (NACC) declaring a child as legally available for adoption. The rights of the biological parents, guardian, or other custodians to exercise parental authority over the Child shall cease upon issuance of the CDCLAA (*IRR of R.A. No. 11642, Sec. 4(o)*).

Second, it shall be the duty of the NACC, LGU, or the child-placing or the child-caring agency, which has custody of a Child to exert all efforts using tri-media and any other possible means to locate the biological parents of the Child and seek their consent. If such effort fails, the Child shall, if applicable, be registered as a foundling and subsequently be the subject of administrative proceedings where said Child shall be declared abandoned: Provided, That if the adoptee is an adult, the biological parent search is at the discretion of the adoptee (*IRR of R.A. 11642, Sec. 12*).

## **90. Q: What is a Petition for Domestic Administrative Adoption?**

**A:** The Petition is actually the duly accomplished *Application Form for Foster Care or Adoption* which includes the Social Case Study Report and its supporting documents. The Petition shall be subscribed and sworn to by the petitioner or the Prospective Adoptive Parent (PAP) and shall assert the following that:

- a. they are at least twenty-five (25) years of age;
- b. they are in possession of full civil capacity and legal rights and of good moral character;
- c. they have not been convicted of any crime involving moral turpitude;
- d. they are emotionally and psychologically capable of caring for children;
- e. they are at least sixteen (16) years older than the adoptee, unless the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent;
- f. they are in a position to support and care for their children in keeping with the means of the family;
- g. they have undergone pre-adoption services; and
- h. they have indicated the new name of the adoptee (*R.A. No. 11642, Sec. 4 (bb) and Sec. 21*).

**91. Q: What are the requirements for a Domestic Administrative Adoption to take place?**

**A:** The requirements for a domestic administrative adoption to take place are as follows:

- (a) Certificate Declaring a Child Legally Available for Adoption (CDCLAA);
- (b) Child Case Study Report prepared by an *Adoption Social Worker*;
- (c) Deed of Voluntary Commitment (DVC);
- (d) Home Study Report;
- (e) Certificate of Matching;
- (f) Petition to adopt the Child;
- (g) Pre-Adoption Placement Authority (PAPA); and
- (h) Social Case Study Report prepared by the *Adoption Social Worker (R.A. No. 11642, Sec. 24)*

**92. Q: What are the documentary requirements that a Prospective Adoptive Parent (PAP) must attach to their notarized Petition for Adoption and submit to the Regional Alternative Child Care Office (RACCO) to adopt an already legally available child?**

**A:** The documentary requirements that a Prospective Adoptive Parent (PAP) must attach to their notarized Petition for Adoption and submit to the Regional Alternative Child Care Office (RACCO) to adopt an already legally available child are the following:

- a) Social Case Study Report duly prepared by an *Adoption Social Worker* and submitted directly by the *Adoption Social Worker* to the RACCO in a sealed envelope;
- b) PSA copies of the birth record of the PAP/s and the child;
- c) PSA copies of the Marriage Certificate or Certificate of No Marriage Record (CENOMAR), in case of termination of marriage, or Authenticated Divorce papers with copy of court decision and Certificate of Finality by their Consulate, if foreign applicant; Decree of Annulment, Decree of Nullity of Marriage, or Decree of Legal Separation or the PSA copy of the Certificate of Marriage with annotation of the annulment of marriage, declaration of nullity of marriage or legal separation for Filipino applicant;
- d) National Bureau of Investigation (NBI) or Police Clearance or Court Clearances. If a 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;
- e) PSA copy of the Death Certificate of the child's biological parents, if applicable;
- f) Written consent of the Child if ten (10) years of age or over;
- g) Written consent of marital and adopted children of PAP/s ten (10) years of age or over;

- h) Written consent of non-marital children, (10) years of age or over, of whom the PAP/s is living with or over whom PAP/s exercises parental authority;
- i) Original copy of Certificate Declaring a Child Legally Available for Adoption (CDCLAA);
- j) Result of the recent medical evaluation of the Child and the PAP/s prepared within six (6) months prior to Petition for Domestic Administrative Adoption;
- k) Psychological evaluation of the PAP/s prepared within two (2) years based on the date of the report;
- l) 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;
- m) 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;
- n) 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 has business dealings. The contact details of the person attesting must be so indicated in the letter;
- o) Recent close-up and whole-body pictures of the Child and the PAP/s taken within the last six (6) months;
- p) Documents showing the financial capacity of the PAP/s; and
- q) Certificate of Attendance at Pre-Adoption training or undertaking to complete pre-adoption training prior to the issuance of Adoption Order (*IRR of R.A. No. 11642, Sec. 37*).

**93. Q: What is the publication requirement for the Petition for Adoption?**

**A:** Upon receipt by the Regional Alternative Child Care Office (RACCO) of the Petition and its supporting documents, a copy of the Petition shall be published once a week for three (3) successive weeks in a newspaper of general circulation. The PAP/s shall then submit a *Certificate of Publication* to the RACCO once the publication ends (*R.A. No. 11642, Sec. 31, Par. 02*).

**94. Q: What happens to the Social Case Study Report in the Petition for Adoption?**

**A:** The Social Case Study Report that was submitted for the filing of the administrative Petition shall be updated after the publication. The *Adoption Social Worker* of the PAP/s must provide an updated Social Case Study Report on the PAP/s and the Child to be submitted within fifteen (15) days upon receipt of the request (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-B (2)*).

**95. Q: Who may object to the Petition and how and when should the objection be made?**

**A:** Those who may object to the petition and how/when should the objection be made is as follows:

<b>Who</b>	<b>How</b>	<b>When</b>
Any person who has personal knowledge of any information which cannot be discovered by ordinary diligence, and which would result in the denial of the petition and protect the child from possible harm and abuse (R.A. No. 11642, Sec. 33).	By filing a complaint supported by evidence with the NACC, through the RACCO where the petition was filed (R.A. No. 11642, Sec. 33).	At any time during the Supervised Trial Custody, or before the issuance of the Order of Adoption (R.A. No. 11642, Sec. 33).

**96. Q: When shall the NACC render a decision on the petition?**

**A:** All domestic adoption cases shall be decided by the NACC within sixty (60) calendar days from the receipt of the Deputy Director for Services of the recommendation of the RACCO on the petition (R.A. No. 11642, Sec. 32).

## **ORDER OF ADOPTION**

### **97. Q: *What is an Order of Adoption?***

**A:** An Order of Adoption is a registrable civil registry document issued by the Executive Director after granting the Petition for Adoption. A certified true copy of the Order of Adoption shall be submitted by the adopter to the Local Civil Registrar where the child was originally registered within thirty (30) calendar days from receipt of the order (*R.A. No. 11642, Sec. 34(a)*).

### **98. Q: *What happens if the Order of Adoption is not registered within thirty (30) calendar days from receipt of the order?***

**A:** The registration of the Order shall be considered late. The registrant shall execute an Affidavit showing the circumstances and reasons why the adoption was not reported for registration within the prescribed time (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-I*).

### **99. Q: *May an Order of Adoption be appealed?***

**A:** Yes, an Order of Adoption may be appealed before the Court of Appeals within ten (10) days from receipt of the Order or from the denial of the Motion for Reconsideration by any interested party. Otherwise, the Order of Adoption will become final and executory after the lapse of the said period when no appeal is taken (*R.A. No. 11642, Sec. 35*).

### **100. Q: *What will happen to the original Birth Certificate of the Child?***

**A:** The *original* Birth Certificate shall be canceled and annotated with the issuance of an *amended* Birth Certificate in its place. The *amended* Birth Certificate, as issued by the civil registry, shall reflect that the adoptee is the Child of the adopter by being registered with the adopter's surname (*R.A. No. 11642, Sec. 37*).

## **POST-ADOPTION, CLOSING SUMMARY REPORTS & ADOPTION TELLING**

### ***101. Q: What happens after the adoption is finalized and the amended Birth Certificate of the Child is received?***

**A:** The National Authority for Child Care (NACC) shall monitor the parent-child relationship to ensure the adoption has redounded to the best interest of the Child (*R.A. No. 11642, Sec. 46*).

### ***102. Q: What is a Closing Summary Report?***

**A:** The Closing Summary Report is a report that is prepared by the handling *Adoption Social Worker* and submitted to the NACC after completing the after-care monitoring to the adopters and adoptees after the 1-year period. Depending on the age and circumstances of the Child, the NACC may require additional visits or reporting after the 1-year period (*R.A. No. 11642, Sec. 46*).

### ***103. Q: What is Adoption Telling?***

**A:** This is the telling or disclosure to the Child of the story about the adoption at an age deemed proper by psychological standards. The Social Worker assists the Adoptive Parents here, but the actual disclosure regarding the adoption shall be the duty of the Adoptive Parents (*R.A. No. 11642, Sec. 44*).

### ***104. Q: Can the adopted search or trace his biological family?***

**A:** Yes. Upon reaching the age of majority, the assistance of the NACC, LGU, or the concerned child-caring or child-placing agency may be sought to trace the adoptee's biological family and eventually have a face-to-face meet-up (*R.A. No. 11642, Sec. 45*).

### ***105. Q: Are the case studies and other relevant documents and records pertaining to the adoptee and adoption confidential?***

**A:** Yes, they are confidential. The case studies and other relevant documents and records will be preserved with confidentiality by the National Authority for Child Care (NACC). No copy of the documents shall be released without the written authority of the NACC or on the written request of any of the following:

- a. The adopted child;
- b. The court or proper public official; and
- c. The nearest kin, in case of death of the adopted child (*R.A. No. 11642, Sec. 39*).



## **EFFECTS OF ADOPTION ON THE STATUS OF AN ADOPTEE and THE ADOPTER**

**106. Q: *What is the relationship created or severed by adoption?***

**A:** The relationship created or severed by adoption is as follows:

<b><i>Relationship created by Adoption</i></b>	<b><i>Relationship severed by Adoption</i></b>
The adoptee shall be considered the legitimate child of the adopter for all intents and purposes. The legitimate filiation shall be extended to the adopter's parents, legitimate siblings, and legitimate descendants (R.A. No. 11642, Sec. 41).	The adoption will sever all legal ties between the biological parents and the adoptee, except where the biological parent is the spouse of the adopter (R.A. No. 11642, Sec. 42).

**107. Q: *Will the parental authority of the biological parents terminate upon adoption?***

**A:** Yes. The parental authority of the biological parents shall terminate upon adoption. The parental authority shall then be vested in the adopters. However, the adopter can only exercise full parental authority over the adoptee upon issuance of the Order of Adoption (R.A. No. 11642, Sec. 42).

**108. Q: *In what cases can joint parental authority be exercised by the spouses?***

**A:** The spouses can exercise joint parental authority over the adoptee when they adopt jointly. If the adopter is the spouse of the biological and legitimate parent, parental authority can also be exercised by both parents (R.A. No. 11642, Sec. 42).

**109. Q: *Can the adopter choose the name of the adoptee?***

**A:** Yes. The adopter can choose the name of the adoptee by which s/he is to be known (R.A. No. 11642, Sec. 41).

**110. Q: *Can the adopter change the full name of the adopted child?***

**A:** Yes, the Petition for Adoption may include a change of name. In all cases, the Petition for Adoption should also indicate the new name the petitioner wishes the Child to have, if any (R.A. No. 11642, Sec. 30).

An *amended* Birth Certificate will then be issued by the Civil Registrar indicating the new name of the Child pursuant to the Order of Adoption issued upon the grant of the Petition for Adoption (*R.A. No. 11642, Sec. 37*).

**111. Q: Will the adoptee inherit from the adopter upon the latter's death?**

**A:** Yes. The adoptee will be considered an heir of the adopter upon the latter's death, both in intestate and testate succession. The adopter can also inherit from the adoptee. The adopters and adoptee have the reciprocal rights of succession (*R.A. No. 11642, Sec. 47*).

**112. Q: Can the adopter disinherit the child adoptee?**

**A:** Yes. the adopter may disinherit the adoptee under Article 919 of the Civil Code of the Philippines on the following grounds:

- a) When a child or descendant has been found guilty of an attempt against the life of the testator, his or her spouse, descendants, or ascendants;
- b) When a child or descendant has accused the testator of a crime for which the law prescribes imprisonment for six years or more, if the accusation has been found groundless;
- c) When a child or descendant has been convicted of adultery or concubinage with the spouse of the testator;
- d) When a child or descendant by fraud, violence, intimidation, or undue influence causes the testator to make a will or to change one already made;
- e) A refusal without justifiable cause to support the parent or ascendant who disinherits such child or descendant;
- f) Maltreatment of the testator by word or deed, by the child or descendant;
- g) When a child or descendant leads a dishonorable or disgraceful life;
- h) Conviction of a crime which carries with it the penalty of civil interdiction (*R.A. No. 11642, Sec. 47*).

## **RESCISSION OF ADOPTION**

### **113. Q: What are the requisites for the rescission of Administrative Adoption?**

**A:** The following are the requisites for the rescission of Administrative Adoption:

- a. Upon the Petition of the adoptee with the National Authority for Child Care (NACC), or;
- b. With the assistance of the Social Welfare and Development Officer (SWDO) if the adoptee is a minor, or;
- c. If the adoptee is eighteen (18) years of age or over but is incapacitated or;
- d. By his or her guardian on any of the following grounds committed by the adopter:
  - i. Repeated physical or verbal maltreatment by the adopter despite counseling;
  - ii. Attempt on the life of the adoptee;
  - iii. Sexual abuse or violence; or
  - iv. Abandonment and failure to comply with parental obligations (*R.A. No. 11642, Sec. 47*).

### **114. Q: Can the adopter be the one to rescind the adoption?**

**A:** No, adoption, being the best interest of the child, cannot be rescinded by the adopter. However, the adopter can disinherit the adoptee under the provisions of the Civil Code (*R.A. No. 11642, Sec. 47*).

### **115. Q: What is the process of filing a Petition for Rescission?**

**A:** The Petition shall be filed with the Regional Alternative Child Care Office (RACCO) where the adoptee resides upon the existence of any of the grounds for rescission by the adoptee or the *Adoption Social Worker*. 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 (*DSWD Memorandum Circular No.03, Series of 2022, Part V-J*).

### **116. Q: What happens if the Petition for Rescission is granted?**

**A:** The NACC shall order the rescission of the administrative adoption, with or without cost, as justice requires. The NACC then shall:

- a. Order that the parental authority of the biological family be restored, upon the petition of the biological parents.
  - i. If the adoptee is still a minor or is incapacitated, and declare that the reciprocal rights and obligations if the adopter and the adoptee to each other shall be extinguished.
  - ii. If the biological parent of the adoptee has not filed a petition for restoration of parental authority, or is not known, or if restoring

the parental authority of the biological parent is not in the best interest of the child, the NACC shall take legal custody if the adoptee is still a child.

- b. Declare that the successional right of the child and the biological parent is restored.
- c. Order the adoptee to use the name stated in the original birth or founding certificate;
- d. Order the Civil Registrar where the adoption order was registered to cancel the new birth certificate of the adoptee and reinstate the original birth or founding certificate (*R.A. No. 11642, Sec. 51*).

**117. Q: What are the effects of rescission?**

**A:** The effects of rescission are as follows:

- a. If the Petition is granted, the legal custody of the NACC shall be restored if the adoptee is still a child.
- b. The reciprocal right and obligations of the adopters and the adoptee to each other shall be extinguished.
- c. In cases when the petition is granted and the biological parents can prove that they are in the best position to take care of the child, they may petition the NACC for the restoration of their parental authority over the child.
- d. The NACC shall order the Civil Registrar General to cancel the amended birth certificate and restore the original birth certificate of the adoptee.
- e. Upon approval of the petition for rescission, the successional rights between the child and the biological parent is restored (*R.A. No. 11642, Sec. 53*).

## **VIOLATIONS UNDER R.A. NO. 11642**

**118. Q: What are the violations that warrant penalties under the law?**

**A:** The violations that warrant penalties under the law are the following:

<b>VIOLATION</b>	<b>PENALTY</b>
<p>If any person commits the following:</p> <ol style="list-style-type: none"> <li>1. Obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement or other similar acts;</li> <li>2. Non-compliance with the procedures and safeguards provided by the law for adoption; or</li> <li>3. Subjecting or exposing the child to be adopted to danger, abuse, or exploitation (R.A. No. 11642, Sec. 54).</li> </ol>	<p>Imprisonment ranging from 6 years and 1 day to 12 years or a fine of not less than P50,000 but not more than P200,000, or both at the discretion of the court (R.A. No. 11642, Sec. 54).</p>
<p>If any person who shall cause the fictitious registration of the birth of a child under the name of a person who is not the child's biological parent shall be guilty of simulation of birth (R.A. No. 11642, Sec. 54).</p>	<p>Imprisonment from 8 years and 1 day to 10 years and a fine not exceeding P50,000 (R.A. No. 11642, Sec. 54).</p>
<p>If any physician, midwife, nurse, or hospital personnel who, in violation of their oath of profession, shall cooperate in the execution of the abovementioned crime (R.A. No. 11642, Sec. 54).</p>	<p>Same penalties as above-stated and the penalty of permanent disqualification from the practice of the profession (R.A. No. 11642, Sec. 54).</p>
<p>If any person violates established regulations relating to the confidentiality and integrity of records, documents, and communications of the adoption petition, cases, and proceeds (R.A. No. 11642, Sec. 54).</p>	<p>Imprisonment from 1 year and 1 day to 2 years or a fine not less than P5,000 pesos but not more than P10,000 or both, at the discretion of the court (R.A. No. 11642, Sec. 54).</p>
<p>If principals attempted to commit any of the acts enumerated under this article (R.A. No. 11642, Sec. 54).</p>	<p>Penalty lower by 2 degrees than that prescribed for the consummated offense (R.A. No. 11642, Sec. 54).</p>

**NOTE:** A Principal, under the Revised Penal Code are:

1. Those who take a direct part in the execution of the act;
2. Those who directly force or induce others to commit it;
3. Those who cooperate in the commission of the offense by another act without which it would not have been accomplished.

**NOTE ALSO:** The Revised Penal Code also enumerates the penalties that an accused may be sentenced with. It may be any of the following:

- (1) Reclusion Perpetua - 20 years and 1 day to 40 years
- (2) Reclusion Temporal - 12 years and 1 day to 20 years
- (3) Prision Mayor and Temporary disqualification - 6 years and 1 day to 12 years, except when the penalty of disqualification is imposed as an accessory penalty, in which case its duration shall be that of the principal penalty.
- (4) Prision correccional, suspension, and destierro - from 6 months and 1 day to 6 years, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.
- (5) Arresto mayor - from 1 month and 1 day to 6 months.
- (6) Arresto menor - from 1 day to 30 days.

Penalties may be reduced to certain degrees if there are mitigating circumstances present and if the graduating penalties rule found under the Revised Penal Code and the Indeterminate Sentence Law is applicable.

When acts punishable under this article is committed by a syndicate and where it involves a child, it shall be considered as an offense constituting child trafficking

Imprisonment from 20 years and 1 day to 40 years

**NOTE:** Acts punishable under this article are deemed committed by a syndicate when it is carried by a group of 3 or more persons conspiring with one another in carrying out the unlawful act

Any government official, employee or functionary who is found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals

In addition to the prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations.

Provided that upon the filing of a case, either it be an administrative or criminal, said government official, employee or functionary concerned is automatically suspended until the resolution of the case.

Adoption discrimination acts, such as labelling, shaming, bullying, negative stigma, etc. are prohibited.

Fine of not less than P10,000 but not more than P20,000 at the discretion of the court.

## **GUIDELINES ON TRANSITION**<sup>4</sup>

**119. Q: What should the Regional Trial Courts do upon the effectivity of R.A. No. 11642?**

**A:** The Regional Trial Courts may no longer receive or accept Petitions for Domestic Adoption starting 28 January 2022, the date of effectivity of R.A. No. 11642, since the jurisdiction over the same has been transferred to the NACC (A.M. No. 02-6-02-SC, Re: Rule on Adoption, 19 April 2022).

**120. Q: What are the duties of the Regional Trial Court in relation to the pending Petitions for Adoption before them upon the effectivity of R.A. No. 11642?**

**A:** The courts are required to:

- a. Submit to the Office of the Court Administrator a list and status report of all pending adoption cases included archived cases, which are inactive cases included in the docket of the court; and
- b. Require the petitioner/s in adoption cases to manifest their intention to withdraw the petition within a given period (A.M. No. 02-6-02-SC, Re: Rule on Adoption, 19 April 2022).

**121. Q: Can the Regional Trial Court force the petitioner/s in adoption cases to withdraw the pending adoption case before them?**

**A:** No. Although the law uses the term "parties," the Petition for Adoption may be withdrawn only by the petitioner because the purpose of the withdrawal is to avail of the benefits of the new law. If the petitioner/s do not withdraw the Petition, the court shall continue to hear and decide the same pursuant to Section 56 of R.A. No. 11642. In such a case, the petitioner/s shall be deemed to have waived the option to withdraw the Petition before the court (A.M. No. 02-6-02-SC, Re: Rule on Adoption, 19 April 2022).

**122. Q: What happens if the petitioners and their respective counsels availed of the benefits of R.A. No. 11642 without first withdrawing their pending petitions before the courts?**

**A:** The petitioners and their respective counsels shall be sanctioned under the Rules of Court for availing the benefits of R.A. No. 11642 without first withdrawing their pending petitions before the courts (A.M. No. 02-6-02-SC, Re: Rule on Adoption, 19 April 2022).

**123. Q: Can the PAPs file a subsequent petition for administrative adoption even if there is a prior pending judicial petition for adoption?**

**A:** Yes, Petitions for Domestic Adoption filed in court and duly withdrawn by the PAP/s shall be filed with the Regional Alternative Child Care Office

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<sup>4</sup> A.M. No. 02-6-02-SC, Re: Rule on Adoption, 19 April 2022.

(RACCO) of the city or municipality where the PAPs reside (*R.A. No. 11642, Sect. 31, Par. 1*). The Petition must include an Order from the court approving the withdrawal of the petition for adoption and for the release of the records including the original documents to the lawyer or PAP/s for the latter to endorse the file to RACCO (*IRR of R.A. No. 11642, Sec. 88*).

**124. Q: How should the RACCOs proceed with Petitions that were withdrawn from the Regional Trial Courts in the courts?**

**A:** For pending adoption cases formerly filed with the Regional Trial Court, the RACCO will forward the file to the NACC, either recommending its denial or approval. 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 DSWD for approval (*DSWD Memorandum Circular No. 03, Series of 2022, Part V-A*).



## **PART 5: DOMESTIC ADMINISTRATIVE ADOPTION UNDER R.A. No. 11222 (SIMULATED BIRTH RECTIFICATION ACT)**

**125. Q: What is the difference between Domestic Administrative Adoption in R.A. No.11642 and the Domestic Administrative Adoption in R.A. No. 11222?**

**A:** Domestic Administrative Adoption under R.A. No. 11642 is meant for Prospective Adoptive Parents (PAPs) who have the intention to adopt a child available for adoption. On the other hand, Domestic Administrative Adoption in R.A. No. 11222 is meant specifically for PAPs who previously falsified the birth records of a child to make it appear as if they were the biological parent/s of the child. R.A. No. 11222 provides for an administrative procedure to an adoption to rectify the status of the child.

The main difference between the two types of Domestic Administrative Adoption is that only the person/s indicated as parents in the Simulated Certificate of Live Birth can adopt the Child under R.A. No. 11222.

**126. Q: What is a simulation of birth record?**

**A:** A 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 (R.A. No. 11222, Sec. 3 (f)).

**127. Q: What is the liability for a simulation of birth record effect under R.A. No. 11222?**

**A:** A person or persons who, prior to the effectivity of this Act, simulated the birth of a child, and those who cooperated in the execution of such simulation, shall not be criminally, civilly, or administratively liable for such act if the simulation of birth was made for the best interest of the child and that the child has been consistently considered and treated by such person or persons as her, his, or their own daughter or son. Such person or persons has or have filed a Petition for Adoption with an Application for the Rectification of the Simulated Birth Record within ten (10) years from the effectivity of this Act starting from 29 March 2019. All the benefits of this law shall also apply to adult adoptees (R.A. No. 11222, Sec. 4).

**128. Q: What is the nature of the proceedings for administrative adoption under RA 11222?**

**A:** All petitions, documents, records, and papers relating to administrative adoption proceedings in the files of the city or municipal Social Welfare and Development Officers (SWDOs), the DSWD central and field offices, or any

other agency or institution participating in such proceedings shall be *strictly confidential* (R.A. No. 11222, Sec. 14).

**129. Q: May information pertaining to the administrative adoption be disclosed?**

**A:** The disclosure of any information shall be allowed only upon the written request of the adoptee or in the case of a minor adoptee, his or her guardian (R.A. No. 11222, Sec. 14).

## **ADOPTIVE PARENTS under R.A. No. 11222 (Simulated Birth Rectification Act)**

**130. Q: What are the qualifications to be able to be an adoptive parent under R.A 11222 (Simulated Birth Rectification Act)?**

**A:** Adopters must:

- a. Be Filipino citizens;
- b. Be of legal age;
- c. Possess full civil capacity and legal rights;
- d. Be of good moral character;
- e. Have not been convicted of any crime involving moral turpitude;
- f. Be emotionally and psychologically capable of caring for children; and
- g. Be in a position to support and care for the child in keeping with the means of the family.

In case of adoption by a married couple, where one of the adopters is a foreign national married to a Filipino, the foreign national must have been residing in the Philippines for at least three (3) continuous years prior to the filing of the petition for adoption and application for rectification of simulated birth record (*R.A. No. 11222, Sec. 7 and IRR of R.A. No. 11222, Sec. 13*).

**131. Q: Who may adopt through R.A. 11222 (Simulated Birth Rectification Act)?**

**A:** The following persons may adopt:

	<b>Adopters under R.A. No. 11222 (Adoption through Simulated Birth Rectification)</b>
<b>Persons that may be adopters</b>	Only the person/s indicated as parents in the Simulated Certificate of Live Birth (SCOLB) could stand as petitioner/s except in the following circumstances: <ol style="list-style-type: none"> <li>1. The purported "parents" are in fact not legally married;</li> </ol> The purported parent was single when the SCOLB was registered but at the time of the Petition, she/he is already married and the spouse is willing to adopt jointly ( <i>IRR of R.A. No. 11642, Sec. 61</i> ).
<b>Qualifications for adopters</b>	<ol style="list-style-type: none"> <li>a. Filipino citizens;</li> <li>b. of legal age;</li> <li>c. in possession of full civil capacity and legal rights;</li> <li>d. of good moral character;</li> <li>e. not a convict of any crime involving moral turpitude;</li> <li>f. be emotionally and psychologically capable of caring for children; and</li> </ol>

	<p>g. be in a position to support and care for the child in keeping with the means of the family.</p> <p>In case of adoption by a married couple, where one of the adopters is a foreign national married to a Filipino, the foreign national must have been residing in the Philippines for at least three (3) continuous years prior to the filing of the petition for adoption and application for rectification of the simulated birth record (<i>R.A. No. 11222, Sec. 7</i>).</p>
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**132. Q: What is the restriction for adoptive parents in filing a Petition for Adoption of a Child with Simulated Birth Certificate under R.A. No. 11222?**

**A:** Only the person/s indicated as parents in the Simulated Certificate of Live Birth (SCOLB) could stand as petitioner/s except if:

- a. The purported "parents" are in fact not legally married;
- b. The purported parent was single when the Simulated Certificate of Live Birth (SCOLB) was registered but at the time of the Petition, she/he is already married and the spouse is willing to adopt jointly (*IRR of R.A. No. 11642, Sec. 61*).

**133. Q: May a person who simulated the birth of a child still avail of the administrative adoption of the said child?**

**A:** A person or persons who simulated the birth of a child under the conditions provided under Section 04 of the RA 11642 may still avail of administrative proceedings for the adoption and rectification of the simulated birth record of the child provided that:

- a. The child has been living with and cared for by the petitioners for a minimum period of three (3) years prior to 29 March 2019 which is the effectivity of the Act;
- b. When applicable, a Certificate Declaring the Child Legally Available for Adoption (CDCLAA) is issued by the DSWD in favor of the child (*IRR of R.A. No. 11222, Sec. 10*).

**134. Q: Do the adopters have to pay any fees?**

**A:** The city or municipal Social Welfare and Development Officer (SWDO), the Regional Director, and the Office of the Local Civil Registrar may charge socialized fees to those who avail of the administrative adoption proceedings under this Act. Fees shall be waived if the petitioner is indigent. (*R.A. No. 11222, Sec. 13*)

## **CHILDREN TO BE ADOPTED under R.A. No. 11222** **(Simulated Birth Rectification Act)**

### ***135. Q: Who may be adopted under R.A. No. 11222?***

**A:** Children who have been living with or under the custody of the prospective adoptive parents (PAPs) for at least three (3) years and they have simulated the birth record of the said child *prior* to the effectivity of R.A. No. 11222 (R.A. No. 11222, Sec. 5).

### ***136. Q: Who is considered a Child under R.A. No. 11222?***

**A:** A Child under this law is either:

1. A person below eighteen (18) years of age, or
2. A person eighteen (18) years of age or over who is unable to fully take care of herself or himself or protect herself or himself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition, whose birth was simulated (*IRR of R.A. No. 11222, Sec. 5*).

### ***137. Q: Whose consent is necessary for Administrative Adoption under this act to take place?***

**A:** The following must give their consent for Administrative Adoption under this act to take place:

- a. The adoptee, if ten (10) years of age or over;
- b. The legitimate and adopted daughters and sons, ten (10) years of age or over, of the adopter and adoptee, if any;
- c. The illegitimate daughters and sons, ten (10) years of age or over, of the adopter if living with said adopter and the latter's spouse, if any; and
- d. The spouse, if any, of the adoptee.

Consent of the above persons should be in writing, and upon being properly counseled and informed of the right to give or withhold approval of the adoption (R.A. No. 11222, Sec. 8).

## **PETITIONS FOR DOMESTIC ADOPTION under R.A. No. 11222 (Simulated Birth Rectification Act)**

### ***138. Q: What form is necessary for a Petition under this act?***

**A:** The Petition for Adoption with an application for rectification of simulated birth record shall be in the form of an *Affidavit* and shall be subscribed and sworn to by the petitioner or petitioners before any person authorized by law to administer affirmations and oaths. It shall state the facts necessary to establish the merits of the petition, and the circumstances surrounding the simulation of the birth of the child (*R.A. No. 11222, Sec. 9*).

### ***139. Q: What documents are needed to support the Petition?***

**A:** The Petition shall be supported by the following:

- a. A copy of Simulated Birth or Foundling Certificate of the child;
- b. Affidavit of Admission if the simulation of birth was done by a third person;
- c. Certification issued and signed by the Punong Barangay attesting that the petitioner or petitioners is a resident or are residents of the barangay, and that the Child has been living with the petitioner or petitioners for at least three (3) years prior to the effectivity of this Act;
- d. Affidavits of at least two (2) disinterested persons, who reside in the same barangay where the Child resides, attesting that the Child has been living with the petitioner for at least three (3) years prior to the effectivity of this Act;
- e. Certificate Declaring a Child Legally Available for Adoption (CDCLAA) issued by the DSWD; and
- f. Photographs of the Child and the petitioner or petitioners taken within the last three (3) months prior to the filing of the petition.

A CDCLAA shall no longer be required if the adoptee is already an adult or a relative of the adopter within the fourth (4th) degree of consanguinity or affinity (*R.A. No. 11222, Sec. 9*).

### ***140. Q: Where is the Petition for Domestic Administrative Adoption under R.A. No. 11222 filed?***

**A:** The notarized petition together with complete and original supporting documents shall be filed by the petitioners with the Regional Alternative Child Care Office (RACCO) of the city or municipality where the Prospective Adoptive Parents (PAPs) reside (*R.A. No. 11642, Sec. 50*).

**141. Q: Do the Prospective Adoptive Parents have to appear personally?**

**A:** Yes. To further ascertain the fitness, good intentions, and sincerity of PAP/s, the Regional Alternative Child Care Office (RACCO) shall require PAP/s to personally appear before it at least twice during the application period and on specific dates to be determined by the same (R.A. No. 11642, Sec. 51).

**142. Q: What are the time periods to be observed for administrative adoption process under this act?**

**A:** The Social Welfare and Development Officer (SWDO) shall have seven (7) days to examine the petition and its supporting documents and determine whether the same is sufficient in form and substance. If the SWDO finds that the petition is insufficient in form or substance, the SWDO shall return the same to the petitioner with a written explanation of its insufficiency. If the SWDO finds the petition sufficient in form and substance, the SWDO shall forward the petition and the supporting documents within three (3) days to the Regional Director.

The Regional Director shall review the petition, establish the identity of the child, and prepare the recommendation on the petition not later than thirty (30) days from receipt thereof. The Regional Director may require the petitioner to submit additional information or evidence to support the petition. The failure of the petitioner to comply with such a request shall not preclude the Regional Director from acting on the petition based on the evidence on hand.

The Regional Director shall transmit to the Secretary the recommendation on the petition together with a copy of the petition and supporting documents.

The Secretary shall act and decide on the petition within thirty (30) days from receipt of the recommendation of the Regional Director (R.A. No. 11222, Sec. 10).

All petitions, documents, records, and papers relating to administrative adoption proceedings in the files of the city or municipal SWDOs, the DSWD central and field offices, or any other agency or institution participating in such proceedings shall be *strictly confidential* (R.A. No. 11222, Sec. 14).

## **EFFECTS OF ADOPTION UNDER R.A. No. 11222 (Simulated Birth Rectification Act)**

### **143. Q: How is administrative adoption granted under RA 11222?**

**A:** If the Secretary determines that the adoption shall redound to the best interest of the child, an *Order of Adoption* shall be issued which shall take effect on the date the Petition was filed with the Office of the Social Welfare and Development Officer (SWDO), even if the Petitioner dies before its issuance.

The Order of Adoption shall state the name by which the adoptee shall be known and shall likewise direct the:

- a. Cancellation of the simulated birth record of the child;
- b. Issuance of the rectified birth record bearing the names of the biological parents of the child or the issuance of a foundling certificate; and
- c. Issuance of a new birth certificate.

An administrative adoption Order obtained under this Act shall have the same effect as a decree of adoption issued pursuant to Republic Act No. 8552, otherwise known as the "Domestic Adoption Act of 1998" (R.A. No. 11222, Sec. 11).

### **144. Q: What will happen to the simulated birth record?**

**A:** The Secretary shall immediately transmit the *Order of Adoption* to the concerned DSWD Regional Office, which shall, in turn, provide copies to the petitioners, the concerned agencies and the appropriate local civil registrar.

The Local Civil Registrar shall stamp the simulated birth record "canceled" with an annotation of the issuance of a new rectified certificate of birth in its place. The rectified birth certificate bearing the names of the biological parents of the child or the foundling certificate shall then likewise be stamped "canceled" with the annotation of the issuance of a new birth record in its place, and shall be sealed in the civil registry records. Thereafter, the Local Civil Registrar shall record, register, and issue a new certificate of birth which shall not bear any notation that it is a new or amended issue (R.A. No. 11222, Sec. 12).

### **145. Q: What are the effects of administrative adoption?**

**A:** The adoptee shall be considered the legitimate daughter or son of the adopter for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate daughters or sons born to them without discrimination of any kind. To this end, the adoptee is entitled to love, guidance, and support in keeping with the means of the family (R.A. No. 11222, Sec. 15).



Except where a biological parent is the spouse of the adopter, all legal ties between the biological parents and the adoptee shall be severed and the same shall then be vested in the adopter (*R.A. No. 11222, Sec. 16*).

In legal and intestate succession, the adopter and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiation. However, if the adoptee and her or his biological parents left a will, the law on testamentary succession shall govern (*R.A. No. 11222, Sec. 17*).

***146. Q: What is the effect on the status of a child when the simulated birth was undertaken by a married couple?***

**A:** In cases where the simulation of the child's certificate of live birth was undertaken by a married couple, the child may continue to use the surname of the purported father even if at the time the petition was filed, the latter was already deceased (*IRR of R.A. No. 11642, Sec. 61(a)*).

## **RESCISSION OF ADOPTION under R.A. No. 11222 (Simulated Birth Rectification Act)**

**147. Q: What are the grounds for rescission of administrative adoption under this law? Who may rescind the adoption under R.A. 11222?**

**A:** Upon petition of the adoptee, with the assistance of the city or municipal Social Welfare and Development Officer (SWDO) or the DSWD if a minor or if over eighteen (18) years of age but is incapacitated, the adoption may be rescinded on any of the following grounds committed by the adopter:

- a. Repeated physical or verbal maltreatment by the adopter;
- b. Attempt on the life of the adoptee;
- c. Sexual assault or violence;
- d. Abandonment and failure to comply with parental obligations; or
- e. Other acts that are detrimental to the psychological and emotional development of the adoptee (*R.A. No. 11222, Sec. 18*).

**148. Q: Can the adoption be rescinded by the adopter?**

**A:** No. Adoption, being in the best interest of the child, shall not be subject to rescission by the adopter. However, the adopter may disinherit the adoptee for causes provided in Article 919 of the Civil Code (*R.A. No. 11222, Sec. 18*).

**149. Q: What is the process for rescission of administrative adoption under R.A. No. 11222?**

**A:** The process for administrative adoption as provided under Section 10 of this Act shall apply to the rescission of administrative adoption. The concerned SWDO, Regional Director, and the Secretary shall act immediately on the petition for rescission bearing in mind the best interest of the child.

The Secretary shall furnish a copy of the order of rescission to the concerned DSWD Regional Office, which shall in turn provide copies to the petitioner, the concerned agencies and the concerned local civil registrar. Thereafter, the concerned local civil registrar shall cancel the new certificate of birth of the adoptee, and restore the adoptee's rectified birth certificate bearing the name/s of the biological parents, or the foundling certificate, as the case may be (*R.A. No. 11222, Sec. 19*).

**150. Q: What are the effects of the rescission?**

**A:** If the petition for rescission of administrative adoption is granted by the Secretary, the parental authority of the adoptee's biological parents, if known, shall be restored if the adoptee is still a minor or incapacitated. The reciprocal rights and obligations of the adopter and the adoptee to each other shall be extinguished.

Successional rights shall revert to their status prior to adoption, but only as of the date of the judgment of administrative rescission. Vested rights acquired prior to administrative rescission shall be respected.

All the foregoing effects of rescission of adoption shall be without prejudice to the penalties imposable under the Revised Penal Code if the criminal acts are proven (R.A. No. 11222, Sec. 20).

## **VIOLATIONS UNDER R.A. NO. 11222 (Simulated Birth Rectification Act)**

**151: Q: *What are the violations that warrant penalties under this law?***

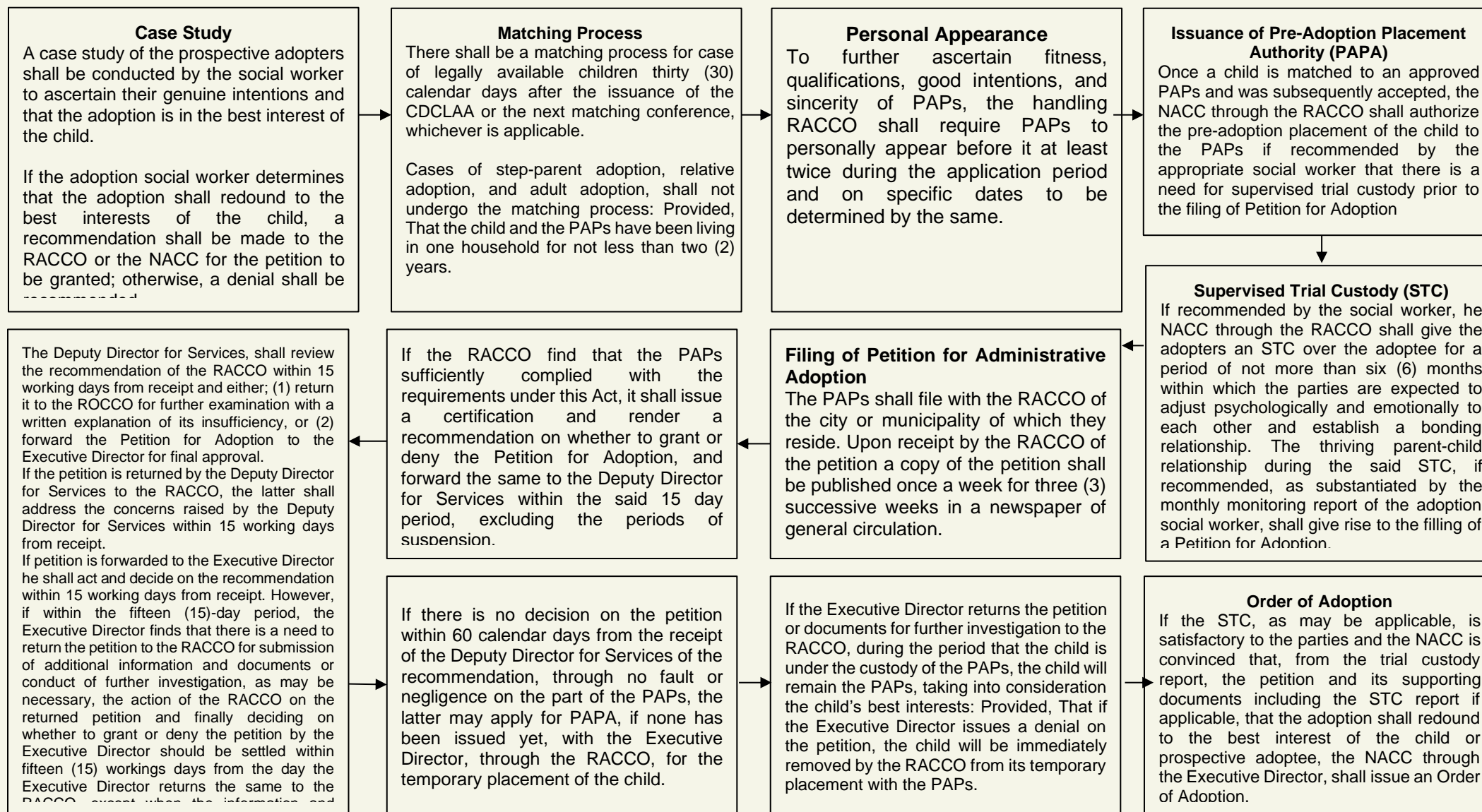
**A:** The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine not less than Two Hundred Thousand Pesos (Php 200,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

- a. Obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;
- b. Noncompliance with the procedures and safeguards provided by law for the adoption; or
- c. Subjecting or exposing the child to be adopted to danger, abuse, or exploitation (*R.A. No. 11222, Sec. 21*).

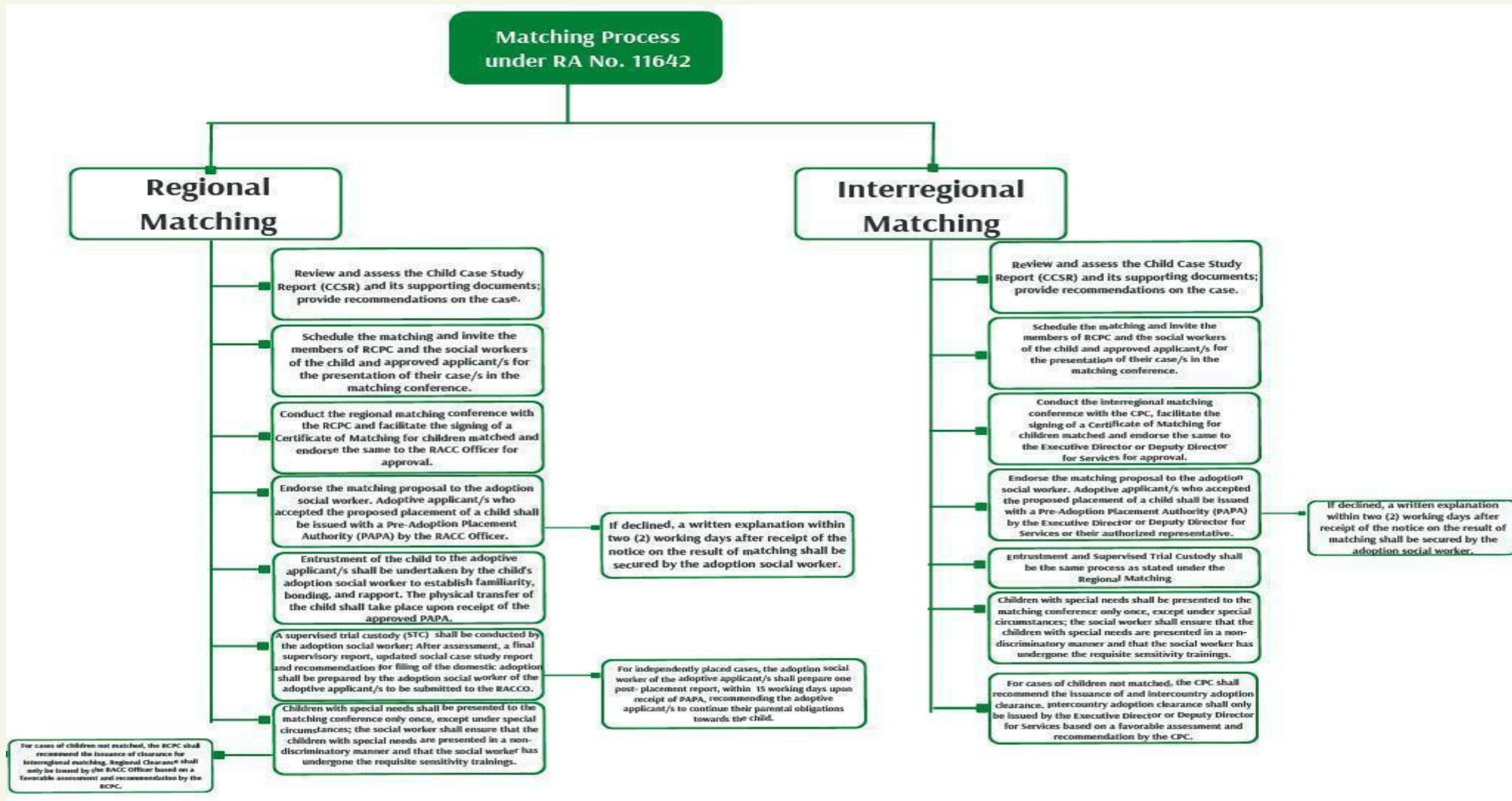
**152: Q: *What is the admissibility of the petitions, documents, records, and papers relating to the adoption and rectification of simulated births if submitted as evidence?***

**A:** All petitions, documents, records, and papers relating to the adoption and rectification of simulated births under this Act cannot be used as evidence against those who simulated the birth of a child or who cooperated in the execution of such simulation in any criminal, civil, or administrative proceeding (*R.A. No. 11222, Sec. 6*).

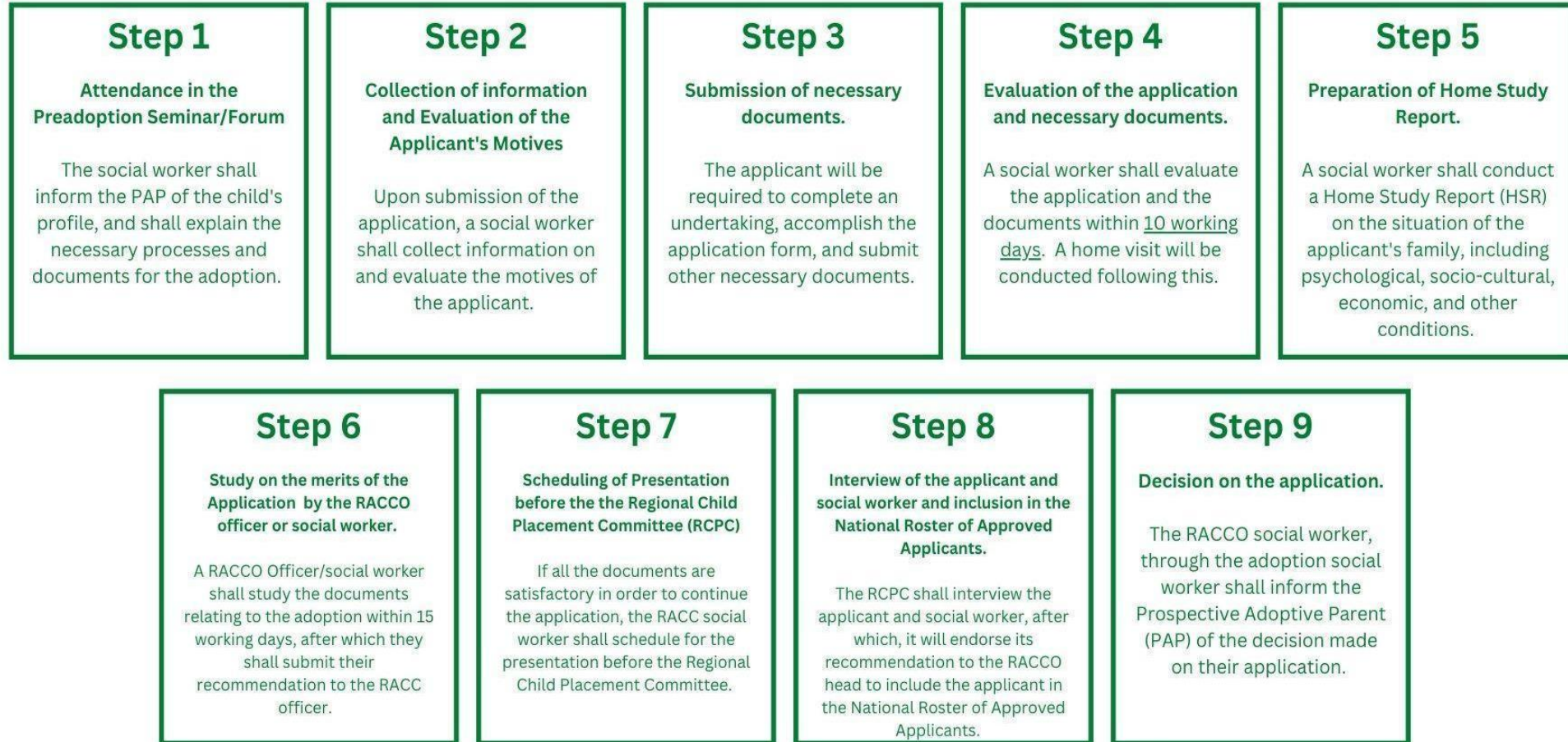
## Annex A: Domestic Administrative Adoption Process under R.A. No. 11642



## Annex B: The Matching Process under R.A. No. 11642



# Process of Adoption according to NACC



<sup>5</sup> <https://www.facebook.com/nacc.gov.ph/posts/pfbid0iFjKYNJierBMAAsr9hXWEBww6NaopMPFT8NtCCB9T3cSRoZp5P3yjQed5Lb6FSWJl>

**Annex D: Domestic Administrative Adoption Process Under R.A. No. 11222 (Simulated Birth Rectification Act)**

