

Republic of the Philippines - International Adoption program

1. Background information

The Australian States and Territories have a long-standing intercountry adoption program with the Republic of the Philippines. The Philippines was one of the countries visited by the Australian Delegation in 1978, which resulted in a bilateral agreement between Australia and the Philippines.

The Philippines ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (the Convention) on 17 August 1995 and the Convention entered into force in the Philippines on 2 July 1996. Following entry into force of the Convention in Australia on 1 December 1998, the arrangements between the Philippines and Australia have been under the Convention since this date.

The Intercountry Adoption Board (ICAB) is the Central Adoption Authority in the Philippines and is established under the Intercountry Adoption Law of 1995 or Republic Act 8043. ICAB is responsible for all matters relating to the foreign adoption placement of Filipino children to applicants who are either former Filipinos or foreigners permanently residing abroad. The Philippine Intercountry Adoption Law stipulates certain eligibility requirements for adoptive applicants intending to adopt a Filipino child. Filipino children need to be socio-legally free for adoption prior to any kind of alternative family placement in line with the requirements of the Philippine Law and the Convention.

The adoption process in the Philippines is strictly regulated. Victoria is the responsible State for the program between Australia and the Philippines in relation to policy and legal requirements. States and Territories manage their applications directly with ICAB.

The Philippine law sets an upper limit on the number of international adoptions each year. About 400 – 500 children per year are placed for overseas adoption primarily to the United States, Norway and Australia.

The Philippines have a number of accredited Child Caring Agencies (CCAs), In addition there are a number of Government Homes called Reception and Study Centres for Children (RSCC).

Australian families are highly regarded by the CCAs and the preparation of applicants by the Australian States and Territories for this program is considered to be of a very high standard. The Australian files are considered to be excellent. ICAB advise that they are well prepared and the documentation is complete and presented in a logical sequence. ICAB state that they find the information in the Australian home studies to be informative and it answers the questions that they have about applicants.

2. Adoption orders from the Philippines

Year	Adoption orders for children from the Philippines	Total	Percentage of total adoption orders
91/92	37	338	10.9%
92/93	17	227	7.5%
93/94	14	222	6.3%
94/95	22	224	9.8%
95/96	22	274	8%
96/97	27	269	10%
97/98	19	245	7.8%
98/99	14	244	5.7%
99/00	29	301	9.6%
00/01	18	289	6.2%
01/02	12	294	4%
02/03	18	278	6.5%
03/04	29	370	7.8%
04/05	48	434	11%

Data obtained from 'Adoptions Australia' (AIHW Canberra)

3. Children who need families

The most recent advice from ICAB about children who need families is that "there is a significant delay in the matching of Filipino children to prospective adoptive parents (PAPs) because of the decreasing number of children available for inter - country adoption (ICA) who are in accordance with the child preference of most of the approved prospective adoptive parents in our Roster of Approved Applicants (RAA).

While most of the PAPs prefer a healthy child of two (2) years old and below, most of the children for ICA are older children (6 years old and above), sibling group of 3 or more, with medical/psychological concerns and/or with a negative background (e.g. product of schizophrenic mother, incest or rape, etc.).

With this recent situation in the Philippine ICA program, PAPs will have to wait for a longer period of time unless they are open to revising/expanding their child preference and consider accepting older children with some minor medical conditions or negative background. This serious concern is currently thoroughly being studied by the Board and we will duly inform our partner agencies on the outcome of the Board's study on this matter."

4. Adoption Requirements

The adoption requirements for prospective adoptive parents specified by the Philippines are as follows:

Any foreign national or a Filipino citizen permanently residing abroad who has the qualifications and none of the disqualifications under the Act may file an application if he/she:

- (a) is at least twenty-seven (27) years of age;
- (b) is at least sixteen (16) years older than the child to be adopted at the time of the filing of the application unless the applicant is the parent by nature of the child to be adopted or is the spouse of such parent by nature;
- (c) has the capacity to act and assume all the rights and responsibilities incident to parental authority under his/her national law;
- (d) has undergone appropriate counselling from an accredited counsellor in his/her country;
- (e) has not been convicted of a crime involving moral turpitude;
- (f) is eligible to adopt under his/her national law;
- (g) can provide the proper care and support and give the necessary moral values and example to the child and in the proper case, to all his/her other children;
- (h) comes from a country
 - (i) with whom the Philippines has diplomatic relations;
 - (ii) whose government maintains a foreign adoption agency, and;
 - (iii) whose laws allow adoption, and
- (i) files jointly with his/her spouse, if any, who shall have the same qualifications and none of the disqualifications to adopt as prescribed above.

5. Other information

5.1 Religion

The Philippines is predominantly Catholic and ICAB have indicated that applicants should be Christian and have Christian values.

5.2 Priority

ICAB give priority to some groups of applicants. These include couples who are approved for older children or who are very flexible in the types of background of a child that they will accept. However, they now advise that Filipino families are to be given preference over other families. The first preference is given where both parents are Filipino and then to where one of the couple is a Filipino. Couples who have recently migrated may be given preference over Filipino families who have been living abroad for some years.

5.3 Single applicants

Although a single person can apply for this program, there is a strong preference for children to be placed with couples. Single persons may be considered for children with special needs. At this stage no single applicants from Australia have been successful in adopting from the Philippines.

6. Adoption Process

6.1 Application

The Philippines advise that prospective adoption applicants that have substantive Home Study Report (HSR) and complete supporting documents are reviewed and approved within one month from receipt of the adoption applicant/s' dossier. If the adoption application is not complete or documents are missing further inquiries will be made to the overseas Authority of Foreign Adoption Agency. The social workers prepares a short report for the Intercountry Placement Committees (ICPC) for their endorsement or follow up if necessary.

In applications where there are medical or mental health issues for the applicants, the ICPC may request a further opinion from a doctor or Psychiatrist. Once this has been done, the ICPC will refer the application to the Board for approval.

If there are no issues in the application it is generally 4 weeks from the time the application is received until the applicant receive their approval from the Board.

6.2 Matching

The matching of a child to a family is dependant on the Prospective Adoptive Parents stated child preference (i.e. child's age, gender and state of health or extent of known background) of the PAPs. Willingness to accept a child with special needs generally shortens the waiting period for child allocation

There are two ICPCs, which meet on alternate weeks. The social worker from the CCA presents the family they have selected to the ICPC and there is discussion about the match. Once agreed, the ICPC will endorse the match of the family and the child before it goes to the Board for approval.

Following the approval of the Board, the child study and other information is forwarded to the Central Authority and discussed with the family. The decision of the family is conveyed to ICAB who then complete the immigration and other requirements before the family travels.

6.3 Length of stay in the country

Applicants are required to travel to the Philippines and must remain for 5 working days in order to complete the requirements.

6.4 Post Placement Supervision

ICAB require that three post placement reports must be provided in the first 6 months of placement. Following the approval of Department of Social welfare and Development to the adoption of the child, an application is finalised in Australia and Certificate of Conformity is issued under Article 23 of the Convention.

7. Seeking information and contact with birth parents

There has been a significant change in the attitudes towards young people who want to search, which has led to changes to current practise. There is clearly recognition from the agencies that the wish to obtain information or to search is significant for many adoptees and agencies are more willing now to facilitate this.

In regard to current practises, CCAs are now obtaining additional information from birth parents at the time a Deed of Voluntary Commitment is signed. Some CCAs are also asking birth mothers about future contact. A number of agencies are now asking birth mothers whether they can be contacted in the future.

There is agreement that where a young person (over 18 years) wants to search, they should make initial inquiries through their State Department in Australia who should contact ICAB who will contact the CCA and make the request.

There have now been a number of young people who have found birth parents. However, the CCAs and ICAB advise that information may not always be correct (that is the birth parent may have not given accurate address or name details) Even when a birth family is located that the birth parent may not want to have any contact. Despite significant progress the issues of confidentiality and rights remain a sensitive issue for adoptees, birth parents and the agencies.

8. Fees and Costs

The fees for the adoption program in the Philippines are:

US\$100 on sending the application file.

US\$900 on accepting the allocation of a child

US\$500 fee for the child caring agency in which the child is living.

There is a variable fee, generally between US\$300 - US\$400, to cover the costs incurred in arranging medicals, transport, passport and visas for the child.

9. Intercountry adoption support organisation role

The Intercountry Adoption Resource Network and other parent organisations will assist prospective adoptive applicants with the cultural issues associated with adopting a child from the Philippines and provide information on what happens during an applicant's trip to the country to take custody of their child and further support on the family's return home.

10. Summary

Australia has worked closely with the Philippines for several years and the program is considered to run very smoothly. The waiting times have increased from about 12 months to closer to 2 years in the past 18 months and ICAB advise that they are looking for families who are more flexible in the age and the type of child they will consider of adoption.