

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

Pursuant to Section 59 of Republic Act No. 11642, also known as the Domestic Administrative Adoption and Alternative Child Care Act, the following Implementing Rules and Regulations are hereby promulgated:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* - These Rules and Regulations shall be known and cited as the Implementing Rules and Regulations (IRR) of Republic Act No. 11642 (R.A. No. 11642), also known as the Domestic Administrative Adoption and Alternative Child Care Act.

SECTION 2. *Declaration of Policies.* - It is hereby declared the policy of the State to ensure that every child remains under the care and custody of the parents and be provided with love, care, understanding, and security towards the full and harmonious development of the child's personality. Only when such efforts prove insufficient and no appropriate placement or adoption within the child's extended family is available shall adoption by an unrelated person be considered.

The best interest of the child shall be the paramount consideration in the enactment of alternative child care, custody, and adoption policies. It shall be in accordance with the tenets set forth in all the rights of the child enumerated under Article 3 of Presidential Decree No. 603, otherwise known as the "Child and Youth Welfare Code"; the "United Nations Convention on the Rights of the Child (UNCRC)"; the "United Nations Guidelines on Alternative Care of Children"; the "United Nations Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption, Nationally and Internationally"; and the "Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption".

Toward this end, the State shall:

- (a) Ensure that a child without parental care, or at risk of losing it, is protected and provided with alternative care options such as adoption and foster care;
- (b) Establish alternative child care standards to ensure that the quality of life and living conditions set are conducive to the child's development;
- (c) Safeguard the biological parents from making hasty decisions to relinquish parental authority over the child;
- (d) Prevent unnecessary separation of the child from the biological parents;
- (e) Protect the adoptive parents from attempts to disturb their parental authority and custody over the adopted child;

- (f) Conduct public information and educational campaigns to promote a positive environment for adoption;
- (g) Ensure that sufficient capacity exists within government and private sector agencies to handle adoption inquiries, process domestic adoption petitions, and offer adoption-related services, including pre-adoption and post-adoption services, for the biological parents, children, and adoptive parents;
- (h) Encourage domestic adoption so as to preserve the child's identity and culture in the child's native land, and only when this is not feasible shall intercountry adoption be considered; and
- (i) Establish a system of cooperation with the Inter-Agency Council Against Trafficking (IACAT), to prevent the sale, trafficking, and abduction of children and to protect Filipino children abandoned overseas who are made vulnerable by their irregular status.

No child shall be a subject of administrative adoption unless the status of the child has been declared legally available for adoption except in cases of relative, adult adoption, or step-parent adoption where such declaration is not required. Independent placement cases, or the entrustment of a child by the birth parents to a relative or another person without seeking intervention from the government, non-government organization, or any social worker, will be covered by the provisions of the Act if the child is already in the custody of their custodian before the effectivity of R.A. No. 11642.

It is hereby recognized that the administrative adoption processes for the cases of legally available children, relative, stepchild, and adult adoptees are the most expeditious proceedings that will redound in their best interest.

SECTION 3. *Objectives.* - The Act, through these IRR, shall provide for and allow simpler and inexpensive domestic administrative adoption proceedings and shall streamline services for alternative child care. Pursuant to this, it shall create the National Authority for Child Care (NACC), which shall exercise all powers and functions relating to alternative child care including, declaring a child legally available for both domestic administrative adoption and intercountry adoption, foster care, kinship care, family-like care, or residential care.

SECTION 4. *Definition of Terms.* - For purposes of R.A. No. 11642 and these IRR, the following terms are defined:

- (a) *Act* refers to Republic Act No. 11642, otherwise known as the Domestic Administrative Adoption and Alternative Child Care Act;
- (b) *Abandoned child* refers to a child who has no proper parental care or guardianship for at least three (3) continuous months, and has been declared as such by the NACC or a foundling, or a deserted or abandoned child or infant with unknown facts of birth and parentage found in the Philippines and/or Philippine embassies, consulates and territories abroad;

- (c) *Abandoned Filipino child in a foreign country* refers to an unregistered or undocumented child found outside the Philippine territory and/or in Philippine embassies, consulates, and territories abroad, 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 three (3) continuous months and committed to a foreign orphanage or charitable institution or in temporary informal care, and has been declared as such by the NACC, upon recommendation of the Office of the Social Welfare Attaché (OSWA) of the Department of Migrant Workers (DMW) or the Department of Foreign Affairs (DFA);
- (d) *Accreditation of Local Child Caring Agency/Child Placing Agency* refers to the recognition of a child-caring/child-placing program that such is implemented by a social welfare and development agency in compliance with appropriate standards evidenced by a Certificate of Accreditation issued by the Department of Social Welfare and Development;
- (e) *Accreditation of a Foreign Adoption Agency* refers to the recognition granted by either the Inter-Country Adoption Board (ICAB) or its successor, the National Authority for Child Care (NACC), to a Foreign Adoption Agency duly licensed by the state welfare authority in a Contracting State as meeting the official and Hague requirements to participate in the Philippine Inter-country Adoption Program;
- (f) *Actual custodian* refers to the guardian or spouses who raised a child or person and consistently treated the child or persons as their own before and even beyond the age of majority;
- (g) *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 rights and responsibilities, along with filiation, making the child a legitimate child of the adoptive parents: *Provided*, That adult adoption shall be covered by the benefits of R.A. No. 11642.

In the interest of clarity, the adoption shall cease to be part of alternative child care and shall become parental care as soon as the process is completed;

- (h) *Adoption case from the court* refers to an adoption case, regardless of category and stage of the proceeding, filed in court but duly withdrawn by the PAP/s or dismissed by the court for purposes of availing of the benefits of R.A. No. 11642;
- (i) *Adoption para-social worker* refers to an unregistered and unlicensed social work practitioner who ideally has three (3) years of experience in handling alternative child care or adoption cases, or both and, in the absence of experience, in adoption and alternative child care, one with at least two (2) years experience in the field of social work;
- (j) *Adoption social worker* refers to an individual who is registered and licensed by the Professional Regulation Commission (PRC), in accordance with R. A. No. 4373, as amended, or the "An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes" and who ideally has three (3) years of experience in handling alternative child care or

adoption cases, or both, and duly accredited by the NACC. For purposes of the Act, in the event that an adoption social worker is not available, an adoption para-social worker shall be allowed to render the services required: *Provided*, That only duly registered and licensed social workers shall sign and submit the pertinent documents;

- (k) *Adult adoption* refers to the adoption of a person who is of legal age and has been under the care and custody of the prospective adoptive parents at least three (3) years before reaching the age of majority and was treated as their own child;
- (l) *Applicant/s* refers to a person or spouses who signified interest to apply, individually or jointly, as adoptive/foster parent/s by submitting an application, with the required supporting documents;
- (m) *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 and armed conflicts;
- (n) *Certificate Declaring a Child Legally Available for Adoption (CDCLAA)* refers to the final written administrative order issued by the 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;
- (o) *Child* refers to a person below eighteen (18) years of age or a person eighteen (18) years of age or over but who is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychosocial disability or condition: *Provided*, That for the purpose of the Act, where relevant, a child shall also refer to an adult son, daughter, or offspring;
- (p) *Child-caring agency* refers to a duly licensed and accredited by the DSWD, that provides twenty-four (24)-hour residential care services for abandoned, orphaned, neglected, voluntarily committed or involuntarily committed children and other children in need of alternative child care;
- (q) *Child case study report* refers to a written report prepared by an adoption social worker containing all the necessary information about a child, including the child's legal status, placement history, past and present biopsychosocial, 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;

- (r) *Child Placement Committee (CPC)* refers to the committee under the supervision of the Deputy Director for Services composed of a child psychiatrist or psychologist, a medical doctor, a lawyer, an adoption social worker, a representative of a non-government organization (NGO) engaged in child welfare, and any other professional as may be needed, to provide the necessary assistance in reviewing petitions for adoption and deliberate cases for interregional and intercountry matching. The CPC, for purposes of intercountry adoption, shall accredit foreign adoption agencies. Regional CPCs shall be organized/created under the supervision of the RACCOs;
- (s) *Child-placing agency* refers to a government or a private non-profit or charitable agency duly licensed and accredited by the DSWD to provide comprehensive child welfare services including receiving and processing petitions for adoption and foster care, evaluating the prospective adoptive parent/s (PAP/s) or foster parents, preparing the child case study report and home study report and provide post placement services. The Local Social Welfare and Development Office (LSWDO) and accredited NGOs and Faith-Based Organizations (FBOs) are considered child-placing agencies;
- (t) *Child with special needs* refers to a child needing special attention due to health, medical, psychological, cognitive, social reasons, family background status, age and/or disability;
- (u) *Database on Adoption and Alternative Child Care* refers to the collection of organized information on prospective adoptive and foster parents and children under adoption and other alternative child care programs.
- (v) *Deed of Voluntary Commitment (DVC)* refers to the notarized instrument relinquishing parental authority and committing the child to the care and custody of the NACC or child-placing or child-caring agency, executed by the child's biological parents or by the child's legal guardian in the absence, mental incapacity or death of the biological parents, to be signed in the presence of an authorized representative of the NACC, or a licensed and accredited CCA/CPA, after counseling and other services have been made available to encourage the child's biological parents or legal guardian to keep the child;
- (w) *Domestic adoption* refers to an administrative adoption proceeding where the Order of Adoption is issued within the Philippines and is undertaken between a Filipino child and eligible adoptive parents;
- (x) *Family-like Care* refers to a safe home environment approximating a family setting for orphaned, abandoned, and other vulnerable children who need temporary parental care. As a matter of policy on deinstitutionalization, children under this type of alternative child care placement must be placed in a permanent family in accordance with the Act. *Provided* further, That a maximum of five (5) children should be accommodated in one home;
- (y) *Foreign national* refers to any person who is not a Filipino citizen;

- (z) *Foster care* 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;
- (aa) *Foster child* refers to a child placed under foster care whose needs can be best met in a family;
- (bb) *Foster parent* refers to a person, duly licensed by the NACC to provide foster care, during which supervision is provided by a social worker to facilitate the child's adjustment and assist in performing foster parenting responsibilities;
- (cc) *Foundling* or a person with no known parents as defined in Republic Act No. 11767, refers to a deserted or abandoned child or infant with unknown facts of birth and parentage. This shall also include those who have been duly registered as a foundling during his or her infancy/childhood but have reached the age of majority without benefitting from adoption procedures upon the passage of R.A. No. 11767;
- (dd) *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 prospective adoptive or foster parents to provide a home that meets the needs of a child and supported by documentary evidence;
- (ee) *Independent placement* refers to the entrustment of a child by the birth parents to a relative or person without seeking intervention from the government, non-government organization, or other social workers as defined under Section 2 (i) of R.A. 11642. As a matter of policy, independent placement shall be considered contrary to the best interest of the child;
- (ff) *Intercountry adoption* refers to the socio-legal process of adopting a child by a foreign national or a Filipino citizen habitually residing outside Philippine territory which complies with the principles stated in the Hague Convention of 1993;
- (gg) *Involuntarily committed child* refers to one who has been permanently deprived of parental authority and declared as such due to: abandonment; substantial, continuous, or repeated neglect; abuse or incompetence to discharge parental responsibilities, of known parents;
- (hh) *Kinship or Relative Foster Care* refers to an out-of-home arrangement for full-time care by relatives of the child, other family members within the fourth 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 NACC as a foster parent;
- (ii) *Local Social Welfare Development Officer (LSWDO)* refers to a person who is a duly licensed social worker and appointed by the local chief executive to head the provincial, city, or municipal social welfare development office which serves as the frontline of the local government unit (LGU) in the delivery of social welfare and development programs and services. The LSWDO shall designate a senior

registered social worker to manage cases of adoption, foster care, and other alternative child care programs;

- (jj) *Marital child* refers to a child conceived or born during the marriage of the child's parents;
- (kk) *Matching* refers to the judicious selection from the regional, interregional and intercountry levels of a family for a child based on the child's needs and best interest as well as the capability and commitment of the adoptive/foster parents to provide such needs and promote a mutually satisfying parent-child relationship;
- (ll) *Media* refers to traditional media (newspaper of general circulation in the locality), radio in the locality, television, and social media.
- (mm) *National Authority for Child Care (NACC)* refers to the one-stop quasi-judicial agency on domestic and alternative child care, attached to the DSWD and acts as the Central Authority for all alternative child care programs including domestic and intercountry adoption. It is composed of a Council and a Secretariat headed by an Executive Director;
- (nn) *NACC Transition Team* refers to the team composed of the ICAB Executive Director as chair and the DSWD PMB-Director as vice-chair, which will provide technical assistance and policy guidance, and personnel from the DSWD and ICAB who will ensure non-disruption of performance of functions and continued smooth delivery of services during migration of all alternative child care functions to the NACC;
- (oo) *Neglected child* refers to a child whose physical and emotional needs have been deliberately unattended or inadequately attended to within a period of three (3) continuous months. A child is unattended when left without proper provisions or proper supervision;
- (pp) *Non-marital child* refers to a child conceived and born outside of a valid marriage;
- (qq) *Petition* refers to the affidavit that is subscribed and sworn to by the applicant/s before any person authorized by law to administer affirmation and oath as may be filed under the Rules;
- (rr) *Placement* refers to the physical entrustment of the child with the foster parent/s or to the adoptive parent/s after both the child and parents have been prepared by a social worker. It consists of a process of preparation (social, psychological, and physical) of both the child and prospective adoptive or foster parents to ensure a smooth transition and establishment of a parent-child relationship. The placement shall be supported by a Pre-Adoption Placement Authority (PAPA) or a Foster Placement Authority (FPA);
- (ss) *Post-adoption services* refer to psychosocial services and support services provided by adoption social workers after the issuance of the Order of Adoption and Certificate of Finality by the NACC or its equivalent;

- (tt) *Pre-Adoption Placement Authority (PAPA)* refers to a document issued by the NACC or the RACCO authorizing/confirming the placement of a child with the adoptive applicant/s;
- (uu) *Prospective Adoptive Parent (PAP)* refers to an individual who has filed a petition for administrative adoption;
- (vv) *Regional Alternative Child Care Office (RACCO)* refers to the Regional Offices of the NACC created from the Adoption Resource and Referral Units (ARRU) of the DSWD Field Offices. They are tasked to ensure a well-functioning system of receipt of local applications to adopt or to foster, local petitions for CDCLAA and adoption, and other requests regarding alternative placement and well-being of children;
- (ww) *Regional Alternative Child Care Officer (RACC Officer)* refers to a person who will head the RACCO in the region;
- (xx) *Regional Child Placement Committee (RCPC)* refers to the matching committee organized by the NACC, through the RACCO, that is tasked to deliberate applications for adoptive/foster parent, and regional matching of children legally available for adoption;
- (yy) *Relative* refers to a family member or to a person within the fourth (4th) civil degree of consanguinity or affinity from the child;
- (zz) *Residential Care Facilities (RCF)* refer 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;
- (aaa) *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;
- (bbb) *Social case study report* refers to the report prepared by the adoption social worker on the PAP/s' capacity to raise the child; the social agency's efforts to locate the child's biological parents or relatives; interventions given to the child and the family; and the adoption social worker's assessment of the case. It shall include both the child case study report and the home study report;
- (ccc) *Social worker* refers to a licensed practitioner by the Professional Regulations Commission (PRC) who, by academic training and social work professional experience, possesses the skill to achieve the objectives as defined and set by the social work profession, through the use of the basic methods and technique of social work (casework, group work, and community organization) which are designed to enable individuals, groups and communities to meet their needs and to solve the problems of adjustment to a changing pattern of society and, through coordination with an organized social work agency which is supported partially or wholly from government or community solicited funds;

- (ddd) *Step-parent* refers to a parent who is married to the mother or father of a child, but who is not the child's biological mother or father;
- (eee) *Supervised trial custody (STC)* refers to the period of time 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 to facilitate the legal union through adoption. It consists of regular home visits, monitoring, and provision of support services to enhance the parenting capability of adoptive parents in understanding and managing the child's behavior and specific needs;
- (fff) *Support* refers to everything indispensable for the full and harmonious development of the child, including sustenance, dwelling, clothing, medical attention, and education, in keeping with the financial capacity of the family;
- (ggg) *Voluntarily committed child* refers to one whose parent or legal guardian knowingly and willingly relinquished parental authority to the NACC, or any duly accredited child-placing or child-caring agency or institution. Support services for biological parents such as livelihood assistance, parenting education, skills training, and others to enable them to cope with their responsibilities and counseling to arrive at an assessment of the family situation leading to the voluntary commitment of the child for his/ her best interest.

ARTICLE II

NATIONAL AUTHORITY FOR CHILD CARE

SECTION 5. *National Authority for Child Care (NACC)*. - The Inter-Country Adoption Board (ICAB) is hereby reorganized into a one-stop quasi-judicial agency on alternative child care, known as the National Authority for Child Care (NACC), attached to the Department of Social Welfare and Development (DSWD).

All duties, functions, and responsibilities of the ICAB, the DSWD, and those of other government agencies relating to alternative child care and adoption are hereby transferred to the NACC.

The Department of Budget and Management (DBM), in coordination with the ICAB and the DSWD, shall formulate a cohesive organizational structure with corresponding plantilla positions responsive to fulfilling the functions and divisions of the NACC as stipulated under R.A. No. 11642 and these IRR.

SECTION 6. *Jurisdiction of the NACC*. - The NACC shall have the original and exclusive jurisdiction over all matters pertaining to alternative child care, including declaring a child legally available for adoption; domestic administrative adoption; foster care under Republic Act No. 10165, otherwise known as the "Foster Care Act of 2012"; adoptions under Republic Act No. 11222, otherwise known as the "Simulated Birth Rectification Act"; and intercountry adoption under Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995". The NACC shall also have the authority to impose penalties in case of any violation of R.A. No. 11642 and these IRR.

SECTION 7. *Composition of the NACC.* - 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 six (6) other members, who are to be appointed by the President for a non-renewable term of six (6) years: *Provided*, That there shall be appointed one (1) psychiatrist or psychologist, two (2) lawyers who shall have at least the qualifications of a Regional Trial Court (RTC) judge, one (1) registered social worker and two (2) representatives from NGOs engaged in child-caring or child-placing activities.

The members of the Council shall receive a reasonable per diem allowance for each meeting attended.

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.

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 two (2) deputy directors, one (1) for services and another one (1) 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.

The NACC may hire professionals and various experts, who shall form part of the 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 members of the CPC shall receive a reasonable honorarium for each meeting attended.

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.

SECTION 8. *Functions of the NACC.* - 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.

Towards this end, 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 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.

SECTION 9. *Regional Alternative Child Care Office (RACCO)*. - There shall also be a Regional Alternative Child Care Office (RACCO) created for each region of the country, which shall be headed by a Regional Alternative Child Care (RACC) officer.

The RACCO is tasked to ensure a well-functioning system of receipt of local petitions for CDCLAA and adoption, applications for foster care, and other requests regarding alternative placement and the well-being of children.

The RACCO shall have dedicated personnel who shall exclusively handle each of the following:

- (a) Facilitate petitions for CDCLAA;
- (b) Domestic administrative adoption;
- (c) Intercountry adoption;
- (d) Foster care, including kinship care;
- (e) All other forms of alternative child care including family-like care, and residential care; and
- (f) Rectification of simulated birth pursuant to R. A. No. 11222.

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.

The members of the RCPC will serve for a term of two (2) years which may be renewed twice at the discretion and approval of the Executive Director. They shall receive a reasonable honorarium for each meeting attended.

SECTION 10. *Appointments and Staffing Patterns*. - The DBM, in coordination with the ICAB and DSWD, shall create the organizational structure and staffing patterns necessary for the performance of functions of the NACC; *Provided*, That officers and employees holding permanent appointments shall be given preference for appointment to the new positions in the approved staffing pattern comparable to their former positions.

Provided, further, That existing plantilla items in the ICAB and DSWD which are dedicated to alternative child care and adoption shall be transferred to the NACC.

Provided, finally, That no new employees shall be hired until all permanent officers and employees have been appointed, including temporary and casual employees who possess the necessary qualification requirements, among which is the appropriate civil service eligibility, for permanent appointment to positions in the approved staffing pattern in case there are remaining positions to be filled unless such positions are policy-determining, primarily confidential or highly technical in nature.

Qualifications of all appointees shall be in accordance with civil service rules and regulations. The existing Adoption Resource and Referral Unit (ARRU) of the DSWD shall now function as the RACCO for each region of the country under the NACC.

ARTICLE III

DOMESTIC ADMINISTRATIVE ADOPTION

A. DECLARATION OF A CHILD LEGALLY AVAILABLE FOR ADOPTION (INVOLUNTARILY COMMITTED, ABANDONED, AND VOLUNTARILY COMMITTED)

SECTION 11. *Certificate Declaring a Child Legally Available for Adoption.* - A Certificate Declaring a Child Legally Available for Adoption (CDCLAA) is issued in cases of involuntarily committed children under Article 141, paragraph 4(a), and Article 142 of P.D. No. 603 and in case of voluntarily committed children as contemplated under Article 154 of P.D. No. 603, abandoned and foundling children.

SECTION 12. *Duty of the NACC, LGU, child-placing or child-caring agency.* - It shall be the duty of the NACC, LGU, child-placing or child-caring agency, which has custody of a child to exert all efforts using media and any other possible means to locate the biological parents of the child and seek their consent. 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. *Provided,* That if the adoptee is an adult, the biological parent search is at the discretion of the adoptee.

SECTION 13. *Proof of biological parent search.* - 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 DVC signed by the biological parent, whichever is appropriate to the circumstance.

SECTION 14. *Procedure when biological parent/s are located.* - 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.

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.

If reunification is for the child's best interest, the parent/s and child shall undergo counselling and after care services shall be provided by the LGU social worker.

SECTION 15. *Procedure when biological parent/s are not located.* - If the biological parent/s is/are not located, the adoption social worker shall facilitate the registration of the child's certificate of live birth 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 certificate of live birth of persons with no known parent/s based on the guidelines of the Philippine Statistics Authority (PSA).

SECTION 16. *Who may file a Petition for CDCLAA.* - The Head or Executive Director of a licensed or accredited child-caring or 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 may file a petition before the NACC, through the 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.

SECTION 17. *CDCLAA for Involuntarily Committed Child.* - The CDCLAA, in case of an involuntarily committed child, shall be issued by the NACC within three (3) months following such involuntary commitment.

SECTION 18. *Requirements for the Petition for CDCLAA of Involuntarily Committed Child.* - A petition for the issuance of a CDCLAA of an involuntarily committed child shall be supported by the following documents:

- (a) Child Case Study Report made by the LGU, licensed or accredited child-caring or child-placing agency or institution charged with the custody of the child stating the child's past and current functioning, family background, and assessment of the child/s best interest;
- (b) Original copy of the Order directing involuntary commitment of the child;
- (c) Authenticated LCR copy or PSA Copy of Certificate of Live Birth; and
- (d) Recent photograph of the child and photograph of the child upon admission to the agency or institution.

The petition 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 involuntary commitment.

SECTION 19. *CDCLAA for Abandoned Child or Foundling Child.* - The CDCLAA in case of an abandoned child or foundling child shall be issued by the NACC within three (3) months following the issuance of the child's certificate of live birth.

SECTION 20. *Requirements for the Petition for CDCLAA of Abandoned Child or Foundling Child.* - A petition for the issuance of a CDCLAA of an abandoned child or foundling child shall be supported by the following documents:

- (a) Child Case Study Report prepared by the LGU, licensed or accredited child-caring or child-placing agency or institution charged with the custody of the child stating the child's past and current functioning, family background, and assessment of the child's best interest;
- (b) Proof of efforts to locate the biological parent/s or relatives of the child and media certifications;
- (c) Authenticated LCR copy or PSA Copy of Certificate of Live Birth, or Certificate of Foundling, if available, or Certificate of Live Birth of Children with No Known Parents; and
- (d) Recent photograph of the child and photograph of the child upon abandonment or admission to the agency or institution.

The petition 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 abandonment or finding of the child.

SECTION 21. *CDCLAA for Voluntarily Committed Child.* - In case of a voluntarily committed child, the CDCLAA shall be issued by the Executive Director within three (3) months following the filing of the Petition for CDCLAA with the attached Deed of Voluntary Commitment (DVC), as signed by the parent/s.

Upon petition filed with the NACC, the parent/s or legal guardian who voluntarily committed the child may recover legal custody and parental authority from the agency or institution to which such child was voluntarily committed when it is shown to the satisfaction of the NACC that the parent/s or legal guardian is in a position to adequately provide for the needs of the child; *Provided*, That the petition for restoration is filed within three (3) months after the signing of the DVC.

SECTION 22. *Requirements for Petitions for CDCLAA of Voluntarily Committed Child.* - A petition for the issuance of CDCLAA for a voluntarily committed child shall be supported by the following documents:

- (a) Child Case Study Report prepared by the LGU, licensed or accredited child-caring or child-placing agency or institution charged with the custody of the child stating the services provided to relinquishing parent to enable him/her/them to make an assessment and decision for the best interest of the child;
- (b) Authenticated LCR copy or PSA copy of the certificate of live birth;
- (c) Recent photograph of the child and photograph of the child upon admission to the agency or institution; and
- (d) Original copy of Deed of Voluntary Commitment (DVC).

The petition 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 commitment of the child.

SECTION 23. *Procedure for the Filing of the Petition for CDCLAA.* - The petition shall be filed in the RACCO where the child was involuntarily committed, abandoned or voluntarily committed or where the child-caring/child-placing agency which has custody of the child is located.

The RACCO shall immediately examine the petition and its supporting documents, if sufficient in form and substance, and shall authorize the posting of the notice of the petition in a conspicuous place for five (5) consecutive days in the locality where the child was abandoned or voluntarily committed as well as in the locality of the child-caring/child-placing agency who has custody of the child and in social media platforms or other online platforms of the CCAs, CPAs or the concerned LGU.

If the RACCO finds that the petition is insufficient, the case shall be put on hold and the petition shall be returned to the petitioner for compliance with the additional information or documents requested by the RACCO.

Within fifteen (15) working days after the completion of its posting and receipt of the additional information/documents, the RACCO shall render a recommendation and transmit a copy of such recommendation, together with the supporting documents, to the Executive Director.

SECTION 24. *Declaration of Availability for Adoption.* - Upon finding merit on the petition, the Executive Director shall issue a CDCLAA within seven (7) working days from receipt of the recommendation, unless further investigation or additional information or documents are needed to determine the merits of the petition. A copy of the CDCLAA shall be transmitted to the petitioner and all interested parties known to the Executive Director.

SECTION 25. *Opposition to the Petition for CDCLAA.* - 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.

SECTION 26. *Procedure for Appeal in Petitions for CDCLAA.* - 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.

SECTION 27. *Petition for Cancellation of CDCLAA.* - The biological parents, relative or legal guardian of a child with CDCLAA who has not been adopted may appear and file a petition supported by documentary requirements, for cancellation of the CDCLAA to the RACCO where the 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 to the 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.

If the Executive Director finds merit in the petition for cancellation, 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.

SECTION 28. *Best Evidence that a Child is Available for Adoption.* - The CDCLAA issued by the NACC Executive Director shall be, for all intents and purposes, the best evidence that the child is legally available in a domestic adoption and in an intercountry adoption proceeding.

B. ADOPTION

SECTION 29. *Pre-Adoption Services/Counseling Services.* - It shall be the duty of the NACC, through the RACCO, child-caring or child-placing agencies, as well as the city, municipal, or barangay social workers, when appropriate, to provide necessary and appropriate counseling services, which will inculcate the positive aspects of the following:

- (a) Biological Parents - Counseling shall be provided to the biological parents before and after the birth of the child. They shall be counseled regarding available programs and services to strengthen the family to keep the child, avail of services and assistance such as – temporary child care arrangements such as foster care; and or relinquish the child for adoption. No binding commitment to an adoption plan shall be permitted before the birth of the child.

In all proceedings for adoption, the NACC shall require proof that the biological parents have been properly counseled to prevent them from making hurried decisions caused by strain or anxiety to give up the child and to sustain that all measures to strengthen the family have been exhausted and that any prolonged stay of the child in own home will be inimical to child welfare and interest.

Series of counseling shall be provided in a language and manner understandable to the biological parent(s)/legal guardian on the implications of relinquishing his/her parental authority over the child, focusing on:

1. the loss of parental rights over the child and as a rule, not having further contact with the child;
2. the importance of providing relevant information on the child, their own medical history, and family background;
3. the possibility that the child may be placed for adoption within the Philippines or in a foreign country;
4. the possibility that in the future, there may be communication with the child at the adoptee's initiative;
5. the right to reconsider his/her decision to relinquish his/her child within three (3) months from signing the Deed of Voluntary Commitment (DVC) subject to assessment by the NACC; and
6. Process of restoration of parental authority.

The biological parent/s who decides to keep the child shall be provided with adequate services and assistance to fulfill parental responsibilities.

A period of three (3) months shall be allowed for the biological parents to reconsider any decision to relinquish a child for adoption before the decision becomes irrevocable.

Counseling and other appropriate social service interventions and services shall also be offered to the biological parent/s after the child has been relinquished for adoption to help them cope with feelings of loss, etc., and other services for reintegration into the community.

Steps shall be taken by the NACC to ensure that no hurried decisions are made and all alternatives for the child's future and the implications of each alternative have been provided.

- (b) Prospective Adoptive Parent/s (PAP/s) - Counseling sessions, forums, and seminars on adoption, among others, shall be provided to resolve possible adoption issues and to prepare them for effective parenting.

The NACC shall also disseminate basic information about adoption including the adoption process and procedures and the effects of adoption; inform them of the general background of children in need of adoptive homes including children with special needs; develop in the PAP/s respect for the child's biological origin, and to provide a support group for adoptive parents which shall give them a venue for sharing their adoption experiences.

Adoption telling shall be one of the central themes of the sessions, forums, or seminars to equip the PAP/s with the ability to divulge the adoption to the adoptee in a manner that will strengthen the parent-child relationship.

As a proven helpful practice, the adoption shall be disclosed to the child as early as possible by the adoptive parents: *Provided*, That disclosure of adoption shall be mandatory before the adoptee reaches the age of thirteen (13) years old. An

adoption social worker must conduct adoption-themed activities for such children, which will inculcate the positive aspects of adoption in their young minds.

A certificate shall be issued by the NACC or authorized agencies to the PAP/s attesting that they have undergone counseling services. The certificate shall be a prerequisite for the home study.

- (c) Prospective Adoptive Child/Adoptee - A prospective adoptee shall be provided with counseling and other support services appropriate to his/her age and maturity, and in a manner and language that the child/adoptee comprehends, especially to enable him/her to understand why he/she has been relinquished for adoption. The adoption social worker shall take into consideration the special needs of the child/adoptee.

In the case of an adoptee, including adult adoptee, whose consent to his/her own adoption is necessary, the adoption social worker/counselor shall consider the child/adoptee's wishes and opinion, ensure that his/her consent is voluntary, and duly inform him/her of the effects of such consent.

SECTION 30. *Who May Adopt.* - The following may adopt:

- (a) Any Filipino citizen at least twenty-five (25) years of age, who is in possession of full civil capacity and legal rights; has not been convicted of any crime involving moral turpitude; is of good moral character and can model the same; is at least sixteen (16) years older than the adoptee; and who is in a position to support and care for adopted children in keeping with the means of the family; *Provided, That*, the requirement of 16-year difference between the age of the adopter and adoptee may be waived when the adopter is the biological parent of the adoptee or is the spouse of the adoptee's parent;
- (b) The legal guardian with respect to the ward after the termination of the guardianship and clearance of financial accountabilities;
- (c) The foster parent with respect to the foster child;
- (d) Philippine government officials and employees deployed or stationed abroad; *Provided, That* they are able to bring the child with them; and
- (e) 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 petitions; *Provided, That* they come from a country with diplomatic relations with the Republic of the Philippines and that the laws of the adopter's country will acknowledge the Order of Adoption as valid, acknowledge the child as a legal child of the adopters, and allow entry of the child in such country as an adoptee.

The foreign national who is a permanent or habitual resident of the Philippines may prove that the adopter/s' country will acknowledge the Order of Adoption as valid, acknowledge the child as a legal child of the adopters, and allow entry of the child in such country as an adoptee by presenting a duly authenticated copy of the foreign domestic law on adoption or a certification from the relevant central authority that the Order of Adoption issued by NACC is Hague compliant. *Provided, further,* That requirements of residency may be waived for the following:

1. A former Filipino citizen, habitually residing in the Philippines, who seeks to adopt a relative within the fourth (4th) civil degree of consanguinity or affinity; or
2. One who seeks to adopt the marital child of the Filipino spouse; or
3. One who is married to a Filipino citizen and seeks to adopt jointly with the spouse a relative within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse.

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.

SECTION 31. *Who May be Adopted.* - The following may be adopted:

- (a) Any child who has been issued a CDCLAA;
- (b) The marital child of one spouse by the other spouse;
- (c) A non-marital child by a qualified adopter to improve status to 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 prior to reaching the age of majority for a period of at least three (3) years prior to the filing of the petition;
- (e) A foster child who has been declared as legally available for adoption;
- (f) A child whose adoption has been previously rescinded;
- (g) A child whose biological or adoptive parents have died. *Provided*, That, no proceedings shall be filed within six (6) months from the time of death of said parent/s; or
- (h) A relative of the adopter under the relevant conditions stated in this section.

SECTION 32. *Documentary Requirements for Application as Adoptive Parents.* - The following documents must be submitted by the applicant/s:

- (a) Undertaking and application form of the applicant/s;
- (b) PSA copies of birth record of the applicant/s;
- (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) Written consent from the appropriate person/s;
- (e) Medical Certification by a duly licensed physician. The Certification should indicate that the applicant has 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 on the applicant/s, 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 PAP/s from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the PAP/s have business dealings. The contact details of the person attesting must be so indicated in the letter;
- (j) Photos of the applicant/s, his/her immediate family members and their home, taken within the last six (6) months from the date of submission of application; 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 is/are required to attend training on adoption as prescribed by the NACC. A Certificate of Completion will be issued by the NACC, or their authorized representative, to the applicant/s who have undergone the required training. The Certification of Completion shall be attached to the Petition once the applicant/s file for the domestic administrative adoption.

SECTION 33. *Additional Requirements for Foreign Nationals.* - Foreign nationals who want to apply as adoptive parents 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 has lived for more than twelve (12) months any time in the past fifteen (15) years

SECTION 34. *Standard Forms and Additional Documentary Requirements.* - The NACC shall formulate and produce official, uniform, and standard forms of the documentary requirements that will be easily used and submitted by the applicants for their petition.

The adoption social worker of the NACC is not precluded from asking for additional documents as may be necessary as proof of the facts alleged in the petition or to establish a factual claim.

SECTION 35. *Procedure for Application as Adoptive Parents.* - The following procedure shall be followed by those applying as adoptive parents:

- (a) Applications shall be filed with the RACCO in the region where the applicant/s resides. *Provided*, That 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/s shall facilitate the accomplishment of the undertaking and application form, conduct interviews and counseling with the applicant/s 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/s 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 the RACCO social worker;
- (e) If the application is found sufficient, the RACCO social worker shall schedule the presentation of the application with the RCPC and inform the applicant/s through their adoption social worker, of the date of presentation. The applicant/s and the 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/s 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/s 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/s.

C. ADOPTION OF LEGALLY AVAILABLE CHILD

SECTION 36. *Whose Consent is Necessary for Adoption of Child with CDCLAA.* - 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.

- (a) The adoptee, if ten (10) years of age or over 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;

- (b) The marital and adopted children, ten (10) years of age or over, of the adopter, if any, 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; 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 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;

Provided, That, children under ten (10) years of age shall be counseled and consulted, but not required to execute written consent.

SECTION 37. *Documentary Requirements for Adoption of Legally Available Child.* - The PAP/s shall attach the following to the notarized Petition for Adoption and shall submit the same to the RACCO:

- (a) Social Case Study Report duly prepared by an adoption social worker pursuant to the provisions of the Act, which requires a uniform and standardized format of the report 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 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, ten (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 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.

SECTION 38. *Procedure Specific for the Adoption of Legally Available Child.* - The following procedure shall be observed in the adoption of a child with CDCLAA:

(a) Preparation of Case Study Reports

1. Social Case Study Report - A case study of the adoptee, the biological parents as well as the adopters 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 NACC accredited agency.
2. Child Case Study Report - The case study 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's 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.

3. Home Study Report - The home study shall focus on a thorough assessment of the motivation/s of the adopting parent/s; 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 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 prospective adopters shall ascertain their genuine intentions and that the adoption is in the best interest of the child.

(b) Matching Process

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.

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:

(b.1) Regional Matching

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

- (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;
- (ii) Schedule the matching and invite the members of RCPC and the adoption social workers of the child and the social worker of the approved applicant/s for the presentation of their case/s in the matching conference;
- (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;
- (iv) Endorse the matching proposal to the adoption social worker 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;

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 be secured by the adoption social worker;

- (v) Entrustment of the child to the adoptive applicant/s shall be undertaken by the child's adoption social worker to establish familiarity, bonding, and rapport. The physical transfer of the child shall take place upon receipt of the approved PAPA;

- (vi) A supervised trial custody (STC) for a period of six (6) months, which may be reduced or lengthened, shall be conducted by the adoption social worker;

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 adoption social worker of the adoptive applicant/s to be submitted to the RACCO within fifteen (15) working days after the end of the STC; For independently placed cases, the adoption social worker 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;

- (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;

- (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.

(b.2) Interregional Matching

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

- (i) Review and assess the case study report and its supporting documents, communicate requests for additional documents or information to the adoption social worker, provide recommendations on the case;
- (ii) Schedule the matching and invite the members of CPC and the adoption social workers of the child and the approved adoptive applicant/s for the presentation of their case/s in the matching conference;
- (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;
- (iv) Endorse the matching proposal to the adoption social worker 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 adoption social worker;

- (v) Entrustment and Supervised Trial Custody shall be the same process as stated under the Regional Matching Procedure v – vi;
- (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.

- (vii) For cases of children not matched, the CPC shall recommend the issuance of and 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.

D. STEP-PARENT ADOPTION

SECTION 39. *Whose Consent is Necessary for Step-Parent Adoption.* - 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:

- (a) The adoptee, if ten (10) years of age or over, 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;
- (b) The marital and adopted children, ten (10) years of age or over, of the adopter, if any, 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;
- (c) The non-marital children, ten (10) years of age or over, if living with said adopter or over whom the adopter exercises parental authority 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;
- (d) The spouse, if any, of the adoptee; and
- (e) The biological parents of a marital child to be adopted. For a non-marital child only the consent of the mother is required.

Provided, That, children under ten (10) years of age shall be counseled and consulted, but not required to execute written consent.

SECTION 40. *Documentary Requirements for Step-Parent Adoption.* - The PAP/s shall attach the following to the notarized Petition for Adoption and shall submit the same to the RACCO:

- (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 Act, which requires a uniform and standardized format of the report;
- (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) 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) PSA copy of the Death Certificate of the child's biological parents, if applicable;
- (f) Written consent of the child 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, ten (10) years of age or over, of whom the PAP/s is living with or over whom PAP/s exercises parental authority;
- (i) Written consent to the adoption of the spouse of the PAP/s;
- (j) Result of the recent medical evaluation of the child and the PAP/s prepared within six (6) months prior to application;
- (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) Letters attesting to the character and general reputation of the PAP/s from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the PAP/s have business dealings. The contact details of the person attesting must be so indicated in the letter;

- (n) Recent close-up and whole-body pictures of the child and the PAP/s taken within the last six (6) months; and
- (o) Documents showing the financial capacity of the PAP/s.

SECTION 41. *Procedure Specific for Step-Parent Adoption.* - The following procedure shall be observed in the adoption of a child by a step-parent:

(a) Preparation of Social Case Study Report

A case study of the adoptee, biological parent/s as well as the adopting step-parent 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 NACC accredited agency.

The case study of the adopting parent/s 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.

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. If the adoption social worker determines that the adoption shall redound to 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.

(b) Matching Process

The matching process is waived if the adoptee and the PAP/s have been living together for not less than two (2) years.

(c) Issuance of Pre-Adoption Placement Authority (PAPA)

The PAP/s shall automatically be issued a PAPA without the need of undergoing the matching process.

(d) Supervised Trial Custody (STC)

The STC may be waived in cases of step-parent adoption, as assessed and recommended by the adoption social worker.

E. RELATIVE ADOPTION

SECTION 42. *Whose Consent is Necessary for Relative Adoption.* - 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 are hereby required.

- (a) The adoptee, if ten (10) years of age or over, 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;

- (b) The marital and adopted children, ten (10) years of age or over, of the adopter, if any, 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;
- (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 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; and
- (d) The biological parents of a marital child to be adopted. For a non-marital child only the consent of the mother is required.

Provided, That, children under ten (10) years of age shall be counseled and consulted, but not required to execute written consent.

SECTION 43. *Documentary Requirements for Relative Adoption.* - The PAP/s shall attach the following to the notarized Petition for Adoption and shall submit the same to the RACCO:

- (a) Child Case Study Report and Home Study Report or Social Case Study Report, whichever is applicable depending on the circumstances, duly prepared by an adoption social worker pursuant to the provisions of the Act, which requires a uniform and standardized format of the report;
- (b) PSA copy 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) 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) Written consent to the adoption by the biological parent(s) or the person(s) exercising substitute parental authority over the child. If the child is a non-marital child, only the written consent of the mother is required;
- (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, ten (10) years of age or over, with whom the PAP/s is living with or over whom the PAP/s exercise parental authority;
- (i) PSA copy of the Death Certificate of the child's biological parents, if applicable;

- (j) Result of the recent medical evaluation of the child and the PAP/s prepared within six (6) months prior to application;
- (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 have 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; and
- (p) Documents showing the financial capacity of the PAP/s.

SECTION 44. *Procedure for Relative Adoption.* - The following procedure shall be observed in the adoption of a child by a relative:

(a) Preparation of Social Case Study Report

A case study of the adoptee, the biological parents as well as the adopters shall be prepared by an adoption social worker of the social service office of the LGU, or any child-placing or child-caring agency and or any NACC accredited agency.

The case study 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 case study of the prospective adopter shall ascertain the genuine intention 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 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.

(b) Matching Process

The matching process is waived if the adoptee and the PAP/s have been living together for not less than two (2) years.

(c) Issuance of Pre-Adoption Placement Authority (PAPA)

The PAP/s shall automatically be issued a PAPA without the need of undergoing the matching process.

(d) Supervised Trial Custody (STC)

The STC may be waived in cases of relative adoptions, as assessed and recommended by the adoption social worker.

F. ADULT ADOPTION

SECTION 45. *Whose Consent is Necessary for Adult Adoption.* - 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.

- (a) The adoptee 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;
- (b) The marital and adopted children, ten (10) years of age or over, of the adopter, if any, 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;
- (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 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; and
- (d) The spouse, if any, of the person to be adopted.

SECTION 46. *Documentary Requirements for Adult Adoption.* - The PAP/s shall attach the following to the notarized Petition for Adoption and shall submit the same to the RACCO:

- (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 Act, which requires a uniform and standardized format of the report;
- (b) PSA copy of the birth record of the PAP/s and the adoptee;
- (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) 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 of the adoptee;

- (f) Written consent of marital and adopted children of PAP/s, ten (10) years of age or over;
- (g) Written consent of non-marital children, ten (10) years of age or over, with whom the PAP/s is living or over whom the PAP/s exercise parental authority;
- (h) Written consent of the spouse, if any, of the adoptee;
- (i) Letters attesting to the character and general reputation of the PAP/s from at least three (3) non-related character references, of one preferably from an employer or supervisor or with whom the PAP/s have business dealings. The contact details of the person attesting must be so indicated in the letter;
- (j) Recent close-up and whole-body pictures of the adoptee and the PAP/s taken within the last six (6) months; and
- (k) Documents showing that the adoptee has been consistently considered and treated as their own child by the PAP/s for at least three (3) years before reaching the age of majority.

SECTION 47. *Procedure Specific for Adult Adoption.* - The following procedure shall be observed in the adoption of an adult consistently considered and treated as own child by the adopters:

(a) Preparation of Social Case Study Report

A case study of the adoptee, the biological parents as well as the adopters shall be prepared by the adoption social worker of the social service office of the LGU, or any child-placing or child-caring agency or a NACC accredited agency.

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. If the birth of a prospective adoptee was not registered with the PSA, it shall be the responsibility of the said social worker to ensure that said prospective adoptee is registered.

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.

Further, the social case study of the prospective adopters shall ascertain their genuine intentions and that the adoption is in the best interest of the adoptee. If the adoption social worker determines that the adoption is in the best interest of the adoptee, a recommendation shall be made to the RACCO or the NACC for the petition to be granted; otherwise, a denial thereof shall be recommended.

(b) Matching Process

Cases of adult adoption shall not undergo the matching process: *Provided, That* the adult adoptee and the PAP/s have been living in one household for not less than two (2) years.

(c) Issuance of Pre-Adoption Placement Authority (PAPA)

The PAP/s shall automatically be issued a PAPA without the need of undergoing the matching process.

(d) Supervised Trial Custody (STC)

The STC may be waived in cases of adult adoptions, as assessed and recommended by the adoption social worker.

ARTICLE IV

COMMON PROCEDURE

SECTION 48. *Procedure/Remedy if Consent from Appropriate Person/s could not be secured.* - Proof of efforts exerted must be attached to the Petition in case the person required to give consent could not be located despite diligent efforts have been exerted.

SECTION. 49. *Petition for Administrative Adoption.* - A Petition for Adoption shall be prepared and signed by the petitioners or PAP/s. The services of a private counsel may be retained for this purpose.

The said petition shall state the facts necessary to establish the merits of the petition. The petitioners must specifically allege that they are at least twenty-five (25) years of age, in possession of full civil capacity and legal rights; of good moral character; have not been convicted of any crime involving moral turpitude; are emotionally and psychologically capable of caring for children; are at least sixteen (16) years older than the adoptee and are in a position to support and care for their children in keeping with the means of the family and have undergone pre-adoption services. The petition should also indicate the new name the petitioner wishes the child to have, if any.

The petition shall be in the form of an affidavit and shall be subscribed and sworn to by the petitioners before any person authorized by law to administer affirmations and oaths.

No subsequent petition involving the same PAP/s shall be entertained unless the prior petition has attained finality.

SECTION 50. *Where to File the Petition.* - The notarized petition together with complete and original supporting documents shall be filed by the petitioners with the RACCO of the city or municipality where the PAP/s reside.

SECTION 51. *Personal Appearance of PAP/s.* - To further ascertain fitness, good intentions, and sincerity of PAP/s, the 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.

SECTION 52. *Publication.* - Upon receipt by the 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.

SECTION 53. *Administrative Adoption Process.* - In all proceedings for adoption, the NACC shall decide on the basis of all the documents presented to it, as well as the evidence gathered during the personal interviews conducted by the RACCO with the adoption social worker, PAP/s, and the adoptee. There shall be no adversarial proceedings and all domestic adoption cases shall be decided within sixty (60) calendar days from the receipt of the Deputy Director for Services of the recommendation of the RACCO on the petition.

The NACC, in the exercise of its quasi-judicial powers, shall observe and comply with the following domestic administrative adoption process:

- (a) Within fifteen (15) working days from the filing of the Petition for Adoption by the PAP/s, the RACCO shall determine whether the PAP/s have complied with the substantive and procedural requirements for domestic adoption by extensively reviewing and examining the petition and its supporting documents, as well as conducting personal interviews with the adoption social worker, the PAP/s, and the adoptee; *Provided*, That should the RACCO require the PAP/s to submit additional information or documents, the said fifteen (15) day period shall be suspended;
- (b) Should the RACCO find that the PAP/s sufficiently complied with the requirements under the Act, it shall issue a certification attesting to the same, render a recommendation on whether to grant or deny the Petition for Adoption and forward the same to the Deputy Director for Services within the said fifteen (15) day period, excluding the periods of suspension;
- (c) The Deputy Director for Services, who may consult the CPC consultants, as may be necessary, shall review the recommendation of the RACCO within fifteen (15) working days from receipt thereof and either:
 1. return it to the RACCO for further examination with a written explanation of its insufficiency, or
 2. forward the Petition for Adoption to the Executive Director for final approval;
- (d) In case the petition is returned by the Deputy Director for Services to the RACCO, the latter shall address the concerns raised by the Deputy Director for Services within fifteen (15) working days from receipt thereof;
- (e) When the petition is forwarded by the Deputy Director for Services to the Executive Director, the latter shall act and decide on the recommendation within fifteen (15) working days from receipt thereof. However, if within the fifteen (15) day period, the Executive Director finds that there is a need to return the petition to the RACCO for submission of additional information and documents or conduct further investigation, as may be necessary, the action of the RACCO on the returned petition and finally deciding on whether to grant or deny the petition by the Executive Director should be settled within fifteen (15) working days from the day the Executive Director returns the same to the RACCO, except when the information and documents needed are of such nature that cannot be easily obtained by the PAP/s.
- (f) In cases when there is no decision on the petition within sixty (60) calendar days from the receipt of the Deputy Director for Services of the recommendation of the

RACCO on the petition, through no fault or negligence on the part of the PAP/s, the latter may apply for a PAPA, if none has been issued yet, with the Executive Director, through the RACCO, for the temporary placement of the child;

- (g) If the Executive Director returns the petition or documents for further investigation to the RACCO, during the period that the child is under the custody of the PAP/s, the child will remain with the PAP/s, taking into consideration the child's best interests: *Provided*, That if the Executive Director issues a denial of the petition, the child will be immediately removed by the RACCO from its temporary placement with the PAP/s.

SECTION 54. *Objection to the Petition.* - Any person who has personal knowledge of any information, which by ordinary diligence could not be discovered, and which when introduced and admitted, would result in the denial of the petition and protect the child from possible harm or abuse may, at any time before the issuance of the Order of Adoption, interpose an objection to the petition and file a complaint supported by evidence to that effect, with the NACC, through the RACCO where the petition was filed. The complaint will be subjected to verification and further investigation.

SECTION 55. *Order of Adoption.* - If the NACC is convinced that based on the petition and its supporting documents the adoption shall redound to the best interest of the child or prospective adoptee, the NACC through the Executive Director, shall issue an Order of Adoption.

The Order of Adoption which is a registrable civil registry document, shall be issued stating the full name by which the child shall be known and shall likewise direct the concerned Local Civil Registrar that:

- (a) The original certificate of live birth of the adoptee shall be sealed with the annotation that a new certificate of live birth has been issued in its place which can be opened only upon order of the NACC;
- (b) A new certificate of live birth shall be issued attesting to the fact that the adoptee is the child of the adopter by being registered with the adopter's surname. The new certificate of live birth shall not bear any notation that it is an amended issue; and
- (c) To submit to the NACC proof of compliance with all the foregoing within thirty (30) calendar days from receipt of the Order of Adoption and Certificate of Finality.

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

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

The adopter shall submit a certified true copy of the Order of Adoption and a Certificate of Finality to the Local Civil Registrar where the child was originally registered within thirty (30) calendar days from receipt of the Certificate of Finality.

The process for registration of the Order of Adoption must be in accordance with the guidelines issued by the PSA.

If not made within the prescribed period, registration of the same shall be considered late, in which case, the registrant shall execute an affidavit showing the circumstances and reasons why the adoption was not reported for registration within the prescribed period.

SECTION 56. *Judicial Recourse.* - A motion for reconsideration of an Order of Adoption may be filed within fifteen (15) days from receipt of a copy of the same. Upon denial of the motion for reconsideration, the interested party has ten (10) days from receipt of the order of denial to file an appeal before the Court of Appeals; otherwise, the same shall be final and executory. Rule 43 of the 1997 Rules of Civil Procedure, as amended, shall have suppletory application.

SECTION 57. *Benefits of Adoptive Parents.* - The adoptive parents shall enjoy all the benefits entitled to biological parents, including benefits that can be availed through the Social Security System (SSS), Government Service Insurance System (GSIS), Department of Labor and Employment (DOLE), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Health Maintenance Organization (HMO) providers, among others, or through other existing laws from the date the Order of Adoption was issued to the adoptive parent. Adoptive parents may avail of paid maternity and paternity leaves as provided for under existing laws for biological parents: *Provided,* That the leave benefits in this paragraph shall only be availed of by the adoptive parents within one (1) year from the placement of the child until the issuance of the Order of Adoption. *Provided,* further, That the leave benefits in this paragraph shall not apply in cases of adult adoptions, and in all cases where the adoptive child has been in the care and custody of the adoptive parent for at least three (3) years before the issuance of the Order of Adoption.

SECTION 58. *Database of Orders Issued by the NACC.* - The NACC shall keep a database showing the date of issuance of the Order in each case, compliance by the Local Civil Registrar with the preceding section, and all incidents arising after the issuance of the Order of Adoption. This database shall be governed by the provision in the succeeding section, as well as the provisions of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012".

SECTION 59. *Confidentiality of Administrative Adoption Proceedings.* - All petitions, documents, records, and papers relating to administrative adoption proceedings in the files of the city or municipal SWDOs, the RACCOs, the NACC, the DSWD, or any other agency or institution participating in such proceedings shall be kept strictly confidential. If the disclosure of certain information to a third person is necessary for security reasons or for purposes connected with or arising out of the administrative adoption and will be for the best interest of the adoptee, the Executive Director of the NACC may, upon appropriate request, order the necessary information released, restricting the purposes for which it may be used and in accordance with the existing laws on data privacy.

In any event, the disclosure of any information shall only be allowed upon the order of the Executive Director, based on the written request of the adoptee or in the case of a minor adoptee, his or her legal guardian or the adoptive parent, or upon order of any lawful authority.

Any violation of the confidential nature of the records above mentioned shall be punishable pursuant to the penal provisions of the Act, Republic Act No. 10173, or other relevant laws. .

No copy thereof as well as any information relating thereto shall be released without written authorization from the NACC or the written request of any of the following:

- (a) The adopted child, with appropriate guidance and counseling, or a duly authorized representative, spouse, parent, direct descendant, guardian, or legal institution legally in charge of the adopted person, if minor;
- (b) The court or proper public official whenever necessary in an administrative, judicial, or other official proceedings to determine the identity of the parent/s or of the circumstances surrounding the birth of the adopted child; or
- (c) The nearest kin, in case of death of the adopted child.

The NACC shall ensure that information held by them concerning the origin of the adopted child, in particular the identity of the biological parents, is preserved.

SECTION 60. *Assistance to Indigent PAP/s.* - Socialized fees may be charged to those who avail of the administrative adoption proceedings under the Act.

The Public Attorney's Office (PAO) shall provide free legal assistance including notarization of documents related thereto whenever warranted for qualified PAP/s.

ARTICLE V

ADOPTION OF A CHILD WITH SIMULATED BIRTH CERTIFICATE

SECTION 61. *Adoption of a Child with Simulated Birth Certificate.* - The Simulated Birth Rectification shall continue to be governed by the processes laid down in R.A. No. 11222 and its IRR except for the following amendments:

- (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;
- (b) Under R.A. No. 11222, 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:
 - 1. The purported "parents" are in fact not legally married;
 - 2. 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.

SECTION 62. *Mandatory Appearance.* - The personal appearance of the PAP/s and the child before the RACC Officer shall be likewise mandatory. The RACC Officer shall prepare the recommendation on the petition not later than thirty (30) working days upon receipt thereof.

SECTION 63. *Transmittal of the Recommendation to the NACC.* - The RACC Officer shall endorse to the NACC the recommendation on the Petition together with the original copy of the petition and its supporting documents.

SECTION 64. *Order of Adoption.* - The Executive Director shall act and decide on the petition within thirty (30) working days upon receipt of the recommendation from the RACC Officer.

If the Executive Director determines that the adoption shall redound to the best interest of the child, an Order of Adoption which is a registrable civil registry document, shall be issued stating the full name by which the child shall be known and shall likewise direct the concerned local civil registrar:

- (a) To stamp "cancelled" the simulated certificate of live birth and shall be sealed in the civil registry records which can be opened only upon order of the NACC;
- (b) To register the rectified certificate of live birth bearing the true facts of birth of the child and shall be sealed in the civil registry records which can be opened only upon order of the NACC;
- (c) That the new certificate of live birth shall be issued attesting to the fact that the adoptee is the child of the adopter by being registered with the new name of the child and the adopter's surname; and
- (d) To submit to the NACC proof of compliance with all the foregoing within thirty (30) calendar days from receipt of the Order of Adoption.

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

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

The Order of Adoption shall create a legal status to the existing parent-child relationship of the PAP/s and the child. The legitimate filiation that is created between the adopter and adoptee shall be extended to the adopter/s' immediate family per Section 41 of the Act.

SECTION 65. *Judicial Recourse.* - A motion for reconsideration of an Order of Adoption may be filed within fifteen (15) days from receipt of a copy of the same. Upon denial of the motion for reconsideration, the interested party has ten (10) days from receipt of the order of denial to file an appeal before the Court of Appeals; otherwise, the same shall be final and executory. Rule 43 of the 1997 Rules of Civil Procedure, as amended, shall have suppletory application.

ARTICLE VI

EFFECTS OF ADOPTION

SECTION 66. *Legitimacy.* - The adoptee shall be considered the legitimate child of the adopter for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate children 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. The legitimate filiation that is created between the adopter and adoptee shall be extended to the adopter's parents, adopter's legitimate siblings, and legitimate descendants.

The adopter is also given the right to choose the name by which the child is to be known, consistent with the best interest of the child.

SECTION 67. *Parental Authority.* - Upon issuance of the Order of Adoption, the adoption shall cease as alternative child care and become parental care. Adoptive parents shall now have full parental authority over the child. Except in cases where the 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 on the adopters.

In case the spouses jointly adopt or one spouse adopts the legitimate child of the other, joint parental authority shall be exercised by the spouses.

SECTION 68. *Succession.* - In testate and intestate succession, the adopters and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiation. However, if the adoptees and their biological parents have left a will, the law on testamentary succession shall govern.

SECTION 69. *Retroactivity of the Adoption.* - The effects of adoption shall retroact to the date the Petition was filed.

ARTICLE VII

POST-ADOPTION SERVICES

SECTION 70. *Preliminaries to Adoption Telling.* - The adoption social worker of the PAP/s shall assist the adoptive parents in disclosing to the child the story about the adoption at an age deemed proper by psychosocial standards; *Provided*, That the actual disclosure regarding the adoption shall be the duty of the adoptive parents.

SECTION 71. *Search or Tracing of Biological Family.* - 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. The right of the adoptee to identity shall take precedence over any other considerations; *Provided*, That the adoptee, adoptive parents, and biological parents received adequate preparation from an adoption social worker regarding the said meetup.

SECTION 72. *After-care Monitoring and Submission of Report.* - Upon finalization of the adoption and the receipt of the amended certificate of live birth of the child, the NACC shall monitor the parent-child relationship to ensure that the adoption has redounded to the best interest of the child. A Closing Summary Report shall be prepared by the adoption social worker and submitted to the NACC after completing the after-care monitoring of the adopters and adoptees after the one (1)-year period. Depending on the age and circumstances of the child, the NACC may require additional visits or reporting after the one-year period.

SECTION 73. *Rescission of Administrative Adoption.* - The adoption may be rescinded only upon the notarized petition of the adoptee with the NACC, or with the assistance of the LSWDO if the adoptee is a minor, or if the adoptee is eighteen (18) years of age or over but who is incapacitated or by his or her guardian on any of the following grounds committed by the adopter/s:

- (a) Repeated physical or verbal maltreatment by the adopter despite having undergone counseling;
- (b) Attempt on the life of the adoptee;
- (c) Sexual abuse or violence;
- (d) Abandonment and failure to comply with parental obligations; or
- (e) Death of the adopter during the minority of the adopted child, thereby parental authority in favor of either the biological parents or the NACC is restored and ensures that the adopted child, who is still a minor, is not left to fend for himself/herself at a tender age.

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 of the Philippines.

SECTION 74. *Venue for filing of Petition for Rescission.* - The petition for rescission shall be filed with the RACCO where the adoptee resides.

SECTION 75. *Petition for Rescission.* - Upon the existence of any ground or grounds mentioned in Section 47 of the Act, the adoptee, or with the assistance of the LSWDO, if the adoptee is a minor, or if the adoptee is eighteen (18) years of age or over but who is incapacitated or by his or her guardian, the adoption social worker must file the petition for rescission of adoption before the NACC.

The NACC shall also act on the petition for rescission of adoptions granted/issued by courts prior to the effectivity of the Act.

SECTION 76. *Order to Answer.* - The NACC shall issue an order requiring the adverse party to answer the petition for rescission within fifteen (15) calendar days from receipt of a copy thereof. The order and copy of the petition shall be served on the adverse party in such a manner as the NACC may direct.

SECTION 77. *Decision.* - If the NACC finds that the allegations of the petition for rescission are true, it shall render a decision ordering the rescission of administrative adoption, with or without costs, as justice requires. The NACC shall:

- (a) Order that the parental authority of the biological parent of the adoptee be restored, upon petition of the biological parents, and if in the best interest of the child, if the adoptee is still a minor or incapacitated, and declare that the reciprocal rights and obligations of the adopter and the adoptee to each other shall be extinguished. 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 over the adoptee is not in the latter's best interest, the NACC shall take legal custody over the adoptee if still a child;
- (b) Declare that successional rights shall revert to their status prior to adoption, as of the date of the decision. Vested rights acquired prior to administrative rescission shall be respected;
- (c) Order the adoptee to use the name stated in the original birth or founding certificate; and
- (d) Order the Civil Registrar where the adoption order was registered to seal the new certificate of live birth of the adoptee and unseal the original and reinstate the original birth or founding certificate.

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

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

SECTION 78. *Service of Decision.* - A certified true copy of the decision shall be served by the petitioner upon the Civil Registrar concerned within thirty (30) calendar days. The Civil Registrar shall forthwith enter the rescission order in the register and submit proof of compliance to the NACC within thirty (30) calendar days from receipt of the order.

SECTION 79. *Judicial Recourse.* - A motion for reconsideration of the Decision may be filed within fifteen (15) days from receipt of a copy of the same. Upon denial of the motion for reconsideration, the interested party has ten (10) days from receipt of the order of denial to file an appeal before the Court of Appeals; otherwise, the same shall be final and executory. Rule 43 of the 1997 Rules of Civil Procedure, as amended, shall have suppletory application.

SECTION 80. *Effects of Rescission.* - If the petition for rescission of adoption is granted, the legal custody of the NACC shall be restored if the adoptee is still a minor. The reciprocal right and obligations of the adopters and the adoptee to each other shall be extinguished.

In cases when the petition for rescission of adoption is granted and the biological parents can prove that they are in a position to support and care for the child and it is in the child's best interest, the biological parents may petition the NACC for the restoration of their parental authority over the child.

The NACC shall order the Civil Registrar General to seal the new certificate of live birth and unseal the original certificate of live birth of the adoptee.

Succession rights shall revert to its status prior to adoption, but only as of the date of the approval of the petition for rescission of adoption. Vested rights acquired prior to rescission shall be respected.

All the foregoing effects of rescissions of adoption shall be without prejudice to the penalties imposed under the Revised Penal Code if the criminal acts are properly proven.

ARTICLE VIII

PROCEDURE FOR FOSTER CARE AND INTERCOUNTRY ADOPTION

SECTION 81. *Procedure for Foster Care.* - The procedure for Foster Care shall continue to be governed by the processes laid down in the IRR of R.A. No. 10165, as amended, particularly the venue for applications, matching, and issuance and revocation of foster family care license and foster placement authority, which shall now be under the NACC.

SECTION 82. *Procedure for Intercountry Adoption.* - The procedure for Intercountry Adoption shall continue to be governed by the processes laid down in the IRR of R.A. No. 8043, as amended, and Procedures and Work Instruction Manual (PAWIM).

ARTICLE IX

VIOLATIONS AND PENALTIES

SECTION 83. *Violations and Penalties.* -

- (a) The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years or a fine of not less than Fifty thousand pesos (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00), or both, at the discretion of the court shall be imposed on any person who shall commit any of the following acts:
1. Obtaining consent for adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;
 2. Non-compliance with the procedures and safeguards provided by the law for adoption; or
 3. Subjecting or exposing the child to be adopted to danger, abuse, or exploitation.
- (b) Any person who shall cause the 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 and shall be imposed the penalty of imprisonment from eight (8) years and one (1) day to ten (10) years and a fine not exceeding Fifty thousand pesos (P50,000.00).

- (c) Any physician, midwife, nurse, or hospital personnel who, in violation of their oath of the profession, shall cooperate in the execution of the abovementioned crime shall suffer the penalties herein prescribed as well as the penalty of permanent disqualification from the practice of profession following relevant prescriptions of the law and governing authorities.
- (d) Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents, and communications of adoption petitions, cases, and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, or a fine of not less than Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00), or both, at the discretion of the court.

A penalty lower by two (2) degrees than that prescribed for the consummated offense under this Article shall be imposed upon the principals of the attempt to commit any of the acts herein enumerated. Acts punishable under this Article, when committed by a syndicate and where it involves a child shall be considered as an offense constituting child trafficking and shall merit the penalty of imprisonment from twenty (20) years and one (1) day to forty (40) years.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another in carrying out any of the unlawful acts defined under this Article.

An offender who is a foreign national shall be deported immediately after service of sentence and perpetually denied entry to the country.

Any government official, employee, or functionary who shall be found guilty of violating any of the provisions of the Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations; *Provided*, That upon the filing of a case, either administrative or criminal, said government official, employee, or functionary concerned shall automatically be suspended until the resolution of the case.

Under the Act, the adoption discrimination acts, including labelling, shaming, bullying, and negative stigma, among others, are prohibited. Any person who shall commit said adoption discrimination acts shall be penalized with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Twenty thousand pesos (P20,000.00), at the discretion of the court.

ARTICLE X

FINAL PROVISIONS

SECTION 84. *Information Dissemination.* - The NACC, in coordination with the DILG, Department of Education (DepEd), Department of Justice (DOJ), Department of Health (DOH), Council for the Welfare of Children (CWC), Philippine Information Agency (PIA), Civil Service Commission (CSC), Government Service Insurance System (GSIS), Association of Child Caring Agencies in the Philippines (ACCAP), Leagues of Cities and Municipalities of the Philippines, NGOs focused on child care, and the media, shall disseminate to the public

information regarding the Act and these IRR and ensure that alternative child care and adoption are portrayed on mass media truthfully and free from stigma and discrimination.

The PIA shall strive to rectify mass media portrayals that adopted children are inferior to other children and shall enjoin the Kapisanan ng mga Brodkaster ng Pilipinas, all print media, and various social media platforms to disseminate positive information on adoption.

The DOH shall ensure that hospital workers are knowledgeable on the adoption process and the criminal liability attached to the act of simulating birth records.

SECTION 85. *Inclusion of Adoption and Alternative Child Care in the Elementary School Curriculum.* - In order to promote public acceptance, the DepEd shall ensure that adoption and alternative child care is included in the curriculum of Edukasyon sa Pagpapakatao.

SECTION 86. *Inclusion of Adoption and Alternative Child Care in Child-Friendly Local Governance Audit.* - The DILG is hereby mandated to include adoption and alternative child care as among the criteria/indicators in the Child-Friendly Local Governance Audit.

SECTION 87. *Transitory Clause.* - All judicial petitions for domestic adoption pending in court upon the effectivity of the Act may be immediately withdrawn, and parties to the same shall be given the option to avail of the benefits of the Act. Upon the effectivity of the Act and during the pendency of the establishment of the NACC, the functions relating to foster care, issuance of CDCLAA, and adoptions under Republic Act No. 11222 shall remain with the DSWD, specifically, its Program Management Bureau (PMB).

In relation to domestic administrative adoption and intercountry adoption processes, a transition team composed of the DSWD and the ICAB shall act as the NACC. The ICAB Executive Director shall sit as Chairperson of the transition team, assisted by the DSWD-PMB Director as the Vice-Chairperson. Personnel of the DSWD involved in adoption services may be seconded to the transition team during the three (3)-year period. During this period, social workers already working with adoption cases may continue to perform all duties assigned to adoption social workers in accordance with the provisions of the Act.

The functions of the RACCO shall, during the three (3)-year period, be performed by the DSWD field offices (FOs), specifically the Adoption Resource and Referral Units (ARRU) therein. The transition team shall provide technical assistance and policy guidance to personnel of the FOs in handling cases. A transition team shall be created from the DSWD and the ICAB to ensure non-disruption of performance of functions and continued smooth delivery of services during the migration of all alternative child care functions and services to the NACC.

During the transition period, all Orders of Adoption issued and signed by the ICAB Executive Director as chairperson of the transition team, upon the recommendation of its members, shall be approved by the Secretary of the DSWD, or his/her representative in the ICAB Board, within a period of ten (10) days from the issuance of said order; *Provided*, That if no action was taken by either the Secretary or his/her representative in the ICAB Board during the prescribed period, the Order of Adoption shall be deemed approved.

Upon the establishment of the NACC not later than three (3) years from the effectivity of the Act, all applications, submissions, and petitions involving child care, including the pre-adoption

and post-adoption services, pending before the PMB and the ICAB shall be immediately forwarded to the NACC, which shall perform its functions and powers under the Act. Thereafter, the appropriate personnel of the ICAB and the DSWD involved in alternative child care services shall be permanently transferred to the NACC. The relevant offices in the regional offices of the DSWD involved in alternative child care shall, hereafter, be converted into RACCOS.

SECTION 88. Procedure for Adoption Cases Withdrawn from the Court. - Petitions for domestic adoption filed in court and duly withdrawn by the PAP/s shall be filed with the RACCO. The Petition must include an order from the court 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. The following procedures shall be followed:

- (a) Upon receipt of the Petition and the records, the RACCO social worker may require submission of an updated Social Case Study Report of the child/adoptee, PAP/s, as the case may be, from the PAP/s within fifteen (15) working days from receipt of the request from the RACCO. The PAP/s shall secure said updated Social Case Study Report from an adoption social worker.

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

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

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

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

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

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

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

- (f) The Order of Adoption obtained under the Act shall indicate the name by which the child shall be known. The Order of Adoption shall also include an order for the Local Civil Registrar of the place where the adoptee was registered that:
 1. The original certificate of live birth of the adoptee shall be sealed with the annotation that a new certificate of live birth has been issued in its place which can be opened only upon order of the NACC;
 2. A new certificate of live birth shall be issued attesting to the fact that the adoptee is the child of the adopter by being registered with the adopter's surname. The new certificate of live birth shall not bear any notation that it is an amended issue; and
 3. To submit to the NACC proof of compliance with all the foregoing within thirty (30) calendar days from receipt of the Order of Adoption and Certificate of Finality.

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

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

SECTION 89. Designation of the Second Week of June as Adoption and Alternative Child Care Week. - The second week of June of every year shall be designated as Adoption and Alternative Child Care Week.

SECTION 90. Saving Clause. - Nothing in the Act or these IRR shall affect any right of an adoptee acquired by judicial proceeding or otherwise before the commencement of the Act.

SECTION 91. Separability Clause - If any provision or part of these IRR is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 92. Repealing Clause. - All rules and regulations, orders, resolutions, and parts thereof that are inconsistent with the provisions of this Rule are hereby repealed or modified accordingly.

SECTION 93. Effectivity Clause. - These IRR shall take effect fifteen (15) days after publication in a newspaper of general circulation or in the Official Gazette; *Provided, That* three (3) certified true copies have been filed with the University of the Philippines Law Center's Office of the National Administrative Register (UPLC-ONAR).

Approved in the City of Manila, this 28th day of June 2022.


ROLANDO JOSELITO D. BAUTISTA

Secretary
Department of Social Welfare and Development


GLENDA D. RELOVA

Executive Director
National Authority for Child Care


MENARDO I. GUEVARRA

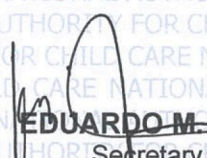
Secretary
Department of Justice


CLAIRE DENNIS S. MAPA

National Statistician
Philippine Statistics Authority


LEONOR MAGTOLIS BRIONES

Secretary
Department of Education


EDUARDO M. AÑO

Secretary
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Secretary
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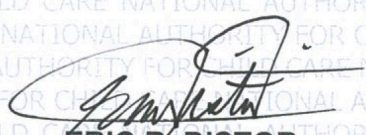

FRANCISCO T. DUQUE III

Secretary
Department of Health

The IRR was a result of a series of Public Consultations during the month of May-June, 2022



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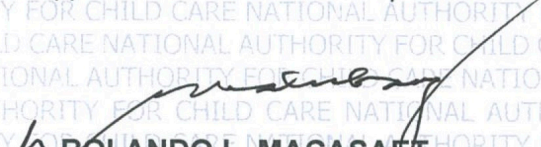


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